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

GRAND JURY No. 4 PROCEEDINGS

Case No. 96

Conducted by:

Melissa Marrero, Deputy District Attorney

- - -

August 16, 2019

- - -

DA Case No. 2404216

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

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

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1 Deceased Person: David Wayne Downs

2 Date of Incident: 6-9-19

3 DA Case No. 2404216

4 Grand Jury No. 4, Case No. 96

5 * * *

6 (Volume 3, Friday, August 16, 2019, 9:15 a.m.)

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

8 (Whereupon, the following proceedings were
9 held before Grand Jury No. 1:)

10 MS. MARRERO: Good morning. We're back on
11 the record. Today is Friday, August 16th, 2019. We
12 are here in Grand Jury 1 with Case No. 96. We are
13 continuing testimony in the death investigation of
14 David Wayne Downs.

15 For the State, Melissa Marrero,
16 M-a-r-r-e-r-o. My Bar number is 123846. The State's
17 next witness is Officer Robert Moussallem.

18 Officer Moussallem, if you can just go ahead
19 and remain standing, please raise your right hand.
20 We'll get you sworn in.

21 **ROBERT MOUSSALLEM**

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

24 A GRAND JUROR: Thank you. Please sit down.

25 **EXAMINATION**

Examination of Robert Moussallem

1 BY MS. MARRERO:

2 Q Can you please state and spell your first
3 and last name.

4 A Yes. My name is Robert Moussallem;
5 R-o-b-e-r-t, M-o-u-s-s-a-l-l-e-m.

6 Q Thank you, Officer Moussallem. Can you tell
7 us how you're employed?

8 A I'm a police officer with the Portland
9 Police Bureau.

10 Q How long have you been in law enforcement?

11 A October will be three years.

12 Q Thank you. And did you go through all of
13 the training that's required for Portland police
14 officers, including the basic and advanced academies?

15 A I did.

16 Q Were you working on June 9th of this year?

17 A I was.

18 Q In what capacity were you working that day?

19 A I was a patrol officer.

20 Q And did you respond to an incident at 13th
21 and Lovejoy?

22 A I did.

23 Q Can you tell the grand jury what you were
24 responding to or what information you received, did
25 you get, to respond.

Examination of Robert Moussallem

1 A So, initially, another officer -- I believe
2 it was Officer Wells -- just called for an additional
3 officer to her location.

4 And the call information at that time said
5 that the -- somebody had called in saying that in
6 their apartment complex they heard a male and a female
7 fighting in the stairway and that he had basically
8 called police to -- to come check on them.

9 Q And as you proceeded to the call, did you
10 learn any additional information?

11 A I did. So according to that caller, he
12 yelled down the stairwell to the people that were
13 fighting, telling them that he was going to call the
14 police.

15 When he did that, he heard a male sort of
16 answer back. That male said that he had a knife, a
17 bomb and that he would be waiting for police. And he
18 also heard a female yell out that she needed help.

19 Q And that was information that you received
20 as you were en route? Am I understanding that
21 correctly?

22 A Yes. I believe it was en route or it -- or
23 it was info that I received once I first arrived on
24 scene.

25 Q Thank you. And when you first arrived on

Examination of Robert Moussallem

1 scene, who did you make contact with and where?

2 A So when I arrived on scene, other officers
3 had -- you know, were already on scene. And so I
4 made -- obviously, made contact with them. And then
5 the original caller was also there, so we made contact
6 with him. And he sort of clarified again the
7 information that I just told you.

8 Q And which officers did you have contact with
9 at that point?

10 A I believe Officer Wells was on scene,
11 Officer Kirby-Glatkowski, Officer Quinsland and
12 Officer Flohr. And I believe that was all at that
13 point.

14 Q And at some point did additional officers
15 join you?

16 A Yes.

17 Q And who was that?

18 A Officer Oldham showed up on scene, so we
19 requested -- because the person in the stairwell
20 reported to have a knife, they requested a less lethal
21 to go on the call with us. And that was Officer
22 Oldham, and so we waited for Officer Oldham to show up
23 on scene.

24 Q And so at the point where Officer Oldham has
25 arrived, what did the -- was it six of you at that

Examination of Robert Moussallem

1 point? What did the six of you do?

2 A So, at that point, the caller actually gave
3 us a key card because the building, you have to have a
4 key card to get access. So he gave us his key card.
5 We basically developed a plan as to making contact
6 with the people in the stairwell.

7 And I believe it was Officer Wells sort of
8 specified we need somebody to basically watch an
9 exterior exit on the building. And I volunteered
10 to -- to take that role.

11 Q And so where did you have yourself
12 positioned then?

13 A It would've been the south side of the
14 building.

15 Q And so there's a map there. Can you -- can
16 you point out to us where you were?

17 A So I believe -- I'm a little turned around
18 looking at this map here, but it should have been
19 somewhere in here, I believe. There's an exterior
20 exit right here.

21 Q Okay. And with regard to the -- with regard
22 to the role that you were playing, what was the
23 purpose of you being staged at that exterior door?

24 A So the -- the other officers were going in
25 and what they were going to end up doing was basically

Examination of Robert Moussallem

1 coming down the stairwell towards the people that were
2 fighting in the stairwell.

3 So what -- what we wanted to make sure
4 didn't happen was we wanted to make sure that one or
5 both of them -- in order to avoid contact with the
6 police, we wanted to make sure that they didn't try
7 and run down the stairwells away from that team and
8 then out that exterior exit and just run away. So I
9 covered that exterior exit to make sure that that
10 didn't happen.

11 Q And as the other group went up, what did you
12 hear or what did you become aware of as you waited
13 outside?

14 A Yeah. So as I was covering that exterior
15 exit, I actually had an additional officer come and
16 cover that exit with me. And while we were covering
17 that door, I could hear radio -- the radio traffic
18 from the team that had gone inside to the stairwell.

19 I heard them basically say that they had
20 made contact with the two in the stairwell, that the
21 male was armed with a knife and that he was not
22 cooperative. I heard -- again, I heard the radio
23 traffic as they said that they were going to deploy a
24 less lethal round. I was close enough to where I
25 could hear.

Examination of Robert Moussallem

1 Because of the echo in the stairwell, I
2 could hear the less lethal round actually fire off. I
3 could then hear them sort of announce on the radio
4 that that less -- that first less lethal round was
5 ineffective and that they were going to engage with
6 another -- with a second less lethal round. So, again
7 I heard that second less lethal round fire off.

8 Q Did you at some point hear them ask for
9 medical to stage?

10 A I did. I heard them ask for medical to
11 stage a -- a block or two away.

12 Q What do you mean, "a block or two away"?

13 A So that --

14 Q You asked -- or you heard them ask for
15 medical to stage a block or two away or you heard when
16 you were a block or two away?

17 A No, no. I heard them ask for medical to --
18 to stage a block or two away.

19 Q I understand.

20 A Yeah.

21 Q Thank you. After you heard that second less
22 lethal round deploy, what happened at that point?

23 A So I heard them report that the male half
24 had the knife to the female's throat and then after
25 that, I heard one single round from a pistol fire off.

Examination of Robert Moussallem

1 And then immediately after that, I heard them announce
2 again over the radio, "Shots fired," and that they
3 believed the subject to be 55, which means they
4 believed him to be deceased.

5 Q Thank you. And what was the next thing that
6 occurred?

7 A Well -- so, at that point, medical rolled
8 into the location. We also, of course, had officers
9 and sergeants respond to the location.

10 Myself, one of the sergeants and Officer
11 Flohr initially were going to go -- all three of us go
12 up to sort of the scene there. But on our way up, we
13 sort of discussed that I should probably stay
14 downstairs 'cause I had a key card to let officers in
15 and out of the building as necessary.

16 Q How did you get that key card?

17 A That was the key card that the original
18 caller gave us so that we could make access to the
19 building.

20 Q And so how did you get that back?

21 A I -- I don't recall. I -- I -- oh, I do
22 think I recall. I believe Officer Flohr had that with
23 her, 'cause what she did -- 'cause she had gone up
24 with the initial team and then she had come down with
25 the key card.

Examination of Robert Moussallem

1 She's the one that let myself and the
2 sergeant in. And then in that conversation, she
3 handed me the key card and I went down the stairs to
4 sort of, again, let people in and out as was
5 necessary.

6 Q And prior to Officer Flohr coming downstairs
7 with that key card, did you have free access to that
8 building?

9 A No, no, which was very frustrating.

10 Q Did Officer Flohr come down with the key
11 card before or after you heard the shots -- or the
12 shot?

13 A I believe it was -- it was after the shot.

14 MS. MARRERO: Are there any further
15 questions from the grand jury?

16 A GRAND JUROR: Did Ms. Johnson come out the
17 door where you were?

18 THE WITNESS: She -- she -- if -- she was
19 escorted down by -- I believe it was Officer Oldham.
20 And I believe I had already gone, at some point, back
21 upstairs. And so we kind of missed each other at that
22 point.

23 A GRAND JUROR: Okay.

24 MS. MARRERO: Are there any further
25 questions?

Examination of Amelia Flohr

1 That will conclude this witness. Thank you.

2 THE WITNESS: Thank you.

3 MS. MARRERO: Okay. The State's next
4 witness will be Amelia Flohr.

5 If you could please remain standing, raise
6 your right hand to be sworn in.

7 **AMELIA FLOHR**

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

10 A GRAND JUROR: Thank you. Please sit down.

11 **EXAMINATION**

12 BY MS. MARRERO:

13 Q Will you please state and spell your first
14 and last name?

15 A My first name is Amelia, A-m-e-l-i-a. And
16 my last name is Flohr, F, as in Frank, l-o-h-r.

17 Q Thank you, Officer Flohr. Can you please
18 tell us how you're employed?

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

21 Q And how long have you been so employed?

22 A A little bit over two years.

23 Q Thank you. Did you go through all of the
24 training that's required for Portland police officers,
25 including the basic and advanced academies?

Examination of Amelia Flohr

1 A I did.

2 Q Were you working on June 9th of 2019?

3 A I was.

4 Q In what capacity were you working that day?

5 A Normal patrol.

6 Q Can you detail for the grand jury how you
7 became involved at -- with the call at 13th and
8 Lovejoy?

9 A That day, I was working a partner car with
10 Officer Cassandra Wells. We were assigned to District
11 821, which is kind of the west side of Old Town in
12 downtown. So this call came out in our district,
13 which made it our responsibility.

14 Q And what was the call that came out?

15 A It was a disturbance of people yelling in
16 the stairwell. And then as we were arriving, dispatch
17 updated that the caller had yelled down the stairs,
18 said, "I called the police," and someone in the
19 stairwell had yelled back up that he had a knife, a
20 bomb and a hostage and he was ready for the police to
21 come -- come get him.

22 Q And is that a radio transmission that is
23 coming through an ear piece, a radio in the car? How
24 are you hearing this information?

25 A So it actually is -- it's typed up first and

Examination of Amelia Flohr

1 you can hear, like, a little ding whenever dispatch
2 types up an update and you can click a certain button
3 and see the extra words that they've typed up. So we
4 read that first and then dispatch started saying it.
5 And we said, "We've seen the update."

6 Q Thank you. And what -- where did you
7 respond to?

8 A The address is 1331 Northwest Lovejoy. And
9 that whole block is a Safeway, about 13th and Lovejoy.

10 Q Once you arrived, what did you observe?

11 A So everything at the Safeway looked normal,
12 which made sense because all of this was supposed to
13 be going on in a stairwell. And we were trying to
14 figure out how to get into that stairwell because we
15 knew it wasn't a part of the Safeway.

16 And we were talking to the Safeway security
17 to see if they had access to it. And I was calling
18 the caller to see if he could get us access to it.

19 Q And was that Mr. Connors?

20 A Yes. I -- I don't remember his name, but
21 the caller.

22 Q The 9-1-1 caller?

23 A Yes, exactly.

24 Q And once you were able to make contact with
25 him, what sort of plan was devised?

Examination of Amelia Flohr

1 A So more officers arrived and we planned to
2 go up to the top floor because the caller wasn't sure
3 which floor this person was on. So we decided to
4 go -- start at the top and then work our way down.

5 Q And how did you get up there?

6 A He had one key card. We couldn't find
7 anyone else who had a key card. So --

8 Q Can you walk us through the process of
9 trying to get that key card and what that looked like?

10 A So he had it with him and he was more than
11 willing to give it to us and let us hold onto it and
12 wait outside. And we -- we normally, in situations
13 like this, ask dispatch if they have, like, a key code
14 or something. I don't remember if that happened, but
15 we couldn't find anybody else who had access to it.

16 So we decided one officer needed to stay
17 outside because there was a stairwell -- the stairwell
18 that this disturbance was happening in has a doorway
19 that opened up to the street. And we couldn't get
20 into it without the key card, but it could -- it's an
21 emergency exit, so it could just be pushed open.

22 Q Pushed open from the inside?

23 A From the inside, yes.

24 Q And so who actually went in?

25 A Myself, Officer Kirby-Glatkowski, Officer

Examination of Amelia Flohr

1 Cassandra Wells and Officer Quinsland and Officer
2 Oldham as well.

3 Q And were there any roles assigned at that
4 point?

5 A Yes. So Officer Oldham is less lethal
6 certified. So because we had information this person
7 possibly had a knife as well as a hostage, he came in
8 as less lethal. Cassandra was going to be giving
9 commands to the person in the stairwell. Kirby was
10 going to be hands-on. Quinsland was radio and I was
11 lethal.

12 Q And can you walk us through where you went
13 once you were inside the building?

14 A So we got up to the ninth floor, which is
15 the top floor. And there was offices to our left and
16 the door to the stairwell was right in front of the
17 elevator. And we decided to open up quietly and see
18 if we could hear anything in there.

19 Q And when you opened that door, were you able
20 to hear anything?

21 A Yes. It sounded like yelling. Yeah,
22 talking as well. But we had -- we had opened up the
23 door quietly so that he wouldn't know we were there
24 and wouldn't make any -- it wouldn't startle him into
25 doing something desperate. So I wasn't sure who he

Examination of Amelia Flohr

1 was talking to at that point, but it was loud enough
2 that we knew someone was inside.

3 Q Could you see anybody at that point?

4 A At that point, no. So we decided to try to
5 get eyes on him.

6 Q And how did you go about doing that?

7 A We all went down the stairwell and were --
8 it's the sort of stairwell in any sort of structure
9 where it loops back and forth, so you can see down the
10 middle of it. Just like this.

11 Q It's the same with the photograph?

12 A With the photo, yes. So we could see down
13 the middle of it, so as we're going down we're all
14 trying to look over and see where he is.

15 And we ended up on a landing in between the
16 sixth and eighth floor where we had a really good
17 visual of him and still enough space that he couldn't
18 charge right directly at us.

19 Q And when you saw him what did you see?

20 A So I saw he was a white male. It looked
21 like he was balding, orange shirt. And I could see he
22 had a pretty long knife in -- I -- based on the angle,
23 it looked like he was holding it in his right hand.

24 And then he had something in his -- it would
25 make it his left hand, but he was holding, like, a

Examination of Amelia Flohr

1 deadman switch, like a thick pen with his thumb over
2 the end.

3 Q And so what is a deadman switch? Can you
4 describe what the object actually looked like?

5 A Yeah. So, like I said, it looked like a --
6 an extra thick pen. And I -- it looked like there was
7 maybe some tape on it. I couldn't see it super
8 clearly 'cause it was mostly in his hand and he was
9 holding it with his thumb over it. I mean --

10 Q Why -- why did that stand out to you?

11 A It stood out to me because he had already
12 said that he had a bomb. And I -- I remember hearing
13 him say something about a bomb when we were in there
14 as well as the information we had from the caller,
15 who -- he had told that to dispatch.

16 And then I had double-checked with it -- it
17 with him because sometimes things get lost in
18 translation over the radio. And he had said, "Yeah,
19 he said he had a bomb."

20 So what he was holding -- and he was holding
21 it up kind of over his head like he was showing it to
22 us, which also made me think, he -- he at least wants
23 us to think he has a bomb.

24 Q And did you see anybody else present with
25 him there?

Examination of Amelia Flohr

1 A I couldn't see anybody else with him, but
2 the -- based on the angles of the other officers, they
3 said, "There's a woman standing in the corner behind
4 him. She's naked."

5 Q What was your concern at that point?

6 A I was concerned that -- I could see he had a
7 knife in his hand. He had a naked woman in the corner
8 behind him. And she -- based on the angle that I
9 could see where he was standing, he was in between her
10 and there was a doorway that exited out at that point
11 in the stairwell.

12 He's standing in between her and the
13 doorway. And he's also, based on my angle, close
14 enough that he could take one step to the side and
15 block her access to the stairs going up. And where
16 he's standing, she also can't go down the stairs.

17 So I'm thinking, okay, he actually does have
18 a knife. He actually does have what appears to be a
19 hostage and he's holding something that looks like a
20 bomb -- or it looks like an ignition to a bomb.

21 Q How were -- you've described your angle
22 versus the other officers. Are you able to describe
23 how everybody was situated at that point?

24 A Yes. So I was still on the stairs. And I
25 had my gun out at that point. And I had my gun

Examination of Amelia Flohr

1 pointed at him. And Officer Cassandra Wells was -- I
2 think, at that point, she was kneeling on the landing.
3 And she had a good angle as well. Oldham was standing
4 basically on top of her and he had his less lethal
5 out.

6 Quinsland was standing behind the two of
7 them and, at the start, Kirby was standing in between
8 me and Cassandra and Jackson, Jackson Oldham.

9 Q What happened at that point?

10 A So Cassandra's giving him commands, "Drop
11 the knife. Drop the weapon. You know, drop the knife
12 or we might shoot you or we'll use force," all the
13 commands that we're taught to give and always try to
14 give. And he wasn't responding verbally. I don't
15 remember him saying any words.

16 He was just yelling, kind of like
17 (descriptive noises), just what you would imagine,
18 yelling. And he was, like, taking a -- like, a half
19 step to the side, to the other side, forward, back,
20 rocking his body forward and back.

21 And when he's yelling, I could see spit
22 coming off his lip, so he's obviously super agitated.
23 And he -- he wasn't responding to us, but he was
24 yelling back at us. So, to me, it was clear that he
25 knew we were there.

Examination of Amelia Flohr

1 Q And could you hear the female saying
2 anything or --

3 A I don't remember hearing her say anything
4 at all.

5 Q Okay. And was there a plan once you were in
6 the stairwell at that point in terms of what you were
7 going to do next?

8 A So what I remember was we were still getting
9 commands. Quinsland's giving radio updates. We're
10 trying to get more resources to us as quickly as
11 possible. And one of -- Oldham was trying to hit him
12 with the -- with his less lethal multiple times.

13 And I remember that I was sure that he hit
14 him at least once, like, maybe the first time because
15 I heard -- I heard Oldham saying, "I'm going to shoot
16 the less lethal," or something along those lines. I
17 heard the less lethal go off.

18 And I saw -- I saw the guy react to it or
19 what seemed to be, to me, a reaction to it 'cause he
20 bent, like, fully forward at the waist and his hands
21 were almost on his knees.

22 So I was thinking, awesome, he looks like
23 he's about to, you know, use his knees to then get
24 down on the ground and maybe this is going to work out
25 really well. But then he just stood back up. And

Examination of Amelia Flohr

1 Oldham is still telling us in the stairwell so we know
2 that the -- 'cause less lethal is really loud,
3 especially in those stairwells. It echoes.

4 So he's telling us before he fires each less
5 lethal so that none of us who have our guns out, you
6 know, think that someone else is firing, do a -- it's
7 called sympathetic fire sometimes. But I -- I know at
8 least had my finger off the trigger at that point.

9 Q And once it became clear that this person
10 was standing back up, what happened?

11 A Still more commands and still less lethal at
12 that point. And we're still -- we could hear that
13 everyone's trying to get to us.

14 And he -- at that point, he hadn't -- he
15 hadn't moved towards the woman, like, purpose -- in
16 a -- with -- with purpose behind his step, so he
17 hasn't tried to attack her while we're there. So
18 we're going to keep trying to use all our other
19 options first.

20 Q And what is your thought process in terms of
21 what the next options are, given that the less lethal
22 was not working?

23 A Yeah. So I knew we were too far away for a
24 Taser to work. And the chances of us hitting him,
25 like, through the bars was incredibly low. And then,

Examination of Amelia Flohr

1 like, running down all the stairwells to get to him,
2 just no chance of that. And I'm the lethal option, so
3 I had my gun on him.

4 And I'm thinking, if he turns towards her,
5 I'm going to have to shoot him to prevent him from
6 stabbing her. You know, she's not even wearing any
7 clothes.

8 She has -- I mean, not that a T-shirt's
9 going to save you from a knife wound, but she has
10 absolutely nothing to defend herself with. So, at
11 that point, I'm thinking, if he turns towards her, I'm
12 going to have to shoot him.

13 Q And, at some point, did you break off from
14 the group?

15 A Yes. So he took a step backwards that was
16 just out of my sight line anymore. And it wasn't a
17 step towards her, so he just took a step backwards and
18 I could only see, like, the tips of his feet.

19 So I put my gun in my holster so I could
20 move around without flagging any of my colleagues with
21 my gun, just to try to -- to be useful in the
22 situation.

23 At that point, Kirby was lying on the ground
24 next to Cassandra to get an angle on him as well. So
25 I stepped around to Kirby. And people are arriving.

Examination of Amelia Flohr

1 No one can get in. So Kirby pulled out the key card
2 and handed it to me and I, like, ran as fast as I
3 could up the sets of stairs.

4 I tried to get out on the seventh floor.
5 The key card wasn't working, so I went all the way
6 back up to the ninth floor. Key card -- out of the
7 stairwell, key card into the elevator.

8 Elevator doors are closing. And I heard --
9 I heard the shot from the elevator, but because I had
10 been standing right next to Oldham when he'd been
11 firing his less lethal, it sounded really similar to
12 the less lethal. So the doors are closing.

13 And I'm thinking, okay, they're about --
14 'cause every time a less lethal is fired, I -- I
15 believe I was hearing them say, "Another less lethal
16 fired. Another less lethal fired," over the radio.
17 But since I'm -- I was standing right next to
18 everybody, it could've just been Oldham saying out
19 loud, "A less lethal fired."

20 So I heard what I believed was less lethal.
21 Elevator doors close and I hear shots fired, like
22 gunshots. And I, you know, just felt horrible. Go
23 back down the elevator 'cause, at that point, the best
24 I can do is get more people up to help us out 'cause
25 everyone else is locked out.

Examination of Amelia Flohr

1 So I got Sergeant Hill and Officer
2 Moussallem in and we went back up the elevator to the
3 ninth floor.

4 Q Okay. And you said that you heard shots
5 fired. Do you know how many you heard?

6 A I only remember hearing one.

7 Q Okay. And am I understanding correctly that
8 you were completely outside of the stairwell and
9 actually in the elevator --

10 A Yes. The --

11 Q -- when you heard that?

12 A -- the stairwell door was closed. The
13 elevators were closed -- or the elevators were closing
14 when I heard the -- when I heard the shot. And they
15 were too far closed for me to even stick my hand in
16 when I heard over the radio shots fired.

17 Q Prior to you leaving that stairwell where
18 you had a visual on him, what did you believe your
19 duty would've been had he moved towards her?

20 A Had he moved towards her, I was planning to
21 shoot him if I thought he was moving towards her
22 aggressively. With the knife, he obviously has the
23 means to seriously -- cause her serious physical
24 injury, potentially kill her.

25 Q And were you perceiving any level of

Examination of Amelia Flohr

1 compliance or any level of willingness to deescalate
2 the situation on behalf of that individual?

3 A Not from what I could see at all.

4 Q At some point, you indicated that you moved
5 your position at some point. Did you get a better
6 view of the woman?

7 A No. When I moved, I still couldn't see her.

8 Q So your view of her was fairly restricted
9 throughout this incident?

10 A Completely restricted. I -- I didn't ever
11 see her face at all.

12 Q Had you ever seen the gentleman that was in
13 the stairwell before?

14 A No, I didn't recognize him.

15 Q Did you believe that her life was in danger?

16 A I did.

17 MS. MARRERO: Are there any further
18 questions from the grand jurors?

19 A GRAND JUROR: You said that your partner,
20 Cassandra Wells, was -- asked him to drop the -- the
21 knife and gave the force warning that you're trained
22 to give. What does the force warning sound like?

23 THE WITNESS: The force warning is something
24 along the lines of, you know, "Stop X, Y, Z. Put X,
25 Y, Z down or I will use force on you." If you have --

Examination of Amelia Flohr

1 it -- it's as quick as you can do it because you want
2 to get as much of it out as possible before you
3 actually use force because sometimes things are
4 happening so quickly, there's no chance to say it
5 before someone tries to, you know, fight or steal
6 something or run away.

7 BY A GRAND JUROR:

8 Q And do you say "force" or do you say "shoot"
9 or --

10 A I always try to say "force" because if I use
11 any of my tools, even if it's just my hands, it's
12 force. So I -- if I have time, I would try to be more
13 specific.

14 But in a situation like this where it's
15 happening very quickly and we're trying to, you know,
16 save somebody's life, we try to keep it as simple as
17 possible -- or I try to keep it as simple as possible.

18 BY MS. MARRERO:

19 Q Do you have a specific recollection of
20 exactly the words that Officer Wells used?

21 A I -- I don't remember the exact words.

22 Q You mentioned that sometimes these
23 situations happen quickly. Would you characterize
24 this incident unfolding as happening quickly,
25 happening slowly?

Examination of Amelia Flohr

1 A I'm not sure exactly how long we were in
2 there, but being in there felt like it was really --
3 it was moving really quickly, rapidly evolving. And
4 based on how he was acting, to me, in my perception,
5 it seemed like it could change in a blink of an eye.

6 Q And what was your concern if it had changed
7 in a blink of an eye?

8 A That he would kill her.

9 A GRAND JUROR: So you said there was no
10 chance of running down the stairwell. I totally
11 believe that. What would it look like if there were a
12 chance? Like, what would the situation be where
13 you -- you feel like you could run down the stairwell
14 and there be --

15 THE WITNESS: Like, a hypothetical?

16 A GRAND JUROR: In your opinion, based on
17 your training.

18 THE WITNESS: I mean, if he didn't have a
19 knife, in that case, I would feel more comfortable
20 getting closer because if he doesn't have a knife, I'm
21 not putting her life in as much immediate danger.

22 You know, nobody wants to get punched in the
23 face, but most of us will live through it, right? So
24 that's the type of thing that I would be willing to
25 try to get to, you know, you without shooting someone

Examination of Jackson Oldham

1 or tasing someone or less lethalling someone.

2 Does that make sense?

3 A GRAND JUROR: Totally.

4 THE WITNESS: Okay.

5 A GRAND JUROR: Thank you.

6 MS. MARRERO: Are there any further
7 questions?

8 That will conclude this witness.

9 THE WITNESS: Thank you.

10 A JUROR: Thank you.

11 (Recess taken, 9:48 a.m. - 10:08 a.m.)

12 MS. MARRERO: Okay. If you can raise your
13 right hand, we'll swear you in.

14 The State's next witness is Jackson Oldham.

15 **JACKSON OLDHAM**

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

18 A GRAND JUROR: Thank you. Please sit down.

19 **EXAMINATION**

20 BY MS. MARRERO:

21 Q Can you please state and spell your first
22 and last name?

23 A Jackson Oldham, J-a-c-k-s-o-n; Oldham,
24 O-l-d-h-a-m.

25 Q Thank you, Officer Oldham. Can you tell us,

Examination of Jackson Oldham

1 how are you employed?

2 A I'm a police officer.

3 Q And how long have you been so employed?

4 A Four years.

5 Q Can you detail for the grand jury your
6 educational background, your training and your
7 experience?

8 A Yeah. I graduated from the University of
9 Oklahoma in 2014 with two bachelor's degrees, one in
10 criminology and one in international security.

11 I applied immediately to Portland and this
12 is my first real job. As part of -- for working for
13 Portland, I attended the basic police academy in
14 Salem, Oregon, the Portland Police advanced academy.

15 And then since then, I've taken some extra
16 training. I'm a member of the Enhanced Crisis
17 Intervention Team and then also Hostage Crisis
18 Negotiation.

19 Q Thank you. And can you detail a little bit
20 what the training requirements are to become an
21 ECIT-trained officer and then to join the Hostage --

22 A Mm-hmm.

23 Q -- Hostage Negotiation Team?

24 A ECIT requires an application process. After
25 selected, you go and receive 40 additional hours of

Examination of Jackson Oldham

1 deescalation and crisis negotiation training. It
2 involves classroom, information from professionals in
3 the mental health field, technical equipment. There's
4 a few extra pieces of equipment that we get to carry.
5 And then scenario-based training as well.

6 For the Crisis Negotiation Team, I attended
7 the level one of the basic Hostage and Crisis
8 Negotiation Team training in March. I'm a member of
9 the team, but this -- I was just brand new on it when
10 this happened. And so I haven't been able to attend
11 any more additional training with them.

12 Q Thank you. And do you have any special
13 certifications with regard to any sort of weapons?

14 A I do. I am certified to carry our
15 40-millimeter less lethal tool. Again, it's a -- you
16 apply to be accepted into that training and then you
17 go through training to be able to carry it.

18 Q Thank you. Were you working on June 9th of
19 this year, Officer Oldham?

20 A I was.

21 Q In what capacity were you working that day?

22 A I was on patrol responding to calls for
23 service.

24 Q And when did you first become aware of the
25 call that ultimately led to this incident?

Examination of Jackson Oldham

1 A I don't -- I don't remember the exact time
2 that I became aware of it. I remember I was at
3 Central Precinct writing reports for other calls that
4 I had been on that morning. I don't remember hearing
5 the initial call as it went out over the radio.

6 But I do remember hearing, I believe,
7 Officer Wells broadcast something to the effect of
8 "Based on this last update in the call, can I please
9 have another officer respond?"

10 And when you hear that -- you know, you're
11 always listening to the radio kind of in the back as
12 you're working -- that kind of piqued my interest.
13 So, okay, I'll see what she's -- going on. And that's
14 how I first became aware of the call.

15 Q And how did the call progress such that you
16 actually attached to the call?

17 A So the update that Officer Wells had been
18 referring to -- again, I don't remember the exact
19 wording, but it was basically that the caller, who had
20 initially called about some kind of disturbance, had
21 yelled into the stairwell, "Hey, the police are
22 coming."

23 And then whoever -- somebody in the
24 stairwell had yelled back to him something to the
25 effect of "Good. I have a bomb, a knife and a

Examination of Jackson Oldham

1 hostage." And so that obviously escalates our
2 response if somebody's going to yell that back. And
3 so dispatch asked me to respond as a less lethal
4 officer.

5 Q And were you able to respond at that point?

6 A I did.

7 Q Can you tell us what you observed when you
8 first made it to the location?

9 A Okay. I was mostly familiar with this area.
10 Excuse me. I was not completely familiar with this
11 portion of the building, but I had been in the Safeway
12 before and in the parking garage -- in the parking
13 spaces of the parking garage before.

14 While en route, Officer Wells was kind of
15 giving updates about maybe where we were going to
16 meet. So I parked on Northwest 14th.

17 Q Would it help to have a map?

18 A Yeah, it might help to have a map. Yeah.
19 So I arrived going northbound on 14th and parked right
20 here. There's a little cut off, so I was able to get
21 my tires up onto the sidewalk so I wasn't completely
22 blocking the lane of traffic.

23 I activated my rear lights to make sure that
24 nobody would run into me because officers on scene had
25 broadcast that they were going to meet at Lovejoy and

Examination of Jackson Oldham

1 13th. And so I knew that would put me close to where
2 they were.

3 As I arrived, I didn't see them. They were
4 inside the building already. But I -- I knew they
5 were going to be somewhere close, so I arrived. I got
6 out of my car. I got my less lethal with me.

7 And then as I was walking down the sidewalk
8 towards the corner of the building, I think it was
9 Officer -- Officer Moussallem who opened the door and
10 kind of flagged me down to the elevator lobby.

11 Q Okay. And once you got into the elevator
12 lobby, who did you encounter?

13 A The initial caller was standing in the lobby
14 and he was talking to Officer Wells. I believe, also
15 Officer Flohr was there. Officer Kirby-Glatkowski,
16 Officer Quinsland and Officer Moussallem were there
17 when I arrived.

18 Q And what did you learn when you made contact
19 with this group of officers?

20 A So Officer Wells was trying to get the --
21 the briefest details we could from the -- the caller
22 to kind of know what's going on, but obviously we also
23 are a little bit pressed for time.

24 We need -- obviously something's going on in
25 the stairwell. So, really, I just kind of listened as

Examination of Jackson Oldham

1 she was asking. If I remember correctly, the main
2 thing she was wondering about was access to the
3 stairwell, are there -- is there access to the store,
4 the Safeway, is there street access from the
5 stairwell, is there access to other floors, that kind
6 of thing, logistically for how we would get into the
7 stairwell, but then also in case there's somebody in
8 the stairwell, how they might get out of it.

9 Q And, ultimately, was a plan made?

10 A Yes.

11 Q Can you describe what the plan was at that
12 point?

13 A Yeah. The elevators are key card activated.
14 So we had to take the caller's key card. He gave it
15 to us to be able to access the elevators. It sounded
16 like he was not exactly sure where on the stairwell
17 whatever it was was happening. I don't believe he had
18 seen people yet.

19 He had just heard sound from the stairwell.
20 And so the plan was made that we would go all the way
21 to the top floor that we could and then work our way
22 down the stairwell until we found what we were looking
23 for.

24 Q And were there certain assignments
25 attributed to each of the officers who were going --

Examination of Jackson Oldham

1 A Yes. So as part of our training, that's one
2 thing we do, is we'll make sure everybody knows their
3 role in the situation. It helps us to be able to
4 respond and act more professionally and quickly and
5 hopefully allows the situation to resolve as quickly
6 and as peacefully as possible.

7 So in the elevator on the way up, I -- I
8 suggested, "All right. Let's all figure out what
9 we're going to do." Obviously, I am the only less
10 lethal launcher operator there, so that will be my
11 job. Officer Wells said that she would be the primary
12 communicator with whoever was in the stairwell.

13 I believe Officer Flohr identified herself
14 as the lethal cover at that point. Officers
15 Kirby-Glatkowski and Officers Quinsland identified
16 that they would be -- had no tools in their hand so
17 they could go hands-on if needed.

18 And I think it was Officer Quinsland who
19 also volunteered to be in charge of the radio so that
20 he could give updates. And part -- I mean, part of
21 the reason we do that is, for example, Officer Wells
22 being the primary communicator, it helps keep us from
23 yelling -- you know, five people yelling confusing
24 other things at each other.

25 And same thing with the radio. It allows

Examination of Jackson Oldham

1 one person to be giving updates instead of everybody
2 trying to do that at the same time.

3 Q And Officer Moussallem, where did he go?

4 A Oh, I'm sorry. He remained on the -- on the
5 ground level. So we identified what we thought was a
6 door from the stairwell. So, one, we wanted to make
7 sure that he -- if somebody came running out of there
8 during the incident that we would know.

9 He also -- I believe he was -- he could see
10 that door from the elevator lobby and he was keeping
11 the door to the actual elevator lobby open, again, so
12 if officers needed to get inside, we had access.

13 And I think Officer Wells asked the initial
14 caller to also wait in the elevator lobby 'cause, like
15 I said, the elevators are key card activated. And we
16 only had the one key card and we were taking it with
17 us. So she asked him to remain.

18 And I -- I think she asked him to flag down
19 the next occupant and ask them to wait also so we
20 would have access to a second key card if we
21 needed it.

22 Q Thank you. And what floor did you go to?

23 A I think it was the ninth floor that we went
24 up to, yeah.

25 Q Can you walk us through what your -- what

Examination of Jackson Oldham

1 steps you took once you got to that level?

2 A Yeah, yeah. The elevator doors opened.
3 Looking in front of us, it looked like some kind of
4 office space with glass windows kind of off to the
5 left. And to the right, almost directly in front of
6 us, was a door that looked like it was going to be the
7 door to the stairwell.

8 Q And where did you go at that point?

9 A We approached the stairwell. I -- if I
10 remember correctly, Officer Wells was in front. Then
11 was right -- right behind her was me and then the
12 other officers were behind us.

13 Officer Wells opened the door. We didn't
14 immediately enter 'cause, obviously, we don't know
15 exactly where people are in the stairwell. And, one,
16 we don't want to walk right into something that's on
17 the ninth floor, but also just to give us a chance to
18 listen and figure out what's happening. So she opened
19 the door and we paused briefly.

20 Q Once the door was open, did you become aware
21 of anything or did you hear anything?

22 A Yeah. I couldn't see anything, but I could
23 hear what sounded like a male's voice. It didn't
24 quite sound like he was yelling, but it sounded louder
25 than a normal conversational tone.

Examination of Jackson Oldham

1 Q Could you hear anybody else at that point?

2 A No, I didn't hear anybody else.

3 Q What did you do at that point?

4 A We entered the stairwell and started --
5 it -- it -- going from the top to the bottom, the
6 stairwell kind of circles counter clockwise. I think
7 we have a -- yeah. So, as you can see, like, going
8 down you'd be circling kind of counter clockwise.

9 At that point, I noticed that Officer Wells
10 had drawn her firearm, since she and I are together
11 going down the stairwell so that we have a less lethal
12 option and a lethal option. We -- I -- I'm trying to
13 remember exactly when it happened, but we briefly
14 peeked over.

15 As you can see, you can kind of see down --
16 the stairwell's not super wide, but you can see down.
17 And I could see -- got a couple of floors below us.
18 I -- I -- I couldn't judge exactly 'cause it was kind
19 of a quick glance. I could see a male standing there.
20 I could just see the top of his head.

21 He was wearing a red shirt. But at that
22 point, that was mostly all I could see. It was just a
23 quick glance to see that there was a guy two or three
24 floors below us.

25 So we started slowly going down the

Examination of Jackson Oldham

1 stairwell, like I said, Officer Wells on the inside of
2 the stairwell and myself on the outside, the other
3 officers somewhere behind us.

4 We were going very quietly to try to figure
5 out what was going on, you know, in my mind, hoping
6 that maybe we could see what was happening before
7 anybody knew we were there to try to judge what the
8 situation was. We continued down the stairwell, I
9 think, to the eighth floor.

10 I think it was at the eighth floor where
11 Officer Wells looked over again and said something to
12 the effect of "He's got a knife."

13 And so at -- and I think, at that point, he
14 also -- based on kind of what I was hearing, 'cause
15 I'm not looking over the stairwell. It's just her at
16 that point, it sounds like he -- he must see her and
17 know that somebody else here, know that the police are
18 here.

19 Q Why do you say that?

20 A Because he starts yelling pretty
21 immediately. And so I -- Officer Wells -- again, we
22 don't have a great view 'cause we're now on the eighth
23 floor. I think he ended up being on the sixth floor.
24 So we're directly above him. We really can't see much
25 of what's going on on the landing.

Examination of Jackson Oldham

1 And so I said something to Officer Wells,
2 like, "Hey, I -- we can't see what's going on. If
3 we're going to use the less lethal, I have no shot
4 from here if -- if we're going to try to use it. So
5 let's move down to between the seventh and eighth
6 floor so that we're -- yeah, so that we're opposite
7 where he is, but we're still a floor and a half above
8 him."

9 At that point, I -- it's very loud and the
10 stairwell is very echoey. And he -- he's continuing
11 to yell, but I can very clearly hear Officer Wells
12 give a warning to him.

13 Again, I -- I don't want to give the exact
14 wording, but it's something to the effect of "Drop the
15 knife or you will be shot," as we're -- as we're
16 moving down to the seventh -- the platform between the
17 seventh and eighth floors.

18 I could -- when we got there -- it's not a
19 great angle. We're still looking down. We can see a
20 little better. We can see a little better about
21 what's going on on the platform. And it's at that
22 time that I become aware that there's another person
23 standing there with him.

24 Q And so which -- I'm sorry. I want to make
25 sure that I'm clear. Which landing are you on at this

Examination of Jackson Oldham

1 point?

2 A I believe we were on, like, the
3 seventh-and-a-half floor landings. We're on the
4 landing between the seventh and eighth floors looking
5 down to the sixth floor. So we're on the -- the --
6 the way it's oriented, we're on, like, the south side
7 of that.

8 Q So if this is the sixth floor, can you point
9 to which landing you were --

10 A Yeah, I believe we would be up here. So
11 we're looking down at kind of this angle at him.

12 Q Okay.

13 A And I can see that there's a woman standing
14 on the same platform with him. It's my impression
15 kind of as we're moving and seeing him that he steps
16 away from her maybe a step, maybe a step and a half,
17 to address us. And she is standing with her back to
18 the corner. She --

19 Q Can you actually see her?

20 A So once we get down to the
21 seventh-and-a-half floor, now I can see her.

22 Q Okay. So what --

23 A Yeah.

24 Q -- can you describe what she looked like?

25 A Yeah. She's not moving. She -- kind of

Examination of Jackson Oldham

1 going from the top to the bottom, she has an injury on
2 her forehead that looks -- it looks severe. It looks
3 like a serious injury.

4 She's got blood -- quite a bit of blood on
5 her head and there's blood coming down her face.
6 There's more blood on her shirt that she's wearing and
7 it looks like there's smaller spots of blood on her
8 arms.

9 She is nude from the waist down except
10 for -- I think it's her left pant leg that is on maybe
11 to about knee height. And it looks like there's more
12 blood and possibly another injury in her groin. And,
13 like I said, she's -- she's frozen against the wall,
14 not moving.

15 Q And what is the man doing at this point?

16 A He has turned to face us and is waving and
17 yelling up at us.

18 Q Can you see -- you can see him at this
19 point?

20 A Yes.

21 Q Can you describe what he appeared like?

22 A Very angry, a red shirt on top. He -- I
23 can't tell exactly what he's saying or I can't
24 remember exactly what he's saying, but he says
25 something and -- and he says, "I'll -- I'll blow us

Examination of Jackson Oldham

1 up," or, "I'll blow them up," something "blow up," and
2 he holds up in his left hand some kind of -- I'm going
3 to have to estimate -- maybe six to eight-inch long
4 tube, cylindrical something.

5 It's not smooth around the edges, but
6 it's -- it's some kind of tube. And he's got his
7 thumb held on the end of it like you would push a
8 button, like a plunger button.

9 And he's holding it up and showing that to
10 us. And I can also see that he's got a -- a knife
11 open. I can see the blade coming up out of his hand.
12 And I -- I would estimate four- or five-inch blade.
13 And so that's the scene that we see when we come down
14 the stairs.

15 Q Can you walk us through your positioning as
16 you came down the stairs? And I'll pull up an image
17 for reference --

18 A Okay.

19 Q -- so you can actually point out your
20 locations.

21 A Yeah. So --

22 Q Does this look familiar to you --

23 A Yes.

24 Q -- as a preliminary question?

25 A Yes.

Examination of Jackson Oldham

1 Q Okay.

2 A So -- yeah. So the seventh and eighth
3 floors. We're on like the seventh-and-a-half floor.
4 You actually can't see the sixth floor in this picture
5 where he is. And so we're at a pretty steep angle
6 with him. I -- knowing that my role in this is
7 supposed to try -- is to try to be less lethal.

8 And immediately when I was in that
9 situation, I was very worried, obviously, for her.
10 He's got a knife. Whatever has happened to her head
11 and her groin, he -- he very easily could've already
12 stabbed her at this point.

13 And I -- I'm thinking that she needs -- we
14 need to get her to an ambulance right away. And so
15 Officer Wells is our communicator. And so I ask her,
16 again, something like "Please give another warning to
17 include my less lethal," 'cause that's something that
18 we try to do, is let people -- you know, "Drop it or
19 you might also be hit with a less lethal."

20 I don't know if she ever gave that warning,
21 but I -- I asked her for it. It doesn't -- as I'm
22 watching this kind of unfold, it doesn't look like
23 we're getting any -- that he's at all deescalating,
24 that he's at all engaging with us, that there's any
25 kind of decrease in his agitation.

Examination of Jackson Oldham

1 So I come to a position about right here
2 where I am down on my knees. For the less lethal to
3 work, I'm trying to get as direct a hit as possible.
4 So I'm trying to get as low to the floor on the
5 seventh and a half as I can so that -- so that if I
6 fire and there's an impact, it will hopefully be a
7 more direct impact rather than a glancing blow. And
8 so I end up crouched right here.

9 I'm aware that Officer Wells was off to my
10 left side. Also, she has her firearm out and she's
11 also -- and we're trying to shoot between this -- the
12 bottom of the floor and the -- the first rung up on
13 the -- the railing.

14 And I'm aware that Officer Kirby-Glatkowski
15 is somewhere off to my right and the other officers
16 are -- are somewhere up the stairwell. Again, my
17 focus is very much on what is happening down below us.

18 Q So where are you aiming your -- the less
19 lethal weapon for --

20 A So I am trying to aim between here, between
21 the floor, which has a little lip on it, and this
22 bottom rung of the -- the railing, trying to get as
23 direct a hit as I possibly can. So I'm trying to get
24 as low on our platform as I can.

25 Q Thank you. Can you describe how the next

Examination of Jackson Oldham

1 events unfolded?

2 A Yeah. So, like I said, it doesn't look like
3 we're getting anything. There's no compliance coming
4 from him, from any of the -- she's trying to tell him
5 what to do. Obviously, there's -- I would assume he
6 can see at least three police officers with guns
7 pointed at him.

8 And she -- the one female victim is a step
9 and a half from him at the most. And so I am trying
10 to re-evaluate as fast as I can what do I think I can
11 to try to get him to comply so we can help her. And
12 so I think, okay, I think I'm going to try to do a
13 less lethal shot.

14 And so I -- I think I say something to the
15 other officers so that they're aware that that's
16 what's going to happen. And -- and so I -- the less
17 lethal -- I don't know if we have a picture or -- or
18 something. I can kind of explain how it works.

19 Q Mm-hmm.

20 A Yeah. I think that those would be fine. So
21 this is the less lethal and some of the rounds that we
22 fire. So when it's -- when it's prepared to fire, we
23 carry two rounds in this portion on the other side
24 that we can pull out of there in a Velcro strap.

25 Then I carry five on a holster down my leg,

Examination of Jackson Oldham

1 so I have a total of five and two, seven rounds. We
2 place one in the breach and then you close it and now
3 it's ready to fire. And then on top, you can see the
4 sight. So the sight's about an inch maybe above the
5 barrel of the -- the less lethal.

6 From our training, I'm -- I'm thinking of
7 preferred target areas on him, is where I can do it.
8 At this distance it's -- it's going to be his -- his
9 legs is what I'm going to try to hit. And I -- from
10 that angle, I can see a -- a pretty good view of his
11 right thigh, his right quadriceps, which is what's
12 going to be my target area.

13 Q Where's the female at this point?

14 A She is still frozen in the corner. From my
15 memory, she hasn't moved. She hasn't said anything.
16 She's just frozen while he's screaming up at us.

17 Q Okay. So you see this preferred area on his
18 leg. And what are your next steps?

19 A So I think I say something, like I said, to
20 the officers around me, "Hey, I'm going to try a less
21 lethal shot. Less lethal. Less lethal." I pull the
22 trigger. With these tools right here, they're a
23 single shot and so I need to reload after each one.

24 And so I think it's either -- it's either
25 right before or after this first shot that I say to

Examination of Jackson Oldham

1 Officer Quinsland, who was our designated radio
2 person, "We have to have another less lethal here,"
3 because every time I shoot, we now no longer have a
4 less lethal tool until I can get reloaded and get
5 back up.

6 And so I -- I fire the first shot and I
7 immediately go into a reload. I stop paying attention
8 to what's going on down below because I have to focus
9 on -- on getting this tool back up.

10 Q Given that you stopped paying attention down
11 below, did you have any indication or any idea of
12 whether or not it had been effective?

13 A No. In my memory, it's kind of a roar in --
14 in there and that doesn't seem to diminish at all.
15 And so I -- I break the breach open. I -- I pull out
16 the case. When they're fired, the -- the blue and
17 black part is what will actually get fired.

18 The silver portion stays in -- in the less
19 lethal. So I have to break -- pull that out manually,
20 get another one out, place it in, close the breach and
21 then come back up again and try to find my sight
22 picture again.

23 I would estimate three to five seconds maybe
24 is what it's going to take me to do that. And so I --
25 I finally get back up and it appears that nothing has

Examination of Jackson Oldham

1 changed.

2 We're -- we're in the exact same situation
3 that we were. And so, okay, I guess I'll try it
4 again. This is -- maybe I can do this again and we'll
5 get a better outcome. Maybe -- maybe he'll finally
6 comply. And --

7 Q When you get him back in your sight, is the
8 female still in the corner?

9 A Yeah, she has not moved. She is frozen
10 against the wall. There's still blood coming out.
11 And so, okay, same thing. I think I say something
12 again to everybody, "Hey, less lethal, less lethal."

13 I pull the trigger again. Same thing. I
14 know that now we don't have a less lethal. And so I
15 take my focus back again to my reload. I break the
16 breach. I pull out the casing. I get another one.

17 I put it in and come back up. And it looks
18 like we're in the exact same situation we were before.
19 And so in -- in my memory, I can't remember my exact
20 sequence of shots.

21 I think -- I think I -- I had fired four
22 total. And I kind of got that after it was over
23 'cause I knew that my -- my pouch on my leg was empty.
24 I had the two on the side and I had one in -- one in
25 the holster, so I only fired four.

Examination of Jackson Oldham

1 I don't remember if it was in a group of
2 three from this first position trying to shoot through
3 that gap, because at some point, either after my
4 second or third shot, Officer Quinsland says, "Hey, I
5 think you hit the railing."

6 And I'm like, "Okay. Maybe I'm hitting the
7 railing. I'll have to try something else." So I -- I
8 kind of told you where Wells -- Officer Wells and
9 Officer Kirby-Glatkowski were. So, again, she is also
10 trying to aim through this gap with her firearm.

11 Q Who is "she"?

12 A I'm sorry. Officer Wells is.

13 Q Okay.

14 A And so, okay, if I'm not able to get a clean
15 shot through here, if I am hitting something, I'm
16 going to have to try something else. And so I stand
17 up and I straddle her. I stood -- so one on each side
18 of her. So she's crouched between my legs with --
19 with her firearm down on -- on this -- the male.

20 And, now, I'm going to try to shoot over the
21 top of the railing. Like I said, I was trying to get
22 as direct an impact as possible. So now I'm at a
23 higher -- greater angle, so it's --

24 Q How does that impact your shot?

25 A It's probably not going to be as effective.

Examination of Jackson Oldham

1 It's going to be more of a glancing blow, is in my --
2 is what I'm thinking of. But if I can't get a clean
3 shot, a blow -- a glancing blow may be better than
4 nothing.

5 And so same thing again, less lethal. I
6 pull the trigger. I'm not really paying attention to
7 what happens down below because I know I have to get
8 reloaded. But in my mind, I'm thinking there's no way
9 I missed him.

10 I -- I had -- there's nothing that could
11 possibly be blocking my view. So I get back loaded.
12 He's standing there. And then I see him turn, maybe
13 take that -- that step or half step and grab her and
14 pull her in front of him as a human shield.

15 And I can very clearly see the knife in his
16 right hand. He's got his arm around her. She is
17 facing us. And I can see the knife pressed against
18 her sternum. And he's continuing to yell. And at
19 that point, I -- my stomach drops because I -- I -- I
20 can't do anything else now.

21 As a less lethal, I don't have any -- I -- I
22 can't see his legs. I can't do anything. And if
23 he -- if he decides to kill her, there is absolutely
24 nothing we can do to stop him.

25 We will not -- we will not be able to stop

Examination of Jackson Oldham

1 him 'cause it's -- his knife -- the blade of his knife
2 is two inches from her heart. And so I -- I think I
3 said something to Officer Wells like, "Hey, I don't --
4 I don't have a shot."

5 I mean, I -- I think I said something like,
6 "The only shot I have is his foot," which is not --
7 I'm not going to shoot his foot for -- with him
8 holding her like that.

9 And she says something, basically the same
10 thing, like, "Don't -- don't do that while he's
11 holding her," and I 100-percent agreed. I'm not going
12 to try to do this while he's holding her.

13 And so I am watching this terrible thing
14 unfold before me. And I think I'm aware of some kind
15 of brief few-second conversation between Officer
16 Kirby-Glatkowski and Wells.

17 Q Do you know what they said in that
18 conversation?

19 A I don't know exactly what they said. But
20 it's something -- I think Officer Wells said something
21 like, "This is lethal force." Some -- she said
22 something along that, that this is now to the point
23 where we can't save this woman's life without using
24 lethal force.

25 And some kind of conversation -- again, I --

Examination of Jackson Oldham

1 I don't know exactly what was said -- but very briefly
2 about if I think -- you know, I'm watching them, so I
3 don't know exactly what's happening below me.

4 But I'm aware that -- I know Officer Wells
5 has her firearm out. I'm guessing Officer
6 Kirby-Glatkowski does, too, at this point. And the
7 conversation is kind of who thinks they can more
8 safely take -- take that shot with her standing in
9 front of him.

10 Q Can you describe with her -- can you
11 describe her standing in front of him, their --
12 their --

13 A Yeah.

14 Q -- size differential?

15 A Yeah. I -- I couldn't tell you exactly how
16 tall they are. I later stood next to her and she was
17 not tall at all. I'm about 6'2" and she came up to
18 maybe -- maybe my shoulder.

19 But he was -- he was bigger than her
20 standing there below us on the -- on the sixth floor.
21 Like I said, it's kind of an angle, so I couldn't tell
22 you exactly how much taller he is, but he's taller
23 than her.

24 Q What's the next thing you recall?

25 A I hear a single gunshot. I am assuming it's

Examination of Jackson Oldham

1 Officer Kirby-Glatkowski who has fired it. The -- the
2 male immediately falls over to his left side and the
3 woman races out of view down the stairs. So --

4 Q Was it immediately apparent that the man was
5 deceased?

6 A It appeared that way. The way he -- it was
7 immediate -- it was immediately -- as soon as the --
8 the shot was fired that he was down. And so we go
9 racing down the stairs to get to him and to get to
10 her.

11 I think as we're racing I -- I broadcast,
12 "Hey, shots have been fired and we need medical for
13 him." And I think I -- I broadcast, like, for
14 medical, "I think he's been shot in the head," kind of
15 my assumption based on the situation.

16 I don't know that for sure, but that was my
17 guess at that point was that may have been where he'd
18 been shot. We get down to the sixth floor where he
19 is. And I can see a lot of blood and what maybe is
20 brain matter, I think.

21 And so I make a very quick decision. I
22 don't think -- I don't think I'm going to be able to
23 help him and I know she has got significant injuries.
24 I might be able to help her.

25 And so I asked Officer Wells, "Where did she

Examination of Jackson Oldham

1 go?" And Wells is saying, "She's -- she's still going
2 down the stairs." So Officer Kirby-Glatkowski and I
3 go running down the stairs to try to find her. She
4 has stopped on the fifth floor and is putting her
5 pants on. We stop at the five-and-a-half floor.

6 And I kind of grab Officer Kirby-Glatkowski
7 and I say, "Hey, are you okay?" And he's very glazed
8 over. You know, he says -- he says, "I'm fine."

9 And I said, "Okay. Don't -- you know, if
10 you need anything else, just wait right here." And so
11 I go down to her and I -- I do everything I --
12 everything I have been trained to do to try to help
13 her.

14 And I say, "My name's Jackson. I'm a police
15 officer. I am so sorry for what you have had to go
16 through. I can't imagine being in that. Where are
17 you hurt?" And she moves her hands up and is feeling
18 her head, which even from that close, I can't tell if
19 she's been stabbed or not in the head.

20 There's a lot of blood. And then she just
21 kind of was going down her body indicating injuries.
22 I don't see anything that looks like it's -- needs a
23 tourniquet really. There's nothing that's gushing
24 blood to that -- to that magnitude. And so I just --
25 I say, "Okay. We're going to get you help."

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1 And I -- I think I broadcast, say, "Hey, I'm
2 going to walk the victim out for medical crews." And
3 we go down the stairs. She's a little unsteady on her
4 feet. And so I asked her if it's okay and I -- so I
5 put a hand under her arm to try to help -- help her as
6 she walks out.

7 We get back out the door at 14th and
8 Lovejoy. And I can see a fire truck and -- and
9 ambulance parked there. And so, okay, great. And so
10 I walk her over towards them. And the crews aren't at
11 their trucks. And so I broadcast again, "I need
12 medical to come back to their vehicles, please."

13 I ask her to sit down in the shade and I
14 kneel down with her. I ask her her name, kind of
15 basic stuff like that. And I ask for another officer
16 to come join me with her. And that's -- that's my
17 involvement.

18 Q Did she give you any answers to any of the
19 questions that you were asking?

20 A She did. Nothing of -- I wasn't asking any
21 questions about -- she's obviously very traumatized.
22 I'm not going to ask her to tell me what had happened
23 or to tell me anything -- but she -- you know, she was
24 able to answer that she was hurt here.

25 She was able to give me her name, some basic

Examination of Jackson Oldham

1 information like that. But I didn't ask any
2 investigative questions.

3 Q And after another officer came and medical
4 came, where did you go from there?

5 A So after that was kind of over, the
6 adrenaline is starting to wear off and I'm like -- and
7 I'm thinking, okay, there's been an officer-involved
8 shooting. I'm probably going to be an involved
9 member. I need to start following our post-shooting
10 protocol.

11 Officer Quinsland called me on my bureau
12 phone and -- and said, "As soon as you deliver her to
13 medical, the sergeant want you to come back up to the
14 sixth floor in the parking garage area to be
15 sequestered until all the post-shooting investigation
16 can happen."

17 Q And did that happen?

18 A It did.

19 Q Okay. When -- going back to when you were
20 running down the stairs after the shot has been fired,
21 did you have any contact with the male?

22 A No. He was -- he was down on the ground.
23 Like I said, a large amount of blood. Like, it's --
24 and the -- the pool was rapidly expanding as I was
25 standing there. And, like I said, I thought I could

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1 see what might be brain matter also down on the
2 ground.

3 Q Okay. Prior to the shot being fired, what
4 was your concern?

5 A It was for the victim. It was for her. It
6 was a -- I've seen a lot of bad things, but this was
7 one of the worst I've ever seen. And so, immediately,
8 it was, we have to help her.

9 And even when he's standing maybe a step
10 away from her, if he lunges over at her, if he does --
11 if he does anything like that, we're probably
12 powerless. There's -- there's absolutely nothing we
13 can do. We're going to have to watch this happen.

14 Q And what do you mean when you say you're
15 probably powerless at that point?

16 A Well, so the -- to react to somebody's
17 action is -- is -- you're not going to -- your -- the
18 reaction is not going to beat the action. He's going
19 to be able to take action before we can process and
20 make a decision and know what we have to do,
21 especially lethal force.

22 To get a -- an accurate shot while he's
23 moving in a split second, there's -- there's no way
24 we're going to be able to do that. You know, he's
25 going to be able severely injure her or kill her and

Examination of Jackson Oldham

1 we're just going to have to stand there.

2 Q At the moment that he grabbed her and had
3 the knife, had her in one arm and had the knife in his
4 other hand, were you concerned for her life?

5 A Absolutely. Based on what I had seen coming
6 down there, I thought he may have already stabbed her.
7 He -- I don't -- you know, like I said, even when I
8 got close, I couldn't tell if that injury was a knife
9 cut. And then she also had the -- what looked like an
10 injury to her groin.

11 I remember I got to medical and I told the
12 paramedics, "I think she's been sexually assaulted."
13 And so I thought it very likely that he's already
14 maybe stabbed her. And so what's going to stop him
15 from continuing? And, obviously, he's not complying
16 with the police when we get here.

17 Q In that moment, did you feel as though there
18 was any other option other than to utilize lethal
19 force?

20 A After he had grabbed her, no. He --
21 obviously, he has made this decision to escalate the
22 situation, even after knowing the police are there,
23 after less lethal has attempted to be used.

24 There is -- like I said, the knife blade is
25 maybe an inch from her heart. It's pressed against

Examination of Jackson Oldham

1 her sternum. There's no way that we can stop him from
2 killing her other than lethal force.

3 MS. MARRERO: Folks, are there any other
4 questions for Officer Oldham?

5 A GRAND JUROR: Can you show me on you, when
6 you say "sternum," like where exactly you're talking?

7 THE WITNESS: So like right on her -- the
8 breast bone, right --

9 A GRAND JUROR: Okay.

10 THE WITNESS: -- right in the middle. If I
11 remember, he's got the hand kind of right in the
12 middle and the blade is -- I think it's directly above
13 where I would say her heart is.

14 MS. MARRERO: Any further questions?
15 That'll conclude this witness.

16 Thank you, sir.

17 THE WITNESS: Thank you.

18 (Recess taken, 10:45 a.m. - 10:50 a.m.)

19 MS. MARRERO: The State's next witness is
20 Cassandra Wells.

21 If you could please raise your right hand,
22 we will swear you.

23 **CASSANDRA WELLS**

24 Was thereupon called as a witness; and, having been
25 first duly sworn, was examined and testified as follows: in.

Examination of Cassandra Wells

1 A GRAND JUROR: Thank you. Please sit down.

2 EXAMINATION

3 BY MS. MARRERO:

4 Q Can you please state and spell your first
5 and last name.

6 A It's Cassandra Wells. That's
7 C-a-s-s-a-n-d-r-a. Last is spelled W-e-l-l-s.

8 Q Thank you, Officer Wells. Can you please
9 tell us how you're employed.

10 A I am a police officer with the City of
11 Portland.

12 Q How long have you been in law enforcement?

13 A It will be 13 years in September.

14 Q Can you detail for the grand jury your
15 education and training?

16 A Sure. I actually got my associate's degree
17 at Portland Community College in veterinary
18 technology. So I was going a different route.

19 But when I was a teenager, I was also a
20 Portland Police cadet with Portland. So it was either
21 a veterinarian or a police officer. And when I was
22 21, I applied with the police bureau and was hired
23 at 22.

24 I went to the basic police academy in Salem.
25 From there, I went straight to our advanced academy,

Examination of Cassandra Wells

1 which at that time was 16 weeks. And then I did our
2 FTEP program where you're with an officer who's your
3 coach through the phases that Portland sets aside
4 for us.

5 Q Is that the field training program?

6 A Yes.

7 Q Okay.

8 A And you're on probation for a year and a
9 half. And since I've been a police officer, I've been
10 in two specialty units. I was part of Central
11 Precinct's Street Crimes Unit for two years. And I
12 was also on our Mounted Patrol Unit riding horses for
13 five-and-a-half years.

14 And I was there until it got disbanded.
15 Since Mounted Patrol, I have been at Central day shift
16 about two years now. And I've become a Taser
17 instructor, patrol tactics instructor and control
18 tactics instructor, all detached.

19 So, basically, I go and help with our
20 advanced academy when they need help for other
21 trainers to come and assist with -- so advanced
22 academy is new officers. And then also our
23 in-service. So we go to in-service every year. And
24 I'm -- I also became a coach myself. And --

25 Q And a coach, meaning what?

Examination of Cassandra Wells

1 A So I train officers how to be police
2 officers basically from all of our phases, from our
3 entry phase -- so it's entry phase, is how it's
4 classified, phase one, two, three, four.

5 And then phase five, you're still on
6 probation, but you are solo. So you drive around in a
7 car by yourself. You take calls by yourself. And --
8 and it's just phase five 'til you're off probation.

9 Q Were you working on -- well, are you CIT
10 trained?

11 A I am CIT trained.

12 Q Do you have ECIT --

13 A I do not.

14 Q -- certification? On June 9th of this year,
15 were you working?

16 A Yes, I was.

17 Q In what capacity were you working that day?

18 A I was the 821 car, which is my district that
19 I work every day. And I was working with Officer
20 Amelia Flohr as a two-man car.

21 Q Did you hear a call that was within your
22 district that you needed to respond to?

23 A Yes.

24 Q Can you explain to the grand jury what
25 information you learned about that call.

Examination of Cassandra Wells

1 A Sure. So we were dispatched as primary
2 around, I believe, 9:44 in the morning to -- I believe
3 the address was 1331 Northwest Lovejoy.

4 Q Can you describe that building?

5 A Sure. So I knew that Safeway was 1303
6 because, being the district officer, we get called to
7 the Safeway a lot. So I knew that address. I knew
8 that Safeway encompassed that whole block.

9 So 1331 couldn't have been past 14th because
10 of the address. And I knew it wasn't Safeway, but I
11 also knew there -- at the time I thought it was
12 apartments above Safeway.

13 And I have multiple times seen an entrance
14 at 13 and Lovejoy that's key card access. So with
15 that address, I assumed it was above Safeway and we
16 had to make entry with a key card or a key fob 'cause
17 it's locked.

18 Q What information did you know about the
19 call?

20 A So at the time, the only information we had
21 was that the caller was calling in saying that he was
22 hearing sounds of a fight at the southwest stairwell
23 of this building, which would have been at 14 and
24 Lovejoy.

25 Q Okay. So if I pull up a map of the area,

Examination of Cassandra Wells

1 are you able to orient yourself to this, explain where
2 you were?

3 A Yeah. So -- so we arrived. And I was
4 driving. And I came off of 13th. And I parked right
5 here at the entrance to Safeway right here. This is
6 the southwest corner, so 14 and Lovejoy.

7 And there's an entrance here into a parking
8 garage section as well. So I pulled up and parked
9 right about here. And I heard, like, a ding. We have
10 our CAD system in our -- so our computers in our car,
11 a lot of time, we'll hear the update come in before
12 dispatch is able to broadcast it to us.

13 And I said, "Amelia" -- Officer Flohr -- I
14 said, "Amelia, we just got an update. Can you pull
15 that up?" I was parking.

16 The update said that the caller called 9-1-1
17 back because he had yelled down to the voices he
18 heard -- so from what we are reading, the caller
19 didn't actually see anybody. He just opened,
20 potentially, a door to the stairwell, yelled down to
21 the voices.

22 And a male said, "Tell the police I have a
23 bomb and a hostage and I'm waiting for them." And
24 then there was also mention in the update about this
25 person having a knife. So --

Examination of Cassandra Wells

1 Q When you hear that, what's going through
2 your head?

3 A Well, multiple things. You know, so the
4 caller said he heard two voices. So it could be a DV
5 situation, domestic violence. So it could be male
6 versus female. And if this person does have a knife,
7 claiming he has a bomb, we might have a hostage
8 situation.

9 Downtown, we get a lot of mental health
10 calls. So the other scenario running through my head
11 well -- is, well, there could just be one and maybe
12 he's in a mental health crisis. But the caller said
13 he heard two separate voices, so it's more likely that
14 there is some sort of altercation between two people
15 occurring at this point.

16 So I get on the radio before dispatch can
17 even broadcast the update that we just read and I
18 said, "821. We saw the update. Let's start getting
19 more cars here," 'cause I -- you know, if we do have a
20 hostage, even if we have just two people arguing, with
21 somebody stating that they have a bomb and a hostage,
22 they're waiting for the cops, like, you get this
23 feeling and thought that whatever's going on, this one
24 person is looking for a confrontation.

25 So then I'm trying to orientate ourselves of

Examination of Cassandra Wells

1 where this is at and trying to get more resources
2 there. I tell Officer Flohr to call the caller back
3 because I asked dispatch and they said that they
4 weren't on the phone with the caller anymore. So I
5 said, "Amelia, get ahold of the caller so we can
6 figure out the best access."

7 A -- a security guard from Safeway had just
8 walked out 'cause we were standing about right here.
9 And he had walked out and I stopped him. I said,
10 "Hey, is 1331 the apartments above Safeway?"

11 And he said he believed so. I said, "What's
12 the best access?" And he also said that he thought
13 that you needed a key fob entry. And I said, "Okay.
14 Where's the access to this building?"

15 And he said, "Well, I think there's one at
16 13 and Marshall," so down here. And -- even though
17 the call was here. So I think a couple other officers
18 started arriving. We slowly started walking north on
19 13th to go to 13 and Marshall. I update people, like,
20 "Everyone meet at 13 and Marshall."

21 Amelia's on the phone with the caller. I
22 tell her, "Tell the caller to meet us at 13 and
23 Marshall if he can come down." Officer Quinsland, I
24 believe, arrived. We start walking. I know that a
25 less lethal is on its way.

Examination of Cassandra Wells

1 Officer Oldham was the less lethal en route.
2 We're walking and we're pretty close to 13 and
3 Marshall. I believe Officer Kirby-Glatkowski, who
4 I'll just call Kirby, pulled up. The caller runs up
5 to us and --

6 Q What was his demeanor like?

7 A So he's running. He looks like there's
8 panic on his face. He starts pointing back towards
9 Lovejoy. He just looks very panicked and rushed. And
10 he repeats, I believe, what he had told dispatch. And
11 I said, "Okay. What's -- can we gain access to the
12 building at 13 and Marshall?"

13 And he's like, "Yeah. Yeah, but it's all
14 the way on the other side. It's over on 14th." And
15 he's very -- he's talking really fast. He -- his eyes
16 are wide. He looked scared. And I --

17 Q What does that make you -- what does that --

18 A That there -- there's --

19 Q -- suggest to you?

20 A -- a sense of urgency, but also -- there's a
21 sense of urgency, but we also need a little bit more
22 information before we just rush in on this. So
23 he's -- he's very urgent. He -- I said -- you know,
24 we're -- we're about right here at 13 and Marshall.

25 And he's -- he's like, "Yeah, we can enter

Examination of Cassandra Wells

1 here, but it's all the way on the other side." I
2 said, "Okay. Where's the best access then?" And he
3 says, "14 and Lovejoy." I said, "Okay. Let's go,"
4 and he takes off running. And Kirby's right with him,
5 running.

6 And, you know, I look at Amelia and I'm
7 like, "Well, I guess we're running." So we start
8 running. Officer Quinsland's behind us. And he's --
9 I can see him talking. And he's a really tall guy, so
10 they're running fast.

11 Q I'm sorry. Who's a tall guy?

12 A The caller's a -- he's really tall, so he
13 has a long stride. He's running fast. We turn onto
14 14th and we're about midblock. And I said, "Guys" --
15 I'm like, "Stop." I'm like, "I'm -- I'm primary. I
16 need to know what you're talking about. We need to
17 formulate a plan."

18 The caller keeps walking really, really fast
19 towards where we enter. And it's a lobby and you can
20 see elevators inside. And I start asking, "Okay.
21 Where on the stairwell is -- were you hearing the
22 voices?" And he says he thinks it's the fourth or
23 fifth level.

24 And I said, "Okay. You know, how -- where
25 are the access points and where can people leave

Examination of Cassandra Wells

1 from?" So I was worried -- you know, stairwells, each
2 floor probably has an exit, but the building also is
3 key fob. So I said, "I'm trying to formulate in my
4 mind where -- if these people decide to leave or this
5 person decides to leave, where they would exit from."

6 And there's an exit right where we're
7 standing onto Lovejoy that is not part of the lobby.
8 So you have to use your key fob to get in the lobby,
9 but there's an exit that he said was the stairwell
10 coming out onto Lovejoy.

11 And he thought there might have been an
12 exit, like, on the third floor into Safeway. So I was
13 trying to get some exit points covered so if people
14 did come out, we could stop them.

15 Officer Moussallem arrived. I think Officer
16 Oldham drove past where we were, so Officer Moussallem
17 went to grab Officer Oldham. As we're trying to
18 formulate a plan, the caller had let us into the
19 lobby.

20 And he's, like, pushing the button for the
21 elevator to go up. He's -- he's still very panicked,
22 talking really fast, wanting to go up there with us.
23 I said, "You're not going up there with us. You need
24 to slow down. We're -- we're waiting for more
25 people."

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1 And he's, like, halfway in the elevator,
2 holding the elevator for us trying to get us to go.
3 And I said, "Just slow down." And, you know, we --
4 I'm like, "We're waiting for another officer."

5 I'm -- I'm communicating on the radio that I
6 need the next officer to go into Safeway. There might
7 be an exit there, for that officer to look around if
8 there's an exit in the Safeway.

9 The same security guard that I originally
10 talked to had walked up. And I said, "Hey, this is
11 the situation. There might be an exit. I need you to
12 go inside and watch for anybody who might leave and
13 I'm sending another officer into Safeway."

14 And the security guard said, "Okay," and he
15 left. Once Officer Moussallem and Oldham came, I
16 said, "I need a volunteer to stay outside on Lovejoy
17 in case we contact these people and they run down the
18 stairwell or they come down the stairwell before we
19 contact them."

20 So Officer Moussallem volunteered to stay
21 there. We had five of us total, which I felt
22 comfortable with five of us going up to see if we
23 could get eyes on so we could understand what was
24 actually happening 'cause the only thing we had was
25 voices -- two voices and then the statement, you know,

Examination of Cassandra Wells

1 "I have a hostage and a bomb. I'm waiting for the
2 cops," and a mention about a knife.

3 Q And so you said a number of names. Can you
4 just tell us who the five were --

5 A Sure.

6 Q -- who were going up with?

7 A So it was myself, Officer Kirby-Glatkowski,
8 Officer Flohr, Officer Quinsland and Officer Oldham.

9 Q Okay. And where were you headed up to?

10 A So the caller told us the very top floor was
11 nine, so I wanted to start at the very top. Even
12 though he thought it was around four or five, you
13 know, a stairwell echoes and it's better to work your
14 way from the top down.

15 And I also told the caller, I said, "Wait
16 with Officer Moussallem. If somebody else comes down
17 from the apartments, I want you to get their key fob
18 so when more officers arrive, if we need help, people
19 are able to access it," 'cause you needed a key fob to
20 get into the elevator to access the floors. So we
21 went in the elevator. We had the caller's key fob.

22 Q So when you say that you needed access --
23 you needed the key fob to access the elevator, do you
24 actually need the key in the elevator in order to --

25 A It's like a scan.

Examination of Cassandra Wells

1 Q -- go up?

2 A Yeah.

3 Q Okay.

4 A It's a little scan thingy.

5 Q So you couldn't, for instance, leave the key
6 fob at the bottom with Officer Moussallem and then
7 have access up and down?

8 A So you would've -- so from how I understood
9 it, correct. If we got off the elevator, you needed
10 the key fob to go again. And I believe you needed the
11 key fob, from what I understood at the time from the
12 caller, to gain entry back into the lobby from the
13 stairwell of -- we thought it was apartments.

14 But once we got up there, we realized it was
15 a business complex. So to enter from the stairwell,
16 you needed a key fob also to get back into the lobby,
17 which is where the elevators were.

18 Q Okay. And so did you go up to nine?

19 A We went up to nine.

20 Q And walk us through what happened once you
21 got there.

22 A So we got to nine. It opened. We realized
23 it was businesses, didn't see anybody in the business.
24 It looked like it was closed.

25 We could see the stairwell directly across

Examination of Cassandra Wells

1 from us and a little bit to the right. We didn't hear
2 anything. I -- we walked up. I was lead. Right
3 outside the door, we kind of formulated a plan and
4 designated roles.

5 We decided that I would be lead and also
6 make first communication if we found anybody inside
7 the stairwell. Officer Oldham was less lethal and
8 Officer Quinsland said that he would be in charge of
9 the radio. And I -- I told everybody, I'm like,
10 "Okay. Everybody be quiet." I open the door.

11 Q How about Flohr and Kirby-Glatkowski?

12 A So from what I remember, we didn't designate
13 less -- or lethal and Taser at that time.

14 Q Okay.

15 A I don't know if those two talked separately
16 about it, but I can't remember designating lethal
17 or -- or Taser. Sorry. We had a less lethal at that
18 time.

19 Q So what happened when you opened the door?

20 A So I opened the door just a little bit.
21 Well, first we looked through. And you could see that
22 it went up a little bit and then it went down. So my
23 plan was, if we didn't hear anything, we would clear
24 up above us first.

25 It was probably 'cause the caller said it

Examination of Cassandra Wells

1 was nine stories. It might have been just one little
2 level. But when I opened the door, I could hear a
3 male's voice and he was clearly coming from below us.
4 So I listened for a minute.

5 I couldn't make out anything that he was
6 saying. I communicated with everybody, you know, that
7 I could hear one voice. I said, "Let's be quiet." I
8 said, "We need to be quiet. I'll try to get eyes on."

9 And, you know, I wanted the element of
10 surprise. We have somebody who had made the
11 statements that I said, "I have a hostage, a bomb, a
12 knife. I'm waiting -- tell the cops I'm waiting for
13 them."

14 We don't know where he is. And I wanted to
15 be quiet to get an eye on so we could be the first to
16 make a decision of how this was going to go, right?
17 You know, if he was -- we didn't know for sure where
18 he was. But if he was really far away from us and saw
19 us, we wouldn't have a visual picture.

20 I mean, in a stairwell you're not going to
21 have much. So I said, "You guys, be quiet." I walked
22 up first. I looked over the rail and I looked down.
23 And I could see a male standing up against the
24 railing. So you know on stairwells, you can look
25 straight down?

Examination of Cassandra Wells

1 So where I was looking, he was directly
2 below me at that time. And I could see that he had
3 clothes on and that he was slightly balding. He was
4 standing right up against the rail kind of looking
5 down, looking sideways. He was kind of pacing like
6 this. And that's all I could see.

7 So, yeah, if you're looking straight down --
8 so if I would've been standing up here looking
9 straight down, he would've been directly under me at
10 that point. And I estimated about five floors down --

11 Q What was --

12 A -- from my group.

13 Q What were you hearing?

14 A I was just hearing his voice and kind of
15 shuffling, like maybe items moving around. But I
16 couldn't make out what he was actually saying.

17 Q Was he yelling? Was he talking loudly? Was
18 he talking in a normal tone, quietly?

19 A He wasn't yelling. I would say relatively
20 normal, but you're in a stairwell, so it echoes a
21 little bit. Yeah.

22 Q And so, at that point, what -- what do
23 you do?

24 A So I tell my group, I said, "We need to get
25 closer so we can get a better visual." So I

Examination of Cassandra Wells

1 indicated, "We're going to start walking down the
2 stairwell." So I had my gun out at what we call a
3 depressed ready. And it's basically a safe way to
4 hold your gun and move without your muzzle, like,
5 swiping your partners or anybody else, yourself.

6 So I was holding my gun. And I did this
7 because, well, now we know that somebody is definitely
8 in the stairwell. If there is a hostage, we can't see
9 this person just because there's -- we don't have much
10 sight picture at this point.

11 And he had mentioned having a knife, which
12 can be a deadly weapon, and a bomb, right? So I -- I
13 now have my gun out. I don't know what everybody else
14 was doing. I was lead. I start walking down the
15 stairwell. And I'm looking over, but I'm also looking
16 to make sure I don't trip and not be loud.

17 I don't want him to know that we're there
18 yet. He's still kind of standing right at the edge of
19 that stairwell, pacing back and forth. At one
20 point -- I -- I'm not sure how far we get down. We're
21 closer. And he takes off his jacket. And I remember
22 seeing orange. I don't know if his shirt was orange
23 or his jacket was orange.

24 He takes that off and then I see that
25 there's a knife in his hand. Sorry. So he's holding

Examination of Cassandra Wells

1 a knife in his right hand like this. So he's gripping
2 it. And he's holding it kind of level with his own
3 stomach. And he's just kind of -- he's still at the
4 rail just pacing back and forth kind of make -- making
5 grunting noises.

6 And I don't really know if I'd call it
7 animalistic, maybe kind of, but just grunting. And
8 just the swaying movement. And I think right when he
9 took his jacket off, he looked up and he saw us. And
10 he just stared right at us. And I said, "Drop the
11 knife. Portland Police."

12 And I had communicated to everybody that I
13 saw a knife. And I know the other officers, some of
14 them were looking over the rail, too, to see what was
15 happening, even though I was leading. I said, "We got
16 to run down and get closer," 'cause I still feel we
17 don't have a real good picture of what's happening on
18 that landing.

19 And so I said, "We're getting closer." So
20 we run down and we stop. And while we run down I
21 said, "Portland Police. Drop the knife. Drop it
22 now." And he's staring directly at us and he's
23 holding it the same way, still shifting. At some
24 point, he steps a little ways back from the railing.

25 But, I mean, he sees us and he's not

Examination of Cassandra Wells

1 dropping the knife after giving -- I give him at least
2 two commands as we're running down the stairwell. We
3 stop at, I believe -- so the stairwell -- you have
4 your main floors and then you have a half floor. So
5 the main floors had doors to exit out from.

6 So he's on six and we stop at what's seven
7 and a half. And so looking at him, I'm directly
8 across and above him. He's still standing there. I'm
9 giving him commands to drop the knife.

10 I said, "Does anybody see anybody else?"
11 'cause I still don't -- I don't see anybody else yet
12 at this point. There's -- there's, like, clothing and
13 maybe bags kind of spread out on the landing where
14 he's at.

15 At one point, he holds up his left hand
16 above his head and he says, "I have a bomb." And
17 those are, like, the first words I can make out
18 from him.

19 Q And you just demonstrated, but because we're
20 recording, Officer Wells, I do want to make sure that
21 we're capturing what you're describing. So can you
22 verbally describe the way in which he held his
23 hand out?

24 A Yeah. So he was holding onto a thin,
25 circular object, like a pencil, but I couldn't see the

Examination of Cassandra Wells

1 object coming out from underneath his hand. And he
2 was holding it -- gripping it and holding it above his
3 hand. And his thumb was up in the air. And you could
4 see he was holding something.

5 And it looked like maybe -- it kind of
6 looked like the top of a push pen, but I -- I wasn't
7 sure that it was a pen 'cause, again, I couldn't see
8 anything coming out from the bottom of his hand.

9 But his thumb was up as if it could be a
10 bomb and you would just push your thumb down and push
11 the button that was on top of the object that he was
12 holding. And he's still holding the knife kind of out
13 in front of him. And I could see that the knife was
14 black, a folding knife, at least three inches long,
15 which --

16 Q The blade or the entire knife?

17 A The blade, which I know, you know, from my
18 training and experience that if somebody wanted to use
19 that sort of knife, it could be a deadly weapon. It
20 easily could, you know, cut someone's throat or stab
21 them in the heart. So we're at the point where we
22 stop and, ultimately, the shooting happens.

23 And I know somebody was on the radio giving
24 updates. And I'm -- I'm at the top of the railing
25 with my gun pointed at him. And I just don't have a

Examination of Cassandra Wells

1 good -- still don't have a good picture of everything.
2 And I said, "Does anyone see anything else?" I'm
3 giving the guy some (indiscernible).

4 Q So is this before or after the shooting?

5 A Before.

6 Q Before.

7 A Yeah.

8 Q Okay.

9 A Someone says, "Give him -- give him a force
10 warning." So I say -- I -- I can look through my
11 transcript for the exact wording, but I said, you
12 know, "You need to drop the knife. If you don't
13 comply with our commands, force may be used against
14 you." I said, "I may shoot you or you may be shot."

15 Q Okay. And so I -- I just want to clarify
16 'cause you said you could look through your
17 transcript --

18 A Yeah.

19 Q -- for the exact wording. But are you just
20 relying on your memory right now?

21 A Right.

22 Q Okay. So you tell him something along the
23 lines of --

24 A "Drop the knife. If you don't comply, force
25 may be used against you. I may shoot you or you may

Examination of Cassandra Wells

1 be shot." So I don't remember if he responded at that
2 time. I said, "Somebody see if you see anything
3 else." Somebody dropped down on the stairwell and
4 said, "I see a female and she's naked."

5 And so, now, I know there's two people
6 there. I drop down myself on that landing to get a
7 better picture and see if I can see the female. So I
8 drop down. I have my gun out, still pointed at him.
9 And I can see a female.

10 And they're only about an arm's length,
11 maybe an arm's length and a half away from each other.
12 And she is bloody. She has blood on her face, on her
13 arms, on her chest. I can't tell where she's injured
14 from. I just know she has blood all over her. And
15 her shirt is ripped.

16 It's still covering her chest, but it's
17 ripped. I can't remember if she had just, like, tiny
18 shorts on or a skirt, but whatever was on her bottom
19 half, there wasn't much there. She looks terrified.
20 Sorry, you guys. She's standing in the corner of the
21 stairwell.

22 And she's in that corner with her back to it
23 so far up against it, like she was trying to disappear
24 into the wall. And she has her arms up like this
25 against her chest. And she isn't looking at us.

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1 She's not looking at him. She's looking kind of down,
2 like, shielding herself.

3 And, I mean, she -- she looks terrified.
4 And she's frozen. She -- she's not going anywhere.
5 And there's stuff all around her also. And --

6 Q What was he doing at that point?

7 A He still had the knife in front of him and
8 what he said was the bomb over his head. He was
9 grunting. He was shifting his weight side to side.
10 He hadn't acknowledged her yet. He was staring
11 directly at us this whole time.

12 You know, he knew we were there. He wasn't
13 complying with dropping the knife. He looked like he
14 was ready to fight. And, you know, my fear at this
15 point is he has a hostage. She's already bleeding, so
16 she's hurt and he's going to kill her.

17 And he only had to maybe take a half a step
18 and -- and put that knife into her. So -- and this
19 all happened so fast. So Officer Oldham -- there's
20 communication. Officer Oldham deploys a less lethal
21 round. He either deploys it right above me or just
22 directly to my right 'cause my right ear starts
23 ringing. And it's super loud.

24 Q Where were you positioned at this point?

25 A So I was down low. I was on the ground with

Examination of Cassandra Wells

1 my gun through either the very bottom of the stairwell
2 or one metal rung above.

3 Q Okay.

4 A So I was right here in the middle of this.
5 And I believe my gun was pointing -- was right here,
6 so between the floor and the first metal railing. So
7 Officer Oldham was somewhere above me and, like I
8 said, maybe a little to my right because my right ear
9 started ringing when that less lethal went off.

10 I was still giving the guy commands to drop
11 the knife. Officer Oldham said, "I'm reloading."
12 Less -- our new less lethals, you can only deploy one
13 round at a time. You have to reload. So he reloaded,
14 deployed another less lethal. Again, there was no
15 effect on the male.

16 He was still standing there with the knife
17 and the bomb overhead, kind of pacing. He still
18 hadn't acknowledged her. She wasn't moving. And at
19 this point, I'm thinking -- and I -- I know I
20 verbalized and expressed to everybody that was there
21 that -- that, "We're going to need to kill this guy."

22 And I said, "I'm going to shoot him." And I
23 think Officer Oldham had deployed another less lethal,
24 so three. Again, no effect on the male. And at that
25 point, I -- I said, "I'm going to shoot this guy,"

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1 'cause I had said, "We're going to need to shoot him.
2 He has a hostage and a knife. He's not complying to
3 our commands."

4 And Officer Oldham -- I said, "I'm going to
5 shoot him." And I remember -- I was pulling the
6 trigger. And so many things were going through my
7 head. I'm like if -- if I don't get a good shot, you
8 know -- even if you shoot somebody, it doesn't
9 necessarily drop them right away.

10 And I was aiming for his chest. And I --
11 I'm thinking, if I don't get a really good shot on
12 this guy, it might not drop him and he could turn and
13 stab her and potentially kill her. So I'm pulling the
14 trigger and Officer Oldham says, "Let me try one more
15 less lethal."

16 And I stop pulling the trigger and I said,
17 "Okay." And he deployed one more less lethal round.
18 And I don't know if it hit him or not. It's -- it's
19 really hard to tell from where we were, but that last
20 shot, in an instant he grabbed her and had her in
21 front of him.

22 And it was so fast. You literally blink
23 and, now, he has her in front of him. He has his
24 right arm wrapped around her stomach and he's still
25 holding the knife kind of up against her side. And he

Examination of Cassandra Wells

1 has the -- the thing he's calling a bomb overhead.
2 And he says -- he yells as he's staring right at us,
3 "Shoot me."

4 And I know he yelled, "Shoot me," again at
5 some point. And so, now, we have the female who's
6 injured in front of him as a hostage and he has this
7 knife up against her. And I'm just -- I'm -- I'm
8 thinking he's going to kill her. And -- and I start
9 talking to everybody.

10 I'm not looking at him. I'm looking at him.
11 I said, "I don't have a good head shot," 'cause at
12 this point, now all we have is part of his head. Her
13 head is, like, at his nose. So we have this little
14 tiny forehead shot from where we are.

15 And I hear Kirby and he said, "I don't have
16 a good" -- he's like, "You'll shoot her. You'll shoot
17 her." And I said, "I know. I don't have a good
18 shot." And Kirby was somewhere above me 'cause I
19 could -- I could hear his voice.

20 And he said, "I don't have a good shot
21 either." And I said, "I know. I'm waiting." And,
22 again, we're having this conversation, but it's so
23 fast. And so, at some point, somebody is still
24 talking to him.

25 Somebody, at some point, asked for his name

Examination of Cassandra Wells

1 and says, "Hey, man, you don't want to do this."

2 Kirby drops down right next to me. So, now, I'm on
3 the left of this picture and Kirby's on the right.

4 And both of our guns are right next to each
5 other and our heads are right next to each other.

6 And -- and we have this conversation. And, again,
7 it's seconds.

8 And even though I tell you guys this and
9 it -- it might take 30 seconds to tell you, it's a
10 super fast conversation Kirby and I have. And I said,
11 "Kirby, we -- we have to kill this guy." And --
12 and -- and I'm like, "I don't have it yet. I don't
13 have the shot." And Kirby says, "I know." I'm sorry.

14 And she kind of dropped down a little bit
15 lower on his head, so it opened up his head a little
16 bit more for us. And I said, "I have the shot, guys."
17 And he says, "So do I."

18 And I said, "Just one of us takes the shot."
19 You know, we -- we want to limit the amount of bullets
20 we have going down range 'cause we don't want to shoot
21 her. And -- and so I say something like, "I have the
22 shot."

23 And he says, "So do I." And I say, "Well,
24 one of us -- just one of us takes it." And he said,
25 "I got it." And I said, "Are you sure?" And he said,

Examination of Cassandra Wells

1 "Yeah, I got it." And I said, "Okay. I'm here for a
2 second one if needed." And Kirby took the shot and
3 the guy instantly drops.

4 And the -- the woman's just standing there.
5 And the guy kind of falls over himself and blood just
6 starts pouring out of his head. And we -- we're
7 running down the stairwell. I think Kirby's in front
8 of me. Quinsland and I are right next to each other.

9 Oh, I forgot to mention: When he grabbed
10 her and I was down on the ground -- Kirby wasn't next
11 to me yet -- I said, "Somebody" -- I'm going to cuss
12 right now 'cause this is what I said -- I said,
13 "Somebody get a fucking AR up here right now," so it's
14 a rifle.

15 Q And why did you want an AR there at that
16 moment?

17 A So a rifle, you can take better -- I don't
18 know if I'd say better, but longer distance shots
19 are -- are more accurate with a rifle. And at this
20 point, we have a head shot. I mean, we have a -- a
21 victim -- the female right next to him.

22 So I thought maybe a rifle would be able to
23 get a better shot on this guy than us with our
24 handguns from the distance we were at and the angle.
25 And so --

Examination of Cassandra Wells

1 Q So, at that point, were you viewing this as
2 a lethal force situation?

3 A Yeah.

4 Q Were you viewing it as a lethal force
5 situation even before he grabbed her?

6 A Yes.

7 Q Okay.

8 A So I -- I saw Amelia was down to my right
9 side. And I could see the key fob. And she said,
10 "I'll go get somebody." We didn't -- I don't think we
11 had a lot of rifles on. And I know a rifle was on its
12 way, I believe, when we first made entry, but it was
13 coming from a long ways away.

14 And I -- you know, I felt that we had
15 formulated a good plan and needed to go get a sight
16 picture on what was happening before the rifle could
17 get there.

18 So Amelia left and went in the elevator to
19 get the rifle. And then once he had grabbed her and
20 she was in front of him and then Kirby dropped down
21 with me, so Amelia wasn't there when Kirby fired.

22 So Kirby takes a shot and we all run down
23 the stairs. Somebody else, "Get her out of the way."
24 And I said -- I -- I started yelling at her, like,
25 "Get out of the way. Get out of the way," 'cause we

Examination of Cassandra Wells

1 wanted her out of there.

2 She kind of jumps over him and goes down a
3 half a flight. Once we get there, Officer Oldham goes
4 down to contact the female, who's a half a flight down
5 below us. Somebody yells about the knife. I remember
6 seeing the knife either on the main landing, like he
7 dropped it, or on the first stair.

8 I can't remember where exactly it had landed
9 once he fell. Officer Kirby went to grab him to put
10 him in handcuffs. And I stopped him because this guy
11 was deceased and there was blood everywhere and it was
12 still pouring out of his head.

13 And there was nothing we were going to do to
14 help him at this point. And I said, "Kirby," I said,
15 "Stop. We're done." And he just kind of -- he just
16 had, like, a really sad expression on his face. And
17 it's just hard to go through this with your friends.
18 And he let go of the guy's arm and stepped over him.

19 And I opened the stairwell, which led out
20 into the parking garage. And Kirby walked out there.
21 And Officer Quinsland checked on Kirby while I
22 watched. I kind of held the scene.

23 And then I asked Quinsland to hold the door
24 'cause Kirby and I are really close. I just gave him
25 a hug and he said, "I never wanted to have to kill

Examination of Cassandra Wells

1 anybody." And I said, "I know. One of us had to do
2 it."

3 And that was kind of the end. Everybody
4 else got there eventually. It was kind of hard to get
5 everybody there because it was a locked facility, but
6 eventually people got there and --

7 Q Once people got there, were you all
8 separated?

9 A Yeah.

10 Q Okay. You said that you gave Officer
11 Kirby-Glatkowski a hug and had that brief
12 conversation. Did you guys discuss what had happened?

13 A No.

14 Q If he had not taken the shot, would -- were
15 you prepared to do so?

16 A Yes.

17 Q Do you believe that you had any other option
18 at that point?

19 A No.

20 Q What do you believe would've happened had
21 the shot not been taken?

22 A I think he would've killed her or tried to
23 kill her.

24 MS. MARRERO: Folks, are there any further
25 questions for Officer Wells?

Examination of Cassandra Wells

1 A GRAND JUROR: When you were talking about
2 getting a rifle, is that a weapon or the person with
3 the -- like --

4 THE WITNESS: So we have -- just like
5 Officer Oldham has the less lethal, the AR-15 is a
6 rifle that you apply for and you go through special
7 training and get certified with having the rifle. So
8 it's -- it's a special tool that you have to get
9 certified with.

10 So -- and in -- during that whole situation
11 I, knew that a rifle was coming and that -- I didn't
12 know if anybody was there yet with a rifle, but I
13 wanted to try to get a rifle up there in case we
14 couldn't make the shot with our handgun.

15 A GRAND JUROR: So it was a person --

16 THE WITNESS: It was a person.

17 A GRAND JUROR: -- that you were waiting
18 for?

19 THE WITNESS: Right.

20 A GRAND JUROR: Okay.

21 THE WITNESS: Who didn't have access to the
22 elevator. That's why Officer Flohr left to see if one
23 was downstairs yet.

24 BY MS. MARRERO:

25 Q Officer Wells, you indicated that somebody

Examination of Cassandra Wells

1 had tried one last time to communicate. Do you know
2 who that was?

3 A I don't know.

4 Q Did it appear to have any effect in calming
5 the situation?

6 A No.

7 MS. MARRERO: Folks, any further questions
8 for Officer Wells?

9 That'll conclude this witness.

10 * * *

11 (Noon Recess at 11:33 a.m.)

12

13 ***AFTERNOON SESSION***

14 (Whereupon, the following proceedings were
15 held before Grand Jury No. 1, 1:03 p.m.):

16 MS. MARRERO: We are back on the record.

17 The State's next witness is Officer Kirby-Glatkowski.

18 If you could please raise your right hand.

19 **NATHAN KIRBY-GLATKOWSKI**

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

22 A GRAND JUROR: Thank you. Please sit down.

23 MS. MARRERO: And please state and spell
24 your first and last name.

25 THE WITNESS: Nathan Kirby-Glatkowski. The

Examination of Nathan Kirby-Glatkowski

1 first name is N-a-t-h-a-n. And the last name is
2 Kirby-Glatkowski, K-i-r-b-y hyphen
3 G-l-a-t-k-o-w-s-k-i.

4 EXAMINATION

5 BY MS. MARRERO:

6 Q Thank you. Officer, can you please tell us
7 how you're employed.

8 A Thank you. Portland Police Bureau.

9 Q And how long have you been in law
10 enforcement?

11 A Not quite three years.

12 Q Can you detail for the grand jury your
13 educational background and your experience as a police
14 officer.

15 A Law enforcement specific?

16 Q Yeah. Let's start with law enforcement
17 specific and then we'll go a little further back.

18 A I --

19 Q And when I say, "your experience," I meant
20 to say your training. I apologize.

21 A Very well.

22 After getting hired by Portland Police
23 Bureau, I went to the State of Oregon's basic police
24 academy down in Salem. It was a 16-week course on
25 everything that we do.

Examination of Nathan Kirby-Glatkowski

1 After that, I did the FTEP program with
2 Portland Police Bureau for Field Training and
3 Evaluation Program. I believe that's the correct
4 acronym there.

5 And in this program over the course of a
6 year and a half, including basic police academy, you
7 go through a series of phases that have increasing
8 responsibility. In the first, you're essentially a
9 ridealong and by the end, you're doing the job by
10 yourself.

11 And you have a coach at each step of the way
12 during the six phases. And the coach makes sure
13 you're doing your job right, teaches you how to do
14 things.

15 During those six phases, there was a brief
16 break when I went to advanced academy. That's a
17 Portland-specific academy that's ten weeks long and
18 covers most of the subjects that we did in basic
19 police academy, but Portland's specific way of doing
20 things.

21 Then since then, I came off of probation, I
22 was a full officer. And then we would have regular
23 training. We have an annual training that we all must
24 go to called in service. It's two to three days,
25 typically, sometimes four days.

Examination of Nathan Kirby-Glatkowski

1 And then there are other trainings that I
2 have been sent to, such as bomb school in New Mexico
3 and interdiction school just over in Hillsboro, a
4 bicycle school, these sorts of things.

5 Q Okay. And prior to joining Portland Police
6 Bureau, what was your profession?

7 A I -- the most recent thing I had done is
8 I -- I'd opened a climbing gym and built and opened my
9 own climbing gym in Virginia. My -- prior to that,
10 I'd been doing nuclear disarmament work in Washington,
11 D.C. I was the operations director of an NGO there
12 called Global Zero.

13 And we worked towards living in a world
14 without nuclear weapons. My wife was really unhappy
15 with the 80 hours a week I worked and said, "You know,
16 we needed to go do something else."

17 And she wanted to go get a master's degree
18 in rural Virginia, so I moved there with her. And I
19 couldn't find anything to do, so I opened a climbing
20 gym. And I've done that prior to this.

21 Q Okay.

22 A School before that and military before that.

23 Q Okay. And where did you go to school and
24 what branch of the military did you serve in?

25 A I went to University of Oregon, where I got

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1 a bachelor's degree in international relations and
2 political science. And I was in the U.S. Navy and I
3 did anti-smuggling, anti-piracy work for them
4 primarily, wherever they sent me in the world.

5 Q Okay. Thank you. Officer Kirby-Glatkowski,
6 were you working on June 9th of this year?

7 A Sunday, June 9th, I was.

8 Q And in what capacity were you working
9 that day?

10 A I was working by myself in a car as a patrol
11 officer. District was 841, which is a district that's
12 downtown. It's just south of Burnside. It kind of
13 ranges from 6th Avenue southwest to all the way to
14 I-405-ish.

15 Q And, at some point, did you attach to the
16 call at 13th and Lovejoy?

17 A Yes.

18 Q And how did you become attached to that
19 call?

20 A There'd been a few calls that morning. I
21 actually wasn't that busy, which is a rare thing for
22 us. And I was doing some follow-up work right after I
23 gave this very angry man a ride across town so he
24 could go home.

25 And I was just doing some follow-up work at

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1 11th and Washington in southwest. I was backed up --
2 there's a mural there, a black-and-white mural of a
3 woman. And I was parked right next to that and I was
4 doing some follow-up work.

5 And I was listening to the radio and they
6 dispatched two people I work with, Officer Wells and
7 Officer Flohr, who were working a partner car as 821.
8 That's the district immediately north of 841 across
9 Burnside. They dispatched them to a disturbance call
10 in -- at 13th and Lovejoy above the Safeway.

11 Q What do you recall hearing about that
12 dispatch?

13 A I recall hearing that they're -- caller said
14 a male and female were arguing, but he hadn't seen
15 them. Typically, when we get a call like that -- and
16 there -- there are frequent calls of a -- a
17 disturbance and if someone hasn't seen any physical
18 violence, two officers is the standard response.

19 And so two officers were going to that call,
20 so I made a note of it and I -- you know, we're just
21 thinking about calls as they come in and we're always
22 thinking about the radio and where everybody is and if
23 the right resources are going to the right place.

24 But it seemed to me that two officers going
25 to a disturbance call in which we hadn't seen violence

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1 and the caller hadn't even see the people was
2 sufficient at the time. So I just listened and kept
3 doing my work.

4 Q And, at some point, did the assessment
5 change as to whether that was going to be sufficient?

6 A Yeah. I don't know if it was a minute or
7 two minutes later, maybe three, Officer Wells got on
8 the radio and said that she copied the update.

9 And in typical fashion, the Bureau of
10 Emergency Communications by way of the dispatchers,
11 they will update us if there is a significant update
12 to our call while we're on the way there, they'll put
13 it out over the radio so everyone can hear it.

14 But if for some reason we see the update on
15 our computer screen first, we will preempt the
16 dispatcher and be like, "Hey, I see the update. I
17 need this," or, "I'm fine."

18 And so Wells got on the radio and said, "I
19 see the update. I'm going to need additional
20 resources and make sure our sergeant's notified." So,
21 now, it's like, oh, well, what's going on? And I'm
22 also close by, so my car is running and I just start
23 driving out of that lot north.

24 Q And were you aware, at that time, of what
25 the update was?

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1 A Not until I was driving. She said she
2 needed help. I wasn't far away. And I work a lot
3 with Wells. I trust her a lot. We've worked the
4 similar districts for a year and a half.

5 And she's a senior officer on the weekends
6 and I respect her judgment. So I -- I pulled right
7 out and started going west on Washington, north on
8 12th. And, at that point, I'm -- I've attached myself
9 to the call.

10 Q And what does that mean?

11 A And we have a computer screen and we have a
12 keyboard. And when Wells asked for additional
13 resources, the dispatchers on the radio dispatching
14 Officer, I believe, Moussallem to go.

15 And right after that happens, Officer
16 Quinsland gets on the radio and says, "Send me also."
17 So there's a lot of radio traffic and I can't get out,
18 so I just type onto my keyboard, A, space, 821 and
19 it's attached to 821.

20 So without getting on the radio, I just
21 attached. And then I just started driving. And when
22 I attached, my computer screen updates with the call I
23 am now attached to. And I am glancing at the screen.

24 And while I'm, you know, trying to head up
25 there and that screen -- there's a blurb about the

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1 call. And there's also a location. And the blurb --
2 I catch some key words there while I'm driving. And
3 it says, "Man has a hostage and there is a knife and
4 there's a bomb." And so it's important and I know
5 that.

6 And I'm not very far away, so I drive to
7 13th and Lovejoy, the Safeway that's right there, with
8 my lights on and just kind of chirping my siren as I
9 go through red lights or stop signs or whatever,
10 'cause I want to get there quickly so I can help
11 Cassandra Wells, who I believe is already there or
12 about to be there, with what's going on.

13 Q And where do you ultimately pull up?

14 A There's a one way on Lovejoy, so I have to
15 go north of Lovejoy on 12th. Once I'm north of it, I
16 go west to 13th. I go south on 13th and I pull up on
17 the east side of the Safeway directly behind Cassandra
18 Wells' and Amelia Flohr's police cruiser -- or they're
19 standing right next to it.

20 Yeah, right here. So they're parked
21 here-ish and I pull up right behind them.

22 Q And once you pull up, can you walk us
23 through your experience in terms of learning about
24 what was going on, who did you contact?

25 A So there had been various radio updates,

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1 people talking on the radio. I believe Wells had
2 asked for a less lethal to come because we have a
3 person with a knife, purportedly. No one has seen
4 anything yet.

5 And, frankly, we go to a lot of police calls
6 that are not what they appear to be at first blush.
7 And this caller hasn't even seen anyone. He just
8 heard a thing. But we need to find out if it's real
9 because, potentially, we have, you know, a hostage and
10 a bomb and a knife.

11 So we have to treat it all like it's real.
12 But we also got to find that caller. And I think the
13 radio traffic is that Wells can't find the caller or
14 she's trying to find the caller.

15 So when I pull up and get out, I walk up to
16 Wells and Flohr and I'm like, "Okay. Well, what do
17 we -- what do we have," 'cause I haven't read the
18 whole thing yet. And she tells me that the caller is
19 saying in the -- in the stairwell. She's not sure if
20 it's the southwest stairwell or the northeast
21 stairwell.

22 That there's a -- the complainant said that
23 he heard sounds of a male and a female in the
24 stairwell and that when he yelled down -- he called
25 the police. And when he yelled down to them that he

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1 called the police, the man yelled back, "I've got a
2 hostage and a knife and a bomb. Bring it on."

3 Meanwhile, there was a woman yelling, you
4 know, for help. She gets off the phone with the
5 caller and tells me and Flohr -- and, I think at this
6 point, Officer Moussallem and Officer Quinsland have
7 also arrived, so there's five of us there -- that
8 he'll meet us on this northeast corner.

9 Q And so do you meet him at that point?

10 A We go to the northeast corner. He's not
11 there. I'm looking up the stairwell. I don't know if
12 it's this stairwell or not. There's windows, I think.
13 And suddenly this guy comes up and he's -- he's
14 jogged, running down Marshall to us on the corner.

15 And, you know, he appears very earnest, and,
16 you know, credible. This -- this matters a lot to
17 him, what's going on. He just experienced something
18 and he has a real fear about that something. He's
19 like, "We got to go. We got to go. I'll let you in.
20 This way, this way. We -- I'll let you in. It's a
21 key card only."

22 And I think Officer Wells is like, "Hold on.
23 Just hold on. We're getting more resources here. You
24 know, we're trying to go through those steps." But he
25 just takes off. He's -- he just starts, you know,

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1 jogging away from us.

2 So I jogged to keep up with him because he's
3 -- he's not going to go at our pace. And while we're
4 jogging, we -- we're getting distance from the rest of
5 the officers and as we're going west on Marshall and
6 south on 14th down to this corner, I'm like, "Man, you
7 -- just tell me what's -- what's going on? Repeat it
8 all to me."

9 And he repeats basically the same thing that
10 Wells had updated me on. He said he works up on the
11 ninth floor. It's a Sunday, but he came in to just do
12 some work. I think he -- he was a -- a lawyer or
13 something. I don't know, but he works in the offices
14 up there. This building is multi-use.

15 I'm sure you've heard there is a Safeway on
16 the ground floor on the east side and then there's
17 garages for the first six floors or so. And then the
18 top three floors-ish are -- or the top two or three
19 floors are -- seem to be offices or something.

20 Q And so --

21 A At least, that's what I know. So he --

22 Q So as -- as you're running up 14th, what's
23 the plan or -- or what takes place at that point?

24 A He just repeats the same story to me. He
25 says, "I -- I came into work. I looked down the

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1 stairwell to go somewhere," and he hears sounds of
2 disturbance. And he calls the police. He yells to
3 them that he called the police. And the man said,
4 "Bring it on. I've got a -- a knife, a gun and a
5 bomb."

6 Sorry, no gun. I misspoke. "I have a
7 knife, a hostage and a bomb." And there was a woman
8 crying and screaming for help.

9 Q And so what happened at that point?

10 A We get to the doorway here. There's a
11 staircase door that's on the street and then there is
12 a locked lobby with elevators that go up. At this
13 point, we're waiting for that less lethal to show up
14 still. We're not going to go up there. He is trying
15 to get us to go up there.

16 The rest of the cops catch up.
17 Officer Wells says, you know, "Stop," to the
18 complainant. "I'm in charge. You need to say all of
19 that stuff to me again." And so he starts his story
20 again and it's the same.

21 Again, there is a -- there's a -- just a
22 real earnest quality to it. What he's describing,
23 this man believes it's happening and he really wants
24 us to get up there and -- and solve that problem.

25 He lets us into the lobby through -- with

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1 his key card. There are elevators. He's like, "How
2 do you want to go? How do you want to go?"

3 And we're like, "Well, we're going to take
4 our elevator to the ninth floor and we're going to
5 work our way down. We need to leave an officer at the
6 bottom."

7 At this point, Officer Jackson Oldham shows
8 up and he's a less lethal operator. So, now, there
9 are six of us. I update Officer Oldham on what we
10 have going on.

11 With the complainant, make sure the
12 complainant doesn't run off to the ninth floor. And
13 meanwhile, Officer Wells is, I think, on the phone and
14 on the radio with a sergeant and trying to, like, you
15 know, get more resources in and communicate with
16 everybody.

17 Once Jackson -- well, Oldham is updated, we
18 agree to leave Officer Moussallem at the bottom of the
19 staircase and also to open the door in case we need to
20 get more people in.

21 The other five of us -- I ask the
22 complainant for his key card and ask him to remain
23 there in the lobby and to try to get a key card off
24 anyone else that might come in so someone else can use
25 the elevator.

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1 You need the key card for the elevator also.
2 The five of us, Oldham, Quinsland, Wells, Flohr,
3 myself, we get into the elevator. We hit floor nine.
4 While we're riding up in the elevator, we talk about
5 a plan.

6 The plan is -- is -- it's -- Wells is
7 primary, so she's going to communicate. She'll be in
8 front and communicating. And Officer Oldham is going
9 to be a less lethal operator because that's the tool
10 that he has and he's trained in it.

11 Officer Flohr is going to be lethal. So the
12 three of them will be kind of in front. And behind
13 that will be Officer Quinsland and I and we will be
14 hands on and the custody team if the situation comes
15 to that.

16 Again, this is just a sketch 'cause we don't
17 know what we're going to encounter. We get out on the
18 ninth floor. There's a lobby. It looks like offices.
19 There's no one there. It's Sunday morning.

20 There's a door directly in front of us
21 slightly to the right that goes to the stairwell. And
22 we stack up outside of the door, put out over the
23 radio that we're going to go in and hold the air. And
24 Officer Wells opens the door.

25 We can immediately hear an angry male voice.

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1 It's rising and falling. It's yelling. And I can't
2 hear the woman yet, but Officer Wells says she can.
3 She's in front of me. So we push on to that
4 stairwell.

5 The stairwell, I expect you guys know is --
6 is -- there are -- there's, like, a half step between
7 every floor, so it's, like, nine, eight and a half,
8 eight. Yeah. Nine, eight and a half and so on. So
9 the half steps are on the south side of the building
10 and the full steps are on the north side of the
11 building. And, yeah. So --

12 Q And so can you describe how you were making
13 your way through that stairwell?

14 A We start going down, Wells, Flohr and Oldham
15 in front, Quinsland and I behind. When we got -- I'm
16 here and they're a little further, I look over the
17 railing here and down and I can see all the way down.
18 I'm a little -- little confused here. So this is --
19 what are these triangles? I'm sorry.

20 Q So those are the stations.

21 A Those are the stations?

22 Q Mm-hmm.

23 A Okay. So this is 46 here.

24 Q Mm-hmm.

25 A And so six and a half, seven, seven and a

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1 half, eight, eight and a half. So nine is -- is one
2 more.

3 Q And so as you're making your way down
4 (indiscernible) --

5 A We make our way down. I look over the
6 railing and I can see down. From my perspective, all
7 the way down on the sixth floor or the sixth landing,
8 I can see a man. And he's either buzz cut or balding.
9 I think I put out over the radio he was balding.

10 White male, looked balding. He had a red
11 shirt on and green pants. In his right hand, he held
12 a knife. I was a long way away, but I remember him
13 gripping it in, you know -- in an aggressive stance.

14 I could, basically, see from his head and
15 then his right half of his body. And the -- the
16 landings, in my perspective, didn't show me what was
17 in his left hand or to the left of him. I put that
18 out over the radio.

19 Officer Wells and Oldham were in front of me
20 down this staircase a little ways. So right after I
21 did that, they said, "We can see a woman. She's on
22 the ground and she's naked from the waist down and she
23 looks bloody." We're all hurrying down the stairs.
24 We get all the way to seven and a half --

25 Q Let me interrupt real quick, Officer.

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1 A Yeah.

2 Q Has he seen you at this point?

3 A Initially, when I look over the rail, he is
4 not looking at me. I'm looking at the top of his head
5 when I put that out over the radio.

6 As we -- the next time I see him, 'cause I'm
7 kind of hurrying to catch up 'cause I paused to put
8 that out over the radio. I'm looking at him and I'm
9 calling the description and everyone else is further
10 in front. I hurry to catch up.

11 I don't see him again until -- so that was
12 at eight and a half-ish where I saw him. I don't see
13 him again until I'm at seven and a half. At that
14 point, he is looking at us and he's being engaged
15 verbally by Officer Wells and Officer Oldham.

16 Q And how is he responding to that?

17 A He's screaming. He's -- it's all vitriol
18 and anger. He's looking up at us. So when I come
19 around to -- to floor seven and a half and -- and look
20 down, I can see his full body now. And he's -- he's
21 kind of hulked up.

22 His shoulders are rolled forward. He's bent
23 at the -- the knees in kind of a strong, athletic
24 stance. And he's just holding this knife. And his
25 face is -- is red. And he seems just ready to go. He

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1 wants -- he wants -- it's just like he's been building
2 himself up for something and he's ready for that
3 confrontation.

4 Behind him, I can see the woman. She's
5 making herself as small as possible in the corner.
6 She's crying, she's whimpering. She's naked from the
7 waist down. I can see blood on her legs. It doesn't
8 look like she's bleeding out or anything, but I don't
9 know. What I can see, it just looks like she's had a
10 lot of trauma.

11 And he's hulking just in front of her and to
12 the right of her and facing us and responding to
13 Wells, who was, you know, giving commands, "Drop that
14 knife." And Oldham, who is saying, you know -- giving
15 him a less lethal warning. Oldham's loading his less
16 lethal. Lots of people are giving updates on the
17 radio.

18 Q Did you see anything in his other hand?

19 A Not initially. I didn't look at his other
20 hand really. His right hand had the knife. I was
21 looking at that. So I'm -- let's see. We're here.
22 I'm kind of here. Quinsland and I are on the
23 staircase right here. This landing's not -- only
24 so big.

25 And Oldham and Wells -- all right. Oldham

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1 and Wells are standing here and he's down a whole
2 'nother floor. That's six. We're looking at seven.
3 So he's, like, a whole 'nother one down at six.
4 They're standing here and looking steeply down.

5 Flohr is somewhere over here and myself and
6 Quinsland are stacked up over here. Wells is going
7 down onto a knee, drawing out a gun, continuing to
8 give commands, "Drop that gun [sic], move away from
9 her."

10 I -- I asked for a rifle at some point. So
11 does Wells. She asks for an AR. And, you know, we
12 just want to -- if -- if -- if we have -- do have to
13 use lethal force, we want to be able to do it as
14 accurately as possible and that's the tool for that.

15 Oldham gives his force warning and the guy
16 is not responding to commands at all. He is lucid,
17 you know? He's saying, "Fuck you. I'm not going to
18 do that," and screaming, "This is going my way. I'll
19 -- you know, I'll kill you," and on and on, all these
20 things.

21 It's not gibberish he's saying back. It's
22 recalcitrance. It's fury. Oldham fires his less
23 lethal. I don't see it do anything. I don't even see
24 where it goes. It just -- the man -- there's no
25 effect on the man and -- as far as I can tell.

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1 Oldham's like, "It's not working."

2 And I think I put that out over the radio,
3 "Less lethal deployed, less lethal didn't work."
4 Oldham was reloading for a second round. Flohr is
5 just kind of standing back -- back here. I think, at
6 this point, Wells is down prone with her -- with her
7 gun pointed at the man.

8 I kind of push between Oldham and Flohr,
9 step over Wells, go around them and lay down just to
10 the right of Wells so we're shoulder to shoulder.
11 And, you know, my face is just eight inches from hers
12 or something.

13 Q And do you have any -- anything out at that
14 point?

15 A I'm drawing my gun while I'm going down to
16 my knees and I put my gun on target as well.

17 Q Okay.

18 A There are commands again for the man to, you
19 know, "Stop, drop that gun, less lethal will be
20 deployed," and that sort of thing. We're asking for
21 more resources.

22 He's -- he raises up, like, his left hand
23 and says he has a -- I'm sorry if the timing's not
24 exactly right. Everything is really sped up in my
25 memory for this moment.

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1 So I'm going down to the ground and putting
2 a gun on target. He's raising up his left arm and he
3 has, like, some small thing in it. And he's like --
4 he -- he yells, like, "It's a bomb," or something like
5 this or -- he still has the knife. And --

6 Q Where is the female at this point?

7 A She's still on the ground. She's still in
8 the corner. He -- Oldham fires a second time with a
9 less lethal. Again, there's -- doesn't seem to be any
10 effect on the man. I believe Oldham fires a third
11 time. I don't -- honestly can't remember if he fires
12 a third time or not.

13 Other people are calling in on the radio
14 saying that they have arrived and they're trying to
15 get into the building, but they need a key card to get
16 up the elevator and they can't get up the elevator.

17 Wells is still shouting commands at this
18 guy. Jackson is maybe taking a third shot or maybe
19 he's just saying, "It's not working." Officer Flohr
20 is like, "Who has the key card?"

21 "I do. It's in my back pocket." And I
22 remember transitioning the pistol to my left hand
23 entirely, reaching back, grabbing the key card.
24 Flohr's like, "Just go. Just go let them in." And I
25 was like, "Absolutely not," and -- and gave her the

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1 key card and she left.

2 I went back on target. Wells is saying, "We
3 need" -- I think -- if -- if there weren't three shots
4 and there were just two, after the second. If there
5 were three, after the third.

6 Q You mean less lethal shots?

7 A Less lethal shots.

8 Q Okay.

9 A The man changes what he's doing. He reaches
10 behind him. He grabs the woman and he wrenches her to
11 her feet and holding her with his left arm against his
12 chest, so she's facing us just like you would a human
13 shield. He continues to, you know, yell up at us.
14 And he takes the knife and he moves it to her throat.
15 And he says, "I'm going to kill her."

16 Q What was she doing at that point?

17 A I don't really remember. I was staring at
18 him, staring at his head. I think she was just
19 whimpering in shock, crying. I was staring at the
20 knife and I was staring at his head.

21 Q So as that took place, as he grabs her and
22 positions her in front of him, what's going through
23 your mind?

24 A We're -- we're -- we're probably going to
25 have to shoot this man if -- if -- and as he moves the

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1 knife to her throat, I -- we have cardinal firearms
2 rules. And one of them is, you know, to never put
3 your finger on the trigger until you're on target and
4 ready to fire. And at that moment when he pulls her
5 up onto -- to her feet and puts the knife to her
6 throat, I put my finger on the trigger at that moment.

7 And Wells is there, too. And she's next to
8 me and she's saying, you know, "I don't -- I don't
9 have a shot. I don't have the angle. I don't have
10 the angle." And I know that I do. We're right next
11 to each other and I -- I think she's saying that
12 because it's a hard shot. He's more --

13 Q Can you --

14 A -- than 20 feet away. He's down three of
15 these, you know -- these landings. She's held in
16 front of him. He, in my memory, is above average
17 height and she is average height or shorter. And so I
18 think her head came up to here-ish on him.

19 And I can remember seeing the tops of his
20 shoulders and his head pretty clearly. And I was
21 confident I could take that shot and accurately hit
22 him and not her, or miss.

23 So Wells says she doesn't have the shot.
24 And she's like, "Do you have it?" And I'm like, "Yes,
25 I've -- I've got it." And she's like, "Well, it's you

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1 or me. It's you or me." And I'm like, "I have it."

2 Quinsland's working the radio. It's -- I
3 can't even hear it. It's just a -- it's just a buzz
4 in my ear. He's -- all of the veins are standing out
5 in his arms. His mouth is set. There's perspiration
6 on his face and he has that knife right to her throat.

7 I didn't take this job to shoot anyone. I
8 didn't take this job to kill anyone. I don't even
9 think violence is a good solution to problems. I
10 think it creates a perpetuating cycle where we think
11 that's a tool we can use.

12 I -- I tried one more time. I -- after I
13 told Wells I -- I had it, I'd take the shot, I -- I
14 yelled down to him. And I was like, "Just don't do
15 this." I don't think I had spoken to him prior. I
16 was like, "Just don't do this. My name's Nate.
17 What's your name?"

18 And -- and he yelled back something like,
19 "Your fucking games aren't work -- going to work," or
20 some -- some version of that. He just spit it back at
21 me. And I had this very stark instant where I
22 realized that I was playing with her life and if I
23 waited another moment and he stabbed her and killed
24 her, then that was on me.

25 And it's my job to save her life. So I

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1 pulled the trigger slowly, deliberately. And there
2 was a loud pop. He just went down like the proverbial
3 rag doll, like the life went out of him. There was
4 blood everywhere and he collapsed.

5 The woman scurried out from his falling body
6 and ran down some steps to the lower floor, screaming.
7 I remember just dashing down some stairs and grabbing
8 the man's arm, his right arm. He was slumped over, a
9 hole in his head.

10 And I -- you know, all of our training for
11 shooting situations is -- is secure the scene, make
12 sure the threat is not a threat anymore and then
13 immediately give medical attention. Medical had been
14 staged earlier when we saw that the woman was hurt.
15 So I think Oldham or someone had asked for, you know,
16 Code 3 medical to stage.

17 So I ran down to -- to -- to make sure there
18 wasn't a threat. And I'm running down onto his
19 landing, the sixth floor. The ninth is a little ways
20 away. He's there, pile of blood. I grabbed his right
21 arm and I am going to put him in handcuffs. I -- I
22 want to make sure and then try to give first aid.

23 And Oldham's running up to me. He's the
24 next person down the stairs. And he's like, "Kirby,
25 he's gone. He's -- he's gone." And then Oldham

Examination of Nathan Kirby-Glatkowski

1 continues down the stairs to -- to go after the woman
2 who's running down the stairs. And then I'm still
3 holding him and there's blood all over my hands.

4 And Wells then comes down and is like,
5 "Kirby, he's -- he's dead." Meanwhile, Quinsland is
6 on the radio saying to send up medical immediately.
7 And I think Flohr showed back up. There's a door
8 right -- I mean, we're a floor high, but down on the
9 sixth floor, there's still a door right there and it
10 goes out to the garage.

11 And I think I opened it or Wells opened it.
12 And I take a few steps into the garage and Wells comes
13 out there, too. And she hugs me and -- yeah. She's
14 like, "It was you or me." I told her, "I never wanted
15 to do that."

16 And then there are dozens and dozens and
17 dozens of police there. And I'm sequestered away in a
18 -- in a car with an officer and go through all that
19 fish bowl.

20 Q Okay. After you were sequestered, have you
21 -- were you given a communication order?

22 A I was.

23 Q Okay. So have you had a chance to speak
24 with Wells, Quinsland, Flohr, any of the other
25 officers who were there?

Examination of Nathan Kirby-Glatkowski

1 A I have abided by the terms of that
2 communication order.

3 Q With regard to your decision making in that
4 moment, what were you concerned would happen if you
5 didn't take that shot?

6 A She was dead. I know what a knife can do.
7 That knife was against her throat. And if he had just
8 moved it an inch, she would have been dead in seconds.
9 I haven't, you know, personally witnessed someone
10 bleed out from a knife, but I've watched videos and
11 been trained on that.

12 And even the MAX stabbings, the two men who
13 died died just almost immediately. And I felt like we
14 had really tried really hard and -- and I'd even tried
15 more and I felt like I was just -- I felt like I'd --
16 if he killed her, it was going to be my fault.

17 Q Because you tried to communicate one
18 last time?

19 A If I didn't do it.

20 MS. MARRERO: Folks, does anybody have any
21 questions for Officer Kirby-Glatkowski?

22 Okay. That'll conclude this witness.

23 GRAND JURORS: Thank you.

24 * * *

25 (Conclusion of Grand Jury No. 1 Proceedings,

Examination of Nathan Kirby-Glatkowski

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REPORTER'S CERTIFICATE

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



KATIE BRADFORD, CSR 90-0148
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