

Tri-County Major Incident Team
Released Reports (Redacted), Officer Involved Shooting
January 26, 2016 – Robert “LaVoy” Finicum

**** These documents only include the current released reports regarding the investigation of the officer involved shooting of Robert Finicum. Certain content has been redacted due to the ongoing investigation. The reports for the entire investigation are not being released at this time due to the on-going investigation.**

DCSO Supplemental Report 2, Search of Scene.....	2
DCSO Supplemental Report 3, Interview of Officer 2.....	5
DCSO Supplemental Report 4, Interview of Officer 1.....	61
DCSO Supplemental Report 5, Scale Diagram of Scene	121
DCSO Supplemental Report 7, DFL Analysis	125
DCSO Supplemental Report 10, Search Forensic Mechanical Inspection (Finicum’s Truck)	136
DCSO Supplemental Report 12, Interview of Officer 4	141
DCSO Supplemental Report 13, Interview of Officer 7	186
DCSO Supplemental Report 14, Interview of Officer 5	213
DCSO Supplemental Report 15, Interview of Officers 6 and 8	240
DCSO Supplemental Report 16, Onboard Computer – Finicum Truck Downloaded	299
DCSO Supplemental Report 17, Autopsy Evidence Collection	301
DCSO Supplemental Report 23, Firearm to OSP Crime Lab	309
DCSO Supplemental Report 25, Evidence to OSP Crime Lab	312
DCSO Supplemental Report 26, Jacket and Hat Inspected	320
Bend PD Supplemental Report 6, Scene Investigation (Photographs)	322
OSP Supplemental Report 1, Officer B Involvement, Walk through Officer 4	357
OSP Supplemental Report 2, Officer T Response to Scene	360

**DESCHUTES COUNTY SHERIFF'S OFFICE**

CASE# 2016-00024205

CASE SUPPLEMENT REPORT 2

63333 West Highway 20

Bend, OR 97701

CONNECTED # 1

CONNECTED # 2

CONNECTED # 3

NAME OF THIS REPORT

1/26/2016 7:18 PM

EVENT

TITLE / DESCRIPTION

Search of scene, photographs.

DISTRIBUTION

☐ KARLY's LAW
☐ MDT
☐ USE of FORCE
☐ PURSUIT
☐ K-9☐ DA
☐ JUVENILE
☐ DMV
☐ OLCC
Other:☐ DHS
☐ KIDS CENTER
☐ DETECTIVES
☐ ME☐ JUSTICE COURT
☐ CIRCUIT COURT
☐ MENTAL HEALTH
☐ ENVIRONMENTAL HEALTH

OFFENSES

CTS	STATUTE/DESCRIPTION	ATTEMPT/COMMIT

SUBJECT

SUBJECT TYPE		NAME (LAST, FIRST, MIDDLE SUFFIX)				PRIMARY PHONE	
ADDRESS (STREET, CITY, STATE, ZIP)						PHONE #2	
DOB	AGE or AGE RANGE	SEX	RACE	HEIGHT or RANGE	WEIGHT or RANGE	HAIR	EYE
MIDN/STATE			SSN		ALIAS (LAST, FIRST, MIDDLE)		
EMPLOYER NAME AND ADDRESS				EMPLOYER PHONE NUMBER			

SUBJECT

SUBJECT TYPE		NAME (LAST, FIRST, MIDDLE SUFFIX)				PRIMARY PHONE	
ADDRESS (STREET, CITY, STATE, ZIP)						PHONE #2	
DOB	AGE or AGE RANGE	SEX	RACE	HEIGHT or RANGE	WEIGHT or RANGE	HAIR	EYE
DL NUMBER/STATE			SSN		ALIAS (LAST, FIRST, MIDDLE)		
EMPLOYER NAME AND ADDRESS				EMPLOYER PHONE NUMBER			

SUBJECT

SUBJECT TYPE		NAME (LAST, FIRST, MIDDLE SUFFIX)				PRIMARY PHONE	
ADDRESS (STREET, CITY, STATE, ZIP)						PHONE #2	
DOB	AGE or AGE RANGE	SEX	RACE	HEIGHT or RANGE	WEIGHT or RANGE	HAIR	EYE
DL NUMBER/STATE			SSN		ALIAS (LAST, FIRST, MIDDLE)		
EMPLOYER NAME AND ADDRESS				EMPLOYER PHONE NUMBER			

OFFICER

DCSO 4

DATE

01/28/2016

REVIEWED BY

DCSO 11

2/18/2016 14:31



DESCHUTES COUNTY SHERIFF'S OFFICE

CASE SUPPLEMENT REPORT

63333 West Highway 20
Bend, OR 97701

CASE# 2016-00024205

NARRATIVE

ATTACHMENTS:

None

NARRATIVE:

On 1-26-2016 I was assigned to assist with the investigation into an officer involved shooting in Harney County, Oregon.

On 1-27-2016 at approximately 0330 hours, I arrived at the scene of the shooting on Highway 395 near the Joaquin Miller Horse Camp. Upon my arrival, numerous law enforcement agencies and the Oregon State Police Crime Lab personnel were already on scene. I took several digital photographs of the overall scene which I later logged into evidence via DIMS.

I observed a newer four door white Dodge diesel pickup with a bed canopy facing north approximately ten feet off the paved portion of the south bound side of the highway. This vehicle appeared to be high centered in the deep snow that was alongside the highway. I could see tire impressions through the snow to the south leading up to the Dodge. I observed a newer grey Chevrolet pickup parked in the northbound lane facing south.

Oregon State Police Crime Lab personnel on scene had already placed numerous yellow evidence placards on items in the roadway.

I took digital photographs of both trucks with their placement in relation to each other and the evidence in the roadway. I later assisted the Oregon State Police Crime Lab personnel as they collected the evidence from the scene.

I later used a metal detector and located one spent silver colored .223/5.56 x 45 caliber center fire rifle cartridge case near the edge of the roadway on the southbound side. This cartridge case had been obscured by a covering of disturbed snow. I was unable to locate any other cartridge cases in the vicinity. Oregon State Police Crime Lab personnel photographed and collected the cartridge case as evidence.

On 1-29-2016 at approximately 0700 hours, I assisted Oregon State Police Crime Lab personnel with collecting and documenting evidence associated with the white Dodge pickup truck in their secure evidence area in Bend. During this search, I located paperwork in both the front and back of the pickup and a loaded .223/5.56 x 45 caliber magazine hidden in the folds of a blanket that was stretched across the dashboard of the truck.

During a search of the engine compartment, I observed a shard of copper like metal resting on the passenger side battery cover.

I observed while Oregon State Police Crime Lab personnel extracted a shard of metal from the driver side mirror.

3 OFFICER

DATE

REVIEWED BY

01/28/2016

2/18/2016 14:31



DESCHUTES COUNTY SHERIFF'S OFFICE

CASE SUPPLEMENT REPORT

63333 West Highway 20

Bend, OR 97701

CASE# 2016-00024205

NARRATIVE (Continuation)

END OF SUPPLEMENTAL REPORT

OFFICER

DATE

REVIEWED BY

01/28/2016

2/18/2016 14:31

DCSO Case Supplement 2016-00024205 Page 3 OF 3

**DESCHUTES COUNTY SHERIFF'S OFFICE**

CASE# 2016-00024205

CASE SUPPLEMENT REPORT 3

63333 West Highway 20

Bend, OR 97701

CONNECTED #1 16-24156

CONNECTED #2 16-24241

CONNECTED #3

EVENT	DATE/TIME OF THIS REPORT 1/26/2016 19:18
	TITLE / DESCRIPTION Evidence collection. (Gear and firearm retrieval from Officer #2) Officer #2 Interview

DISTRIBUTION			
<input type="checkbox"/> KARLY's LAW	<input checked="" type="checkbox"/> DA	<input type="checkbox"/> DHS	<input type="checkbox"/> JUSTICE COURT
<input type="checkbox"/> MDT	<input type="checkbox"/> JUVENILE	<input type="checkbox"/> KIDS CENTER	<input type="checkbox"/> CIRCUIT COURT
<input type="checkbox"/> USE of FORCE	<input type="checkbox"/> DMV	<input checked="" type="checkbox"/> DETECTIVES	<input type="checkbox"/> MENTAL HEALTH
<input type="checkbox"/> PURSUIT	<input type="checkbox"/> OLCC	<input type="checkbox"/> IIF	<input type="checkbox"/> ENVIRONMENTAL HEALTH
<input type="checkbox"/> K-9	Other:		

OFFENSES	CTS	STATUTE/DESCRIPTION	ATTEMPT/COMMIT

CT	SUBJECT TYPE		NAME (LAST, FIRST, MIDDLE SUFFIX)				PRIMARY PHONE	
	ADDRESS (STREET, CITY, STATE, ZIP)						PHONE #2	
	DOB	AGE or AGE RANGE	SEX	RACE	HEIGHT or RANGE	WEIGHT or RANGE	HAIR	EYE
	DL NUMBER/STATE			SSN	ALIAS (LAST, FIRST, MIDDLE)			
	EMPLOYER NAME AND ADDRESS				EMPLOYER PHONE NUMBER			

SUBJECT	SUBJECT TYPE		NAME (LAST, FIRST, MIDDLE SUFFIX)				PRIMARY PHONE	
	ADDRESS (STREET, CITY, STATE, ZIP)						PHONE #2	
	DOB	AGE or AGE RANGE	SEX	RACE	HEIGHT or RANGE	WEIGHT or RANGE	HAIR	EYE
	DL NUMBER/STATE			SSN	ALIAS (LAST, FIRST, MIDDLE)			
	EMPLOYER NAME AND ADDRESS				EMPLOYER PHONE NUMBER			

SUBJECT	SUBJECT TYPE		NAME (LAST, FIRST, MIDDLE SUFFIX)				PRIMARY PHONE	
	ADDRESS (STREET, CITY, STATE, ZIP)						PHONE #2	
	DOB	AGE or AGE RANGE	SEX	RACE	HEIGHT or RANGE	WEIGHT or RANGE	HAIR	EYE
	DL NUMBER/STATE			SSN	ALIAS (LAST, FIRST, MIDDLE)			
	EMPLOYER NAME AND ADDRESS				EMPLOYER PHONE NUMBER			

REPORTING OFFICER DCSO 20	DATE 1/29/2016	REVIEWED BY DCSO 7	2/18/2016 16:38
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DESCHUTES COUNTY SHERIFF'S OFFICE

CASE SUPPLEMENT REPORT

63333 West Highway 20

Bend, OR 97701

CASE# 2016-00024205

NARRATIVE

SUMMARY:

On 1-26-2016, I was working as a detective with the Deschutes County Sheriff's Office and was assisting with the investigation of an Officer Involved Shooting (OIS) that occurred in Harney County, Oregon. My initial role was to contact one of the officers that discharged a weapon during the incident and retrieve his/her essential items to be held as evidence. A full list of those items will be detailed below. This officer will hereafter be referred to as Officer #2. The Deschutes County Sheriff's Office was the lead investigating agency in the Officer Involved Shooting with the Bend Police Department, Redmond Police Department and the Oregon State Police (OSP) assisting. Case numbers and reports will be completed by the above mentioned agencies as part of the Deschutes County Major Incident Team (MIT). See associated Bend Police Department case number 16-24156, Redmond Police Department case number 16-24241 and OSP case number SP16-026132 for further information from various MIT roles.

NARRATIVE:

On the above mentioned date at approximately 1655 hours, I assigned to assist with this investigation. While other detectives went to Burns, Harney County, OR to view the scene of the shooting, I stayed at the Deschutes County Sheriff's Office to wait for Officer #2 to arrive with his/her weapon and mission essential gear that was to be held as evidence while the investigation was being conducted. It should be noted that the shooting incident took place on Hwy 395 just north of Idlewild Snow Park and about 20 miles outside of the city of Burns, Harney County, Oregon.

and Bend Police #3844 were tasked to meet with Officer #2 for evidence collection. At approximately 2000 hours, Officer #2 arrived at the Sheriff's Office. Present with Officer #2 were members of his/her agencies association, legal counsel and Officer #7.

I was informed that Officer #7 secured Officer #2's AR-10 rifle that was fired during the arrests of LaVoy Finicum DOB 1-27-1961, Ryan Bundy DOB [REDACTED] and Shawna Cox DOB [REDACTED]. Each of these individuals were reportedly traveling in a white, 2015 Dodge Ram pickup truck bearing Arizona license plate BMC2300, which was one of two target vehicles in an arrest plan for the above mentioned individuals.

Officer #2 and Officer #7 gave a brief overview of the arrest operation. I was informed that Officer #2 and his/her agency were requested to assist the lead agency in the arrest operation. I was informed that the lead agency was the Federal Bureau of Investigations (FBI). I was also informed that the FBI's Hostage Rescue Team (HRT) conducted all of the coordinating and planning of the arrest operation.

During the course of this operation Officer #7 told me that Officer #2 fired his/her AR-10 rifle. Officer #7 retained the magazine, a black PMAG rifle magazine that contained 18 .308 Winchester rounds (bullets). Officer #7 also retained a single .308 Winchester bullet inside his/her right pant pocket that reportedly came from the chamber of Officer #2's rifle. It should be noted that the rifle magazine is a 20 round maximum capacity magazine.

Officer #2 was dressed in a black, 1/2 zip, long sleeve, pull over type sweatshirt, blue jeans and green and black Danner boots. Officer #2 also informed me that he/she was wearing a protective helmet and ballistics vest during the operation. Officer #2 said the vest was marked with the Oregon State Police insignia on the front and back of the vest.

REPORTING OFFICER	DATE	REVIEWED BY
	1/29/2016	2/18/2016 16:38



DESCHUTES COUNTY SHERIFF'S OFFICE

CASE SUPPLEMENT REPORT

63333 West Highway 20

Band, OR 97701

CASE# 2016-00024205

NARRATIVE (Continuation)

#3844 took photographs of Officer #2 as he/she was dressed during the arrest operation. We arranged a date for a formal interview and seized Officer #2's equipment as evidence. A list of property seized is as follows:

ITEMS SEIZED

1 FC Winchester .308 bullet located in the front pocket of Officer #7

1 black PMAG rifle magazine that contained 18 .308 Winchester bullets. This magazine was taken from Officer #2's AR-10 rifle after the shooting and retained by Officer #7.

18 rounds of FC Winchester .308 ammunition taken from the above mentioned PMAG rifle magazine. The 18 rounds of .308 ammunition were emptied from the magazine by #3844 and me.

1 Tactical Ordinance TAC-10 (AR-10) type rifle with black Leupold 1 by 6 magnifying scope attached to the top of the rifle; Rifle serial number TAC00032. This rifle was retained by Officer #7 after the shooting and presented to myself and #3844 at the Deschutes County Sheriff's Office by Officer #7. It was Officer #2's primary weapon system for the arrest operation.

1 Smith and Wesson M&P 40 Caliber semi-automatic handgun attached to Officer #2's ballistic vest with a holster on his left side. This was Officer #2's secondary weapon system with a serial number of DUN6477.

1 Speer 40 Caliber round (Bullet) from the chamber of Officer #2's handgun.

15 Speer 40 Caliber rounds (Bullets) from the magazine of Officer #2's handgun. This ammunition was emptied from the magazine by #3844 and me to be stored separately.

1 black handgun magazine taken from Officer #2's Smith and Wesson 40 Caliber handgun. (previously containing the 15 rounds of ammunition mentioned above).

2 black, 40 Caliber handgun magazines, each containing 15 rounds of 40 Caliber Speer ammunition. These magazines were located on an attached, two slotted magazine pouch on the front of Officer #2's ballistic vest.

2 black, PMAG .223 magazines with 25 and 30 rounds of .223 ammunition respectively. This ammunition was carried by Officer #2 only after the arrest operation and was not on his/her person during the OIS.

1 black PMAG AR-10 magazine with 10 rounds of Winchester .308 ammunition inside. This magazine was located inside a drop pouch on Officer #2's ballistic vest. The drop pouch was attached to the left side bottom of the ballistic vest.

1 tactical ballistics vest worn during the arrest operation by Officer #2. This vest has Officer #2's agency markings clearly represented on the front and back of the vest.

1 pair of green and black Danner boots worn by Officer #2 during the arrest operation.

REPORTING OFFICER

DATE

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1/29/2016

2/18/2016 16:38



DESCHUTES COUNTY SHERIFF'S OFFICE

CASE SUPPLEMENT REPORT

83333 West Highway 20
Bend, OR 97701

CASE# 2016-00024205

NARRATIVE (Continuation)

1 ballistic helmet, camouflage in color, worn by Officer #2 during the arrest operation.

The above mentioned long sleeve sweatshirt and blue jeans worn by Officer #2 during the arrest operation. Officer #2 mentioned that plain clothes were needed for the operation per request from the supervising agency, FBI.

1 Gerber folding knife attached to the pant pocket of Officer #2.

CONCLUSION:

All evidence items were placed into secure storage at the Bend Sheriff's Office evidence room. The photographs were logged into the Sheriff's Office DIMS computer program.

A request for blood and urine from Officer #2 was made upon completion of the collection of property and we were informed that Officer #2 had been advised by counsel/representation not to provide a blood/urine sample.

On the following day 1-27-2016, I along with several detectives from the Deschutes County Major Incident Team (MIT) traveled to the scene of the shooting to prepare for the formal interview. Officer #3 provided a walk-through of his/her role in the arrest operation during this walk through. He/she was then formally interviewed by Officer #3867 and #3844. See supplemental reports for more information (Bend PD case # 16-24156).

On 01/31/16, at approximately 2:35 PM I interviewed Officer #2 with #3844. We were at the Oregon State Police Office in Springfield Oregon and the interview was recorded by a stenographer. Please see the attached stenography report for details of the interview.
End of report.

REPORTING OFFICER

DATE

REVIEWED BY

1/29/2016

2/18/2016 16:38

ORIGINAL

STATEMENT OF OFFICER NO. 2

Taken at the offices of Oregon State Police, 3620 Gateway,
Springfield, Oregon, commencing at 2:35 p.m., on Sunday,
January 31, 2016.

A P P E A R A N C E S

OFFICER NO. 18, for the officer
OFFICER NO. 16, OSPOA representative
OFFICER NO. 3844
OFFICER NO. 49013

REPORTED BY:



I N D E X

EXAMINATION BY:

PAGE

OFFICER NO. 49013

3

EXHIBITS FOR IDENTIFICATION

(None marked.)

1 SPRINGFIELD, OREGON, SUNDAY, JANUARY 31, 2016, 2:35 P.M.

2
3 OFFICER NO. 2

4
5 **EXAMINATION**

6
7 BY OFFICER NO. 49013:

8 Q. We are formally on the record.

9 I want to make a note that we will use officers'
10 first names only during this interview, and then the
11 stenographer will later transcribe those officers' first
12 names into officer numbers which will be part of the
13 official record.

14 I am OFFICER NO. 49013. Present with me are
15 various representatives from the officer's agency. We
16 have the officer involved in the incident, and a detective
17 with the Bend Police Department, along with the
18 stenographer.

19 To get started, if you could just briefly go
20 into how long you've been a certified officer, and briefly
21 describe your training and experience.

22 A. 
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Q. Okay. I'm going to go into general questions about your physical and mental state prior to the incident. Generally on January 26, 2016, how were you feeling?

A. I was feeling fine.

Q. Physically feeling fine?

A. Yes. I had had a full night's sleep and I felt physically fine.

Q. Any illnesses that affected you on the day of the incident?

A. No.

Q. Did you take any medication or alcohol that affected your ability on that day?

A. No.

Q. When did you last sleep and how much sleep did you get prior to that incident?

A. I had had about between seven and eight hours sleep the night before.

Q. Are there any factors that may have affected your physical or mental state at that time that I did not

1 just ask you about?

2 A. No.

3 Q. One last question on physical and mental state.
4 Do you require glasses or contact lenses; and if so, were
5 you wearing them?

6 A. I'm not required to wear any and I do not wear
7 any.

8 Q. Could you briefly describe your activities for
9 the last 24 hours prior to the incident?

10 A. I'd have to look in my notebook, but I had
11 worked just a partial day the day before, because I was
12 trying to burn some leave hours that I wouldn't be able to
13 burn by the end of the month for training, and then I
14 think I was off at about maybe 2:00 p.m. that afternoon,
15 and then at 4:00 p.m. I was called back over to Bend, and
16 I responded back over to Bend, and had an initial brief
17 from team members and from OFFICER NO. 1 regarding our
18 assistance with the FBI HRT team IN the operation for the
19 next day.

20 That lasted just a short amount of time, because
21 we had previously worked on those things, and so there was
22 really no workup. It was just a refresher.

23 And then I went to my hotel room and got to bed
24 probably around 10:00.

25 Q. Okay.

1 A. Got up, I'm not sure exactly what time I got up.
2 Probably around 6:00.

3 Q. Okay.

4 A. I think we met at 7:00 that morning.

5 Q. Did you meet in Burns?

6 A. We met -- we met --

7 Q. That morning?

8 A. The Bend patrol office that morning, the morning
9 of the incident. Then broke up into our various teams
10 that we previously designated, and then we traveled out to
11 Burns.

12 Q. I'm going to go into some brief questions about
13 your prior information known and the planning stage.

14 What did you know about the occupation of
15 Malheur Wildlife Refuge and the individuals involved prior
16 to the incident?

17 A. I'd been involved with it from the beginning,
18 and we had been, actually been out there on the 1st and
19 2nd observing, and I was familiar with the individuals
20 that were involved. I had an information packet provided
21 me by the FBI with everybody's names, criminal history if
22 they had any, general description, photographs.

23 Q. Okay.

24 A. And I was also aware of, you know, what they
25 were there for, and their, I guess their arguments and

1 reasons why they felt they needed to be there.

2 Q. Did you have any, in that packet, did you have
3 any specific information about the occupiers' weapons
4 within that group, body armor or counter surveillance?

5 A. All of that, yeah. I had information that
6 various individuals were known to have firearms, known to
7 carry them. I had also seen numerous videos online, and
8 read articles on the various individuals, as just trying
9 to keep myself refreshed and up to date with what was
10 going on.

11 In particular, I had watched videos with Ammon
12 Bundy and with Mr. Finicum, and in particular, Mr. Finicum
13 I had seen videos in which he stated that he wasn't going
14 to go to prison, and didn't plan on being taken alive.

15 Q. Do you know anything about the occupiers'
16 specific stance towards law enforcement?

17 A. Not -- only Mr. Payne. I had read articles in
18 which he had come to a conclusion that based upon his
19 interpretation of the law, that he believed it was
20 acceptable to, if you are being arrested by a police
21 officer and you felt that it was unlawful, that it was
22 acceptable to resist even to the point of killing the
23 police officer.

24 Q. Did you view any media prior to the operation
25 that gave specific knowledge about subjects involved in

1 the operation? You have already talked about some of
2 that. Is there anything additional?

3 A. No.

4 Q. So this is the opportunity for you to kind of
5 speak freely. From the time that you were first contacted
6 for this operation, describe in detail the events that
7 took place.

8 A. We had met in Burns at the command post, and met
9 with our counterparts, our team. There was seven of us
10 from the Oregon State Police that came over as part of a
11 team to assist FBI HRT, and we met with our counterparts
12 at the CP, kind of went over the plan again, confirmed
13 some information, whether it was going to be a go or not.

14 [REDACTED]
15 [REDACTED]
16 [REDACTED] set up a position on Highway 395 with the main arrest
17 team, which I was part of. Three vehicles. There was the
18 root beer colored pickup truck, which is a large Dodge
19 pickup truck, there was my gray truck, which is the same
20 model and design as the root beer truck, and a van. Those
21 three vehicles constituted the initial arrest team for the
22 traffic stop.

23 Q. Okay.

24 A. As part of a contingency, there was also other
25 vehicles from HRT that were involved to provide rear

1 security for our team, and then also a northern team which
2 was -- consisted of one of our silver trucks driven by
3 OFFICER NO. 1 and two other vehicles that belonged to HRT
4 that were going to act as a roadblock in the event it
5 should go to a pursuit and there is noncompliance.

6 So we set up at a snow park, and the name of it
7 leaves me at this point. We set up at a snow park with
8 our vehicles, and a recon had previously been done by an
9 HRT member and one of our OSP members, and they determined
10 a good location for the northern team, which was going to
11 act as a roadblock in the event that was needed.

12 So as we were set up, the northern team was set
13 up off the road at that point in a secreted location as we
14 were in the snow park, [REDACTED]

15 [REDACTED]

16 Q. Okay.

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

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[REDACTED]

So the plane that was overhead providing us updated intelligence continued to give us updates on their location, direction of travel, et cetera. They gave us kind of a countdown that they are within five miles of you, they are within a mile, quarter mile, et cetera.

As they got about five miles out, we moved our three vehicle arrest team up to -- towards the edge of the road, so that we would have a visual contact with them as they drove by, and also so that we could provide intelligence on any civilian vehicles that it might have passed prior to, to provide that to the northern roadblock team.

As we were informed they were a quarter mile out, a very short period of time went by, and we saw the white truck drive by, which matched the description of the one that had been previously given, and the Jeep Wrangler behind it, and we knew that in accordance with the surveillance from the plane, or the helicopter, whichever it was, what we were seeing, that was our group.

We exited the road with the root beer truck being the first vehicle. I was number 2 vehicle. Van was number 3. Our contingency was that if the first vehicle, which was the Jeep, that the root beer truck would

1 initiate a traffic stop with lights, and it was a pretty
2 good light package on that vehicle as well as mine.

3 We all turned our lights on. The root beer
4 truck turned on their lights, and the Jeep Wrangler
5 immediately slowed and pulled aside and stopped without
6 any incident whatsoever.

7 However, the lead vehicle, which was the white
8 truck, failed to yield and continued, and our contingency
9 was that my vehicle would lead and the van would follow in
10 the event that that vehicle didn't stop, which was the
11 case.

12 We pulled around, and rapidly caught up behind
13 the truck, the white truck, with our lights on, and I saw
14 them hit their brake lights, and they kind of stopped in
15 the middle of the road.

16 At that point I exited the vehicle on the right
17 front passenger, and took up a position of cover down the
18 passenger side of the truck, and OFFICER NO. 4, who was my
19 driver, provided verbal commands to the driver of the
20 white truck.

21 OFFICER NO. 13, who is an FBI HRT member also
22 exited the left rear of the truck and provided cover with
23 OFFICER NO. 4.

24 There was conversations going on in kind of two
25 locations. OFFICER NO. 4 talking to LaVoy Finicum in the

1 driver side with -- he had his windows down, and I could
2 hear conversation going on, and then some FBI members who
3 were in one -- and one of our OSP members, OFFICER NO. 5,
4 were in the van, and they were providing verbal commands
5 to the passenger on the right front side who had his
6 window down as well. That passenger, in fact, turned out
7 to be Payne.

8 So initially there was two conversations going
9 on, two verbal commands going on to those individuals.
10 Payne kind of stuck his hands out the window and made some
11 comments, and asked what was going on, and I didn't
12 exactly hear the verbal commands that were given by the
13 FBI HRT members. I was more focused on what OFFICER NO. 4
14 was doing, and I was kind of overall just watching what
15 was going on.

16 So eventually there is conversations between
17 those HRT members and Payne, and he acts like -- Payne
18 acts like -- he's kind half out the truck. He acts like
19 he's going to go back in. He starts to kind of go back
20 in, and OFFICER NO. 5 fires a 40 millimeter less lethal
21 sponge tip round which hits him in the arm, and then gives
22 him more commands, starts to give commands: "You need to
23 come out now. Put your hands up," you know, et cetera,
24 which he did.

25 He came out, came to the back of the truck. HRT

1 members grabbed hold of him, started to search him. Found
2 a handgun. I don't know where it was on him. I just saw
3 them pull a handgun out as I briefly looked over, and the
4 agent, whoever it was, kind of looked around like he
5 didn't know what to do with it, because everybody had
6 their hands full, and he just kind of tossed it over on
7 the snow bank next to the van. They pull him back, and
8 contain him in the van.

9 At this point OFFICER NO. 4 is continuing to
10 give verbal commands and he's stating, "This is the
11 police. You are under arrest. You need to turn off your
12 vehicle. Come out with your hands up."

13 And during one of those repetitions, I heard
14 Mr. Finicum say, "Who are you?"

15 And OFFICER NO. 4 said, "We are the state
16 police. You are under arrest, and you need to come out of
17 your vehicle with your hands up. Turn your vehicle off."

18 He said, "I'm not going to turn my vehicle off.
19 You are going to have to shoot me."

20 And I looked over at OFFICER NO. 4 and I said,
21 "What did he just say to you?" Because I wanted to
22 confirm that's what I heard, and he said that we are going
23 to have to shoot him. He's not coming out.

24 So there was, at that point I was organizing a
25 gas plan. So our plan was to use our less lethal with

1 orange tips that have an OC chemical in them and fire them
2 through the open window of the passenger side, bounce it
3 off the front windshield on the inside so that we could
4 put some gas inside the vehicle and perhaps that would be
5 enough to prevent him from driving off, maybe weaken the
6 constitution, so they might at that point comply with our
7 lawful commands.

8 While I was organizing that, and they were --
9 the people in the van were dealing with Mr. Payne,
10 Mr. Finicum decided to flee.

11 So the vehicle -- and I should say that prior to
12 that, when he had said that we are going to have to shoot
13 him and he wasn't coming out, I got on the radio and
14 informed the team to the north that he's noncompliant,
15 he's stated he is not going to surrender, and we are going
16 to have to shoot him.

17 So Mr. Finicum starts to drive off. Pursuit is
18 initiated. I hop back in my vehicle and so does OFFICER
19 NO. 4 and OFFICER NO. 13, and we are a little bit behind
20 the game, because they have sped off and we have to stuff
21 ourselves with all of our gear on back inside this
22 vehicle.

23 As soon as I got back in the vehicle, I got on
24 the radio and informed OFFICER NO. 1 that the vehicle was
25 fleeing and it was heading their direction.

1 So we, in pursuit of that vehicle, followed it
2 until it started getting close to the roadblock and we
3 backed off slightly, anticipating there might be an issue
4 there.

5 As we came around the corner and saw the
6 roadblock, I observed the white truck swerve to the left.
7 It didn't appear to be slowing down at all. I had time to
8 slow down and stop, and, in fact, the white truck appeared
9 to accelerate rapidly away from us, and then maintain that
10 speed throughout until it got to the roadblock.

11 The white truck veered to the left and went into
12 the snow bank next to the vehicle that was on the left
13 side, and came to a stop in the snow.

14 As I'm pulling up, I see Mr. Finicum exit out
15 the driver's door, and run through the snow. Initially he
16 had his hands kind up to his side, about shoulder height,
17 and I'm still rolling up as I see him, the first time,
18 take his right hand and dig it inside his jacket pocket as
19 if he were reaching for something, and based on my
20 training and experience, and having been in very similar
21 situations numerous times, it appeared to me that he was
22 reaching for a handgun.

23 I also saw something on his waist band that I
24 couldn't identify at that distance, and although I had
25 seen videos before on YouTube of him having a knife that

1 he carried on the front of his belt.

2 But it didn't look like he was reaching for
3 that. It looked like he was digging in deeper and
4 reaching for, in my mind I was thinking a shoulder holster
5 or something like that.

6 I told OFFICER NO. 4 to stop the vehicle. He
7 stopped the vehicle. As I exited, I ran around the front
8 of my truck, and I could clearly see OFFICER NO. 3 on my
9 left side up on the snow bank. I could see OFFICER NO. 1
10 on my right side over by the vehicles, and OFFICER NO. 1
11 had moved up a little bit, OFFICER NO. 3 had moved in a
12 little bit, and I kind of moved in between them, although
13 I was still back on the road.

14 I could see my backdrop, and I could see that
15 there was nobody behind us. And in my mind, I could see
16 where OFFICER NO. 1 was focusing, and I saw that OFFICER
17 NO. 3, and I knew from previous briefing that OFFICER NO.
18 3 was the less lethal, was going to attempt to use less
19 lethal means if possible. To apprehend if it went to
20 that. I knew he only had a pistol, and I knew he was
21 only, in my mind, 10, 15 feet away from Mr. Finicum.

22 As I stepped up and was moving, I saw
23 Mr. Finicum turn his back towards me and OFFICER NO. 1,
24 and then I saw his right arm again dig deeply in towards
25 what I would term as maybe a shoulder holster or something

1 in that vicinity, and he seemed to struggle for just a
2 second.

3 And as I was pulling my scope up, this was
4 occurring. I was pulling my weapon up to shoulder as I'm
5 moving, and trying to take in where OFFICER NO. 1 and
6 OFFICER NO. 3 are.

7 And just as soon as I pulled my rifle up and put
8 the cross hair on Mr. Finicum, OFFICER NO. 1 fired, and I
9 distinctly heard him fire, and I knew it was him firing,
10 for whatever reason.

11 And as soon as he fired and my scope just came
12 up and was right in the middle of the back of Mr. Finicum,
13 and I squeezed off a single round.

14 So it was probably, from the time moving, just a
15 second or two, and then the time bringing my rifle up to
16 fire, maybe just a second or two. Just a couple seconds.

17 At that point Mr. Finicum, I could see that he
18 was hit, and he immediately went down, and I could, for
19 whatever reason, I could tell that he was not going to be
20 a threat, and I knew OFFICER NO. 3 was there and OFFICER
21 NO. 1 was there covering on him, and I also at that point
22 had started to see some FBI guys come up on my left flank
23 moving towards the snow.

24 So we had quite a few people there again --
25 (Clarification by the court reporter.)

1 Sorry. We had quite a few people in the area at
2 that time, and I also knew that we still had the threat of
3 the other, potential threat of the other folks that were
4 inside the white truck.

5 So at that point I kind of looked over to my
6 right and saw several FBI guys behind OFFICER NO. 1's
7 truck, and they had kind of a view of just the rear of the
8 truck, maybe the canopy area and where Mr. Finicum was,
9 but I didn't see anybody further down at the rear of
10 OFFICER NO. 1's truck. They could actually see the front
11 of the white truck.

12 So I repositioned myself to that corner of the
13 white truck so I could have a direct view inside of the
14 truck.

15 There was some, you know, screaming and stuff,
16 some commands going on, etc., etc. There was some
17 screaming going on. Some commands were being given by FBI
18 agents to the people in the truck.

19 I coordinated with one of their team leaders
20 about initiating a gas plan so that if there was a
21 potential for folks in there to want to engage us, it
22 would make it far more difficult for them to shoot out
23 when their eyes are all affected and everything by the
24 gas.

25 I called up OFFICER NO. 5, and he had a single

1 launcher, 40 millimeter, less lethal, and asked him to put
2 a round in the right front passenger window, which was up
3 at that point, so that we could break it and see inside.
4 Up to that point it was very difficult to see inside of
5 it, tinting, lighting, whatever the case.

6 I covered OFFICER NO. 5 as he stepped out, and
7 he fired a single round, multi -- single round, less
8 lethal into that window, and broke that window.

9 That was a blue tip sponge I later learned, and
10 it didn't introduce any gas at that point.

11 Our multi launcher, which was assigned to [REDACTED]
12 was at the van where the -- or correction, was in the root
13 beer truck where the initial traffic stop took place and
14 the Jeep was still in place.

15 I talked with them over the radio, and they were
16 just finishing up taking their last person into custody.

17 I asked them to free up the multi launcher to
18 get it to us as soon as they could, which happened in a
19 fairly short order, and I directed OFFICER NO. 7 to my
20 position. He came up and he had six orange tip OC 40
21 millimeter less lethal rounds in the multi launcher.

22 And at that point I directed him to put rounds
23 inside the vehicle, the white truck, which he did. I
24 covered him, stepped out with him. He introduced those
25 six rounds into there, and it was very effective. Works

1 on cops every time. We were choking and coughing from it,
2 and it was a great amount of smoke that was coming from
3 the vehicle.

4 At that point we maintained that position, and
5 waited, and the FBI agents on the left side of the truck
6 to my left were giving the verbal commands, and they took
7 the various individuals from the truck into custody.

8 After I had been given the word that the, all
9 the individuals had been taken out that they believed were
10 in there, and the vehicle was cleared, I maintained my
11 position, and they sent a small team from the back of the
12 truck up on the driver's side and cleared the vehicle.
13 Nobody else was in there.

14 Once I understood that the truck was clear, I
15 immediately ran back around over towards Mr. Finicum, and
16 asked for somebody to get a medic up. Said, "Let's get a
17 medic up and check him and give him some first aid."

18 I was informed by one of the FBI agents that one
19 of their officers had been injured, which I to that point
20 didn't know, and something, in short, it was something
21 like he had been hit by the white truck or something. So
22 they said they were tending to him.

23 So I ran up towards Mr. Finicum with a couple of
24 FBI agents and I said, "Hey, why don't you guys get up on
25 there and try to check him, give some first aid."

1 I felt a little apprehensive giving him first
2 aid. If I had been by myself I would have, but having
3 been involved in the shooting, I felt like if there is
4 other people there, it might be better if they did it.

5 So they started checking him, taking his pulse,
6 checking his pulse, looking for exit wounds, and providing
7 general first aid.

8 At that point, recognizing kind of where I fit
9 in the whole scheme of things, and how it was at that
10 point kind of slowing down, and there were no other things
11 that needed to be dealt with, I backed off, and basically
12 didn't act anymore in taking a role in doing anything
13 because I had been involved in the shooting.

14 So I stepped back, and provided information on
15 where my bullet casing was, on general things that needed
16 to be done, coordinated some things with other team
17 members, but I actively didn't do anything after that.

18 And then after that basically it was just being
19 on standby until the scene was kind of a little bit
20 controlled more by other police officers.

21 I know there was some people that were on the
22 north side of the roadblock, civilians that had pulled up,
23 and at one point OFFICER NO. 1 had yelled at them and
24 given direction to move back and so forth shortly after
25 the shooting occurred. Aside from that, I'm not sure what

1 else you need.

2 Q. Who secured your weapon and when was that
3 secured after the shooting?

4 A. After it was -- everything was clear, OFFICER
5 NO. 7, who was the one who had used the less lethal, he
6 took my rifle. He took the magazine out, ejected the
7 casing that was in the chamber, put it in his right front
8 pocket, put the rifle and the magazine in my truck, and
9 then it was -- initially it was just in the back seat and
10 I didn't go in there for any reason, and then after
11 several minutes we were getting ready to drive out, and we
12 took it -- or he took it, rather, OFFICER NO. 7, and
13 locked it in the left rear vault of my truck. So it was
14 locked up. He had the ammo and the cartridge that had
15 been in the chamber, and that's the last I saw of it until
16 he handed it to you guys.

17 Q. With that, we will just go over some basic
18 clarifying questions, if at all, during this you need a
19 break, make sure you just let us know and we will do that.

20 OFFICER NO. 3844: I was just going to say, do
21 you want to take a quick break?

22 OFFICER NO. 16: Sure.

23 OFFICER NO. 3844: This is a good time, I think.
24 Just for five.

25 (Short recess.)

1 Q. BY OFFICER NO. 49013: We are back on the record
2 after a short break. It's 1516 hours.

3 A. Could I go back to a point?

4 Q. Yes, you may.

5 A. I'd like to go back to the point where I'm
6 getting out of my truck. After Mr. Finicum exited the
7 vehicle, and I had seen him stick his hand in his coat
8 once as he was coming out of the vehicle, and as I was
9 exiting my vehicle and moving to a position to cover
10 Mr. Finicum and could see OFFICER NO. 3, you know, 10, 15
11 feet to his left, and then OFFICER NO. 1 to my right, I
12 recognized that OFFICER NO. 3 was in a very dangerous
13 position, and he was exposed to the white truck as well as
14 Mr. Finicum, and as I pulled my rifle up to cover
15 Mr. Finicum, while this is going on, I'm seeing him turn
16 and stick his hand into his coat again, as I previously
17 stated to what I believed, to grab a pistol, and at that
18 point I believe that if I didn't engage Mr. Finicum, that
19 OFFICER NO. 3 was in a very close proximity and probably
20 would have been shot, and that's what was going through my
21 mind, is that OFFICER NO. 3 was in a very bad spot.

22 And I didn't want to wait -- all these things
23 cross your mind. I didn't want to wait for him to bring
24 out a firearm, because I knew that by the time that I was
25 able to recognize that and deal with it, that he could

1 have very likely have shot OFFICER NO. 3.

2 So as I was bringing my rifle up, I had a scope
3 on the rifle, which is a one by six power, and I had it on
4 one power, so I had a wide field of view, and as I brought
5 the scope up and put the cross hairs on Mr. Finicum's
6 back, while I'm seeing him struggle with something in his
7 coat, I had made a decision at that point that I'm going
8 to fire my rifle, and had gone through the process of
9 taking it off safe and started -- and had my finger going
10 to the trigger and was starting to squeeze it when OFFICER
11 NO. 1 had fired, and so I was already in the process of
12 firing my rifle at that point, and was just a second
13 behind OFFICER NO. 1 on that, or whatever it was. I don't
14 know.

15 So I just wanted to explain that, that I felt
16 OFFICER NO. 3 was in danger, and that I had made that
17 decision that, in order to protect him, I couldn't wait
18 for that pistol to come out.

19 Q. And so in your mind, as you explained earlier,
20 and you correct me if I'm wrong, in your mind, one of
21 those things that just stood out to you was you did hear
22 shots being fired from another officer, and in your belief
23 or that you understood, that's OFFICER NO. 1? It was just
24 clear in your mind, although you are focused on doing what
25 you know, you are already intending to do based on your

1 fear, but you did believe or know that that's OFFICER NO.
2 1 shooting right now? Just one of those things that stood
3 out to you; is that correct?

4 A. It did, for whatever reason, shooting so often
5 and having people to your right or left, whatever the
6 case.

7 Q. Uh-huh.

8 A. And as I was moving into that position, seeing
9 OFFICER NO. 1 in the position he was in with his rifle up
10 to his shoulder, and then seeing the threat, I knew that
11 if there was a shot coming, and it sounded like it was
12 from him.

13 Q. Okay.

14 A. But I had made that determination and was in --
15 going -- had my finger on the trigger and was starting to
16 squeeze the trigger when he fired.

17 Q. Okay. Excellent. Some more clarifying
18 questions just regarding, I mean we are kind of going to
19 bullet point through some of these.

20 With the general OP in itself, which agency, to
21 your recollection, do you remember requesting your team's
22 assistance?

23 A. FBI.

24 Q. And were you provided with a briefing for the
25 specific operation?

1 A. Yes.

2 Q. And which agency gave that briefing?

3 A. The FBI.

4 Q. FBI being the agency that did request your
5 team's assistance, can you tell me what agency was in
6 charge of that particular operation?

7 A. The FBI.

8 Q. To your knowledge, do you remember if there was,
9 and if so, what it was the specific mission for this
10 particular OP?

11 A. This specific mission for this operation was
12 simply traffic stop and the arrest of the individuals in
13 the two vehicles.

14 Q. With the exclusion of yourself, could you tell
15 me what you believed the specific tasks were for the rest
16 of the team, FBI if you know, and certainly members of
17 your team as well?

18 A. The individuals in the red -- or the root beer
19 pickup truck had the primary responsibility of detaining
20 and arresting the individuals in the Jeep.

21 And there were sub-missions within that, for
22 example, OFFICER NO. 7 having a multi launcher and
23 providing necessary gas, if needed.

24 And my vehicle, of course there is the driver.
25 There is OFFICER NO. 13, the FBI agent, and myself, and we

1 were tasked with, if both vehicles stoppod, then we would
2 simply fan out and maintain cover on the white truck until
3 the Jeep was cleared, and then we would move forward and
4 do the same thing with the white truck.

5 In the event, as it turned out to be in this
6 case, that the white truck fled, my vehicle and the van
7 were tasked with continuing to follow that vehicle to
8 ensure, to try to get them to stop in the event that they
9 just didn't see the first vehicle's lights, and then
10 taking them into custody.

11 Q. Safe to say that that particular role and the
12 role of the northern units were your contingency plan for
13 the team?

14 A. That's correct.

15 Q. Was there any other contingency beyond that
16 north arrest unit?

17 A. There was not.

18 Q. Okay. Aside from OFFICER NO. 7, because you
19 mentioned OFFICER NO. 7 being tasked with the multi
20 launcher as far as the less lethal goes, were there any
21 other force options that you knew were available to your
22 team in specific, or even members of HRT?

23 A. Yes. OFFICER NO. 3 had the Taser, and we had
24 the less lethal multi launcher. So we were using those as
25 a means to use a less lethal option.

1 Q. So OFFICER NO. 3 in the tree line very close to
2 Mr. Finicum, was the -- a less lethal option at that point
3 in time, too?

4 A. That's correct.

5 Q. As far as communication goes, what communication
6 devices were used basically during the OP?

7 A. Our standard Oregon State Police radios.

8 Q. And were they able to also communicate with FBI?

9 A. No. And for that reason, we had at least one
10 OSP or one FBI person intermingled with each vehicle so
11 that there would be cross communication.

12 Q. Were your coms working?

13 A. They were.

14 Q. Did the FBI, was the plan the entire time for
15 the FBI just to catch relay from your coms, or did they
16 have a specific com designation that you know of?

17 A. We were primarily going to use our tac 2 secure
18 radio, and then as we gave that information over our car
19 radios, the agent embedded in the vehicle would be able
20 to -- everybody would hear it once.

21 Q. All right. For yourself, how was your equipment
22 selected or altered specifically for this mission?

23 A. I would normally use an M4 carbine 5.56, but
24 based upon the range that we were working at, open
25 terrain, and potential that, you know, we may have to deal

1 with a vehicle that would be a problem, I chose to use an
2 AR10 with the 7.62, because of its ballistic capabilities
3 in open terrain and with dealing with vehicles.

4 Q. Would that be the only difference to your
5 recollection of your normal kit or your normal gear?

6 A. Yes.

7 Q. The firearms that you were carrying during the
8 time of the incident, were they department owned, issued
9 weapons, or something else?

10 A. Department owned and issued.

11 Q. And were they issued to you?

12 A. Yes.

13 Q. And do you recall the last time you qualified
14 with those, and if you don't, I believe that we have your
15 records.

16 A. Yeah, I don't recall.

17 Q. Was the ammunition you were carrying at the time
18 of the incident department owned or department given or
19 was it personal?

20 A. Department owned.

21 Q. Was it standard ammunition or was it
22 specifically tailored for this mission?

23 A. Standard.

24 Q. And so I know you did talk about this, and I'm
25 just going to ask it again and see if we need to expound

1 on any more of it.

2 You were the trail car driving towards a
3 roadblock, but prior to that white truck reaching the
4 roadblock, what was the knowledge you had about the
5 persons inside, their state of mind, I guess that would be
6 rather via FBI contact and commands to them or OFFICER NO.
7 4's contact and commands to the driver, whether or not you
8 heard anything from the passenger side or if you heard
9 both, I guess let's see if we can delineate between the
10 two of them.

11 A. The only initial information I had was from the
12 FBI regarding Mr. Finicum, and Bundy, and Payne being in
13 there.

14 Q. Okay.

15 A. And when Payne came out, and he was taken into
16 custody, I heard him mention something about females being
17 in the vehicle. It was more of in passing, and I was
18 dealing with a lot of things at the time.

19 Q. Sure.

20 A. But I did vaguely remember he talked about some
21 other people in the car. I had heard nothing from anyone
22 else in the vehicle, other than Mr. Payne and Mr. Finicum,
23 the only two voices I heard.

24 Q. Did you hear any commands given by whatever the
25 arrest team was that was addressing Mr. Payne in specific?

1 A. I did. I mean I heard them. I don't remember
2 the specifics. I just remember them telling them it was
3 the police, and one point OFFICER NO. 5 had given some
4 verbal commands, it was the police, come out of the
5 vehicle.

6 Q. Okay. And as far as OFFICER NO. 4's commands to
7 Mr. Finicum, you did mention earlier, so I don't want to
8 reiterate any other specifics. Do you remember anything
9 specifically that he gave command-wise that you didn't
10 mention in the earlier statement?

11 A. Other than, if I recall, he said that it was,
12 when Mr. Finicum asked who we were, he said, "This is the
13 Oregon State Police," and I think I originally said state
14 police, but he said Oregon State Police, and there were
15 several times he had told him that we were police, and to
16 turn off the vehicle, and it became excessive repetition
17 almost. To exit the vehicle with your hands up. You are
18 under arrest. Pretty standard. That's what he did, and
19 it was ignored numerous times.

20 Q. I don't want to put a specific number on it, but
21 to your recollection, how long did those commands last?

22 A. You know, we were out there several minutes on
23 that stop, between the time that Mr. Payne came out and
24 the pursuit ensued, and at least five or six times that he
25 continued to give these commands, and that's just OFFICER

1 NO. 4. That's not including OFFICER NO. 5 or the FBI
2 agents.

3 Q. When you saw the white truck approaching the
4 roadblock, describe to me your perception of whether or
5 not you thought that he was yielding or any other thoughts
6 in your mind about what's about to take place here.

7 A. I thought he was going to ram one of the
8 vehicles is what it looked like to me. I thought he was
9 going to ram the -- as I'm approaching, the vehicle on my
10 left, and try to squeeze through it.

11 So, and in fact when he initially went into the
12 snow, I wasn't sure if he hadn't hit it or not. I didn't
13 see a dramatic pushing of the vehicle or anything like
14 that, but I didn't know for sure whether he had hit that
15 vehicle or not, and I had no way of knowing. But my
16 initial thought was he was going to run through it.

17 Q. Do you recall an estimated speed? I know you
18 weren't driving, but do you recall an estimated speed that
19 you were thinking of as far as that white truck goes, how
20 fast he was going?

21 A. 50 or 60, somewhere in there, when he hit the
22 snow bank.

23 Q. And about how far back were you, I guess through
24 the initial pursuit, and then towards the end when he's
25 approaching the roadblock, could you describe the

1 difference there, if any?

2 A. Well, we were always trying to catch up at that
3 point, and once we got to a reasonable distance where we
4 could -- and OFFICER NO. 4 was driving, and he did a good
5 job with not getting too close where we couldn't avoid him
6 if he hit his brakes, or if he was going to be engaged in
7 some way, and spike strips, we knew there would be spike
8 strips. So we had a number of things where we were trying
9 to keep a little bit of a distance. The exact distance, I
10 couldn't tell you.

11 Q. Do you remember the weather conditions or road
12 conditions when the incident took place?

13 A. There was snow on the side of the road, and snow
14 accumulation of several feet. The roadway was maybe
15 slightly damp, but there was no standing water. It was
16 clear, and then we would get periods of overcast, and it
17 was about in the low 40's temperature.

18 Q. Were you injured during this incident at all?

19 A. No.

20 Q. Do you know or have any perception of any law
21 enforcement officers injured during this event?

22 A. Other than the agent that I was told after the
23 fact had been injured, I don't know anybody else.

24 OFFICER NO. 3844: Did you specifically witness
25 anybody being injured or when you saw any kind of actions

1 take place that you thought they might have been injured?

2 THE WITNESS: No.

3 Q. BY OFFICER NO. 49013: Do you recall the verbal
4 commands, if any, that you gave?

5 A. I didn't give verbal commands.

6 Q. Do you recall any specific verbal commands at
7 the roadblock?

8 A. No.

9 Q. Do you recall maybe nonspecifically hearing
10 verbal commands at the roadblock?

11 A. I heard voices. I heard people screaming and
12 yelling something. I don't recall what it was, because by
13 the time I had stepped out of my truck and made that
14 engagement was just a few seconds.

15 Q. So moving on past that, just some general gear
16 and post shooting question details.

17 A. Sure.

18 OFFICER NO. 3844: Apologize. Before we get
19 into that, specifically you had made a comment that you
20 had, at the conclusion of this, you had pointed out your
21 casing and went into kind of a post shooting role being
22 the shooter, secure your weapon for evidentiary reasons
23 and that type of thing. Do you recall who you pointed
24 your casing out to or whereabouts that was?

25 THE WITNESS: I believe it was to OFFICER NO. 3,

1 and I remember, if I remember, he was taking some photos,
2 and I said, "Hey, OFFICER NO. 3. My casing is right
3 here," and it was over on the -- as you are facing the
4 roadblock, it would be over on the right side or --

5 OFFICER NO. 3844: Northbound lane.

6 THE WITNESS: Yeah. So it was near the edge on
7 the pavement.

8 OFFICER NO. 3844: Okay.

9 Q. BY OFFICER NO. 49013: Who did you talk to after
10 the shooting about the incident?

11 OFFICER NO. 18: You mean other than any
12 privileged conversations he may have had?

13 Q. BY OFFICER NO. 49013: Correct.

14 A. I think just in real general terms,
15 OFFICER NO. 7, since he drove me back to the office and so
16 forth, and then OFFICER NO. 3.

17 OFFICER NO. 16: That's privileged, correct.

18 Q. BY OFFICER NO. 49013: How was your weapon
19 normally carried?

20 A. You mean?

21 Q. I would say let's go both like, let's go with
22 your kit when it's on, not in your vehicle. How do you
23 normally carry it?

24 A. When it's not in my vehicle, and we are engaging
25 in an operation, it's going to be slung, a double point

1 sling over the front of my kit, and with a round in the
2 chamber and the safety on.

3 Q. Do you normally load your magazines to a certain
4 capacity?

5 A. Yes.

6 Q. And could you tell me just regarding the .308,
7 if you recall?

8 A. I do. With the .308, I believe I put 20 rounds
9 in that magazine, and then obviously one going in the
10 chamber, there would have been 19 rounds left in the
11 magazine.

12 Q. You've mentioned not giving verbal commands. Do
13 you recall any identifying marks that you were wearing
14 that identified you as a law enforcement officer?

15 A. Yes. There is a -- I had a badge on the front
16 of my vest, and a tape that said state police or state
17 trooper.

18 Q. Do you remember how far away you were from
19 Finicum at the time of the shooting?

20 A. You know, I'm not sure of the distance. My
21 truck stopped kind of in the middle of the road, and I had
22 walked around towards the front of my truck, so it would
23 have been somewhere in the middle of the road.

24 Q. Do you recall your shot being taken from
25 somewhere close in distance from the front of your truck?

1 A. It was relatively close. I know I had
2 maneuvered a little bit because of OFFICER NO. 1 being to
3 my right.

4 Q. Did, to your knowledge, Mr. Finicum get
5 handcuffed?

6 A. He did.

7 Q. Do you know by whom?

8 A. Not by whom in particular, and it was FBI
9 agents.

10 Q. And you mentioned the medical aid. Was that by
11 the FBI as well?

12 A. Correct.

13 Q. To your knowledge, was Mr. Finicum moved at all
14 during the course of this?

15 A. Only during the cuffing, and he remained in the
16 same spot where he fell, but it was just maneuvering his
17 position in order to put cuffs on, and I also noticed when
18 they were providing first aid, that a bullet that had
19 mushroomed as we were lifting -- not me -- as they were
20 lifting his shirt up kind of fell out onto the snow, and I
21 remember thinking it looked like a 5.56 round. It
22 perfectly mushroomed, and it was on the snow underneath
23 Mr. Finicum, and it was pointed out to other guys there.

24 Q. Okay. You don't know who may have collected
25 that?

1 A. I do not.

2 Q. Okay. Was your vehicle equipped with visual
3 and/or audio recording device?

4 A. No.

5 Q. Was your vehicle equipped with -- could you just
6 briefly describe the light package as far as emergency
7 lights on your vehicle?

8 A. Sure. Yeah. There is lights in the grille.
9 There is a -- lights on the mirrors, and up high in the
10 front, and they are LED lights so they are actually
11 extremely bright. There is also a light bar across the
12 front in the form of a -- I mean it does red and blues,
13 et cetera.

14 Q. Okay.

15 A. So it's a light bar that kind of looks like just
16 a regular off-roading bar.

17 Q. Okay. And now, you already mentioned there is
18 no audio or video recording device that you know of, and
19 certainly none on you, correct?

20 A. That is correct.

21 Q. Did anyone, or do you remember who took the
22 photos at the scene post shooting?

23 A. Other than OFFICER NO. 3, I have no idea, and I
24 believe it was OFFICER NO. 3 that was taking photos.

25 OFFICER NO. 3844: Was he using camera or phone

1 or do you recall what kind of device that was?

2 THE WITNESS: I don't.

3 (Discussion held off the record.)

4 OFFICER NO. 3844: Can I ask you one question?

5 THE WITNESS: Sure.

6 OFFICER NO. 3844: When we met with you later
7 that night and we were taking photographs of the specific
8 equipment that you were wearing, you weren't wearing a
9 regular set of uniform. Was there a specific tactical
10 reason why you weren't wearing a normal set of BDU's or
11 that type of thing?

12 THE WITNESS: Yes. Because we were operating in
13 the town of Burns, and we knew that there was a lot of
14 surveillance being done by militia members, for lack of a
15 better term, and that we were in unmarked vehicles and we
16 wanted to keep our identity as discreet as possible,
17 especially because we knew we had been given information
18 from the FBI that they had people that were watching
19 different areas and would call and provide people at the
20 refuge with information about vehicle movements.

21 For that purpose, we used unmarked vehicles and
22 wore civilian clothing until we got out to our staging
23 location at the snow park, and while we were at the snow
24 park, we put on our heavy vests and helmets, et cetera.

25 OFFICER NO. 3844: Another thing that I noted

1 about, when we were processing the gear that night, was
2 you had two different ammunition types on your vest. Can
3 you explain briefly why that was?

4 THE WITNESS: Absolutely. So after the incident
5 occurred, and we initially went back, my vehicle went back
6 to the command post, and when I was at the command post,
7 some of the individuals on my team that are going to be --
8 were going to be taking up checkpoints were operating AR
9 10's, and we were short of magazines, and because we were
10 short of magazines, I gave up two of my magazines, the
11 ones that hadn't -- that were in my vest but I had not
12 used, to one of my team members, so that he would have
13 extra magazines, because we were so short.

14 And after which when we were traveling back from
15 the CP to Bend, we had been informed that there was some
16 kind of a response from militia members that was in the
17 works, and that they were upgrading threat levels, and
18 everybody was concerned about a possible engagement at the
19 CP, and also potentially any law enforcement members
20 driving between Burns and Bend.

21 So as a result of that and only having a pistol,
22 I grabbed two M4 magazines, stuck them in my vest, and I
23 grabbed my M4 out of the back of my truck so I would have
24 a rifle.

25 OFFICER NO. 3844: And do you recall how those

1 were loaded? Because we had --

2 THE WITNESS: Those were probably 28 or 29
3 rounds in each of a 30 round magazine.

4 OFFICER NO. 3844: In a dump pouch off your
5 belt, there was a 10 round AR10 magazine.

6 THE WITNESS: That's correct.

7 OFFICER NO. 3844: How was that loaded?

8 THE WITNESS: That was loaded with 10 tactical
9 rounds, so they are a little bit different than the match
10 grade that I had in the rifle itself, and those, it's
11 specifically designed as a barrier penetrator. They hold
12 together a little bit better, and if I needed to engage a
13 barrier, I specifically use a 10 round magazine for the
14 barrier penetrator, so in the dark I can feel that as
15 opposed to a 20 rounder with match grade and I can switch
16 if need be.

17 Q. BY OFFICER NO. 49013: And just to clarify, on
18 the exchange of your .308 ammunition at the compound or at
19 the CP, is that the CP at the elementary school?

20 A. You know, it was, I think it was in Bend.

21 Q. And --

22 A. Our guys were spooling up in Bend.

23 Q. Oh, okay.

24 A. And I remember all of our team members were
25 coming in. Our team members were coming in and one of our

1 members specifically came up and said, "Hey, have you got
2 any extra magazines? I've only got a couple." And that's
3 when I grabbed those and gave them to him.

4 Q. And in your mind, was that a mission critical
5 decision?

6 A. Absolutely.

7 Q. Thank you.

8 OFFICER NO. 3844: Do you recall who you gave
9 them to?

10 THE WITNESS: Yeah, I can see his face. I'm
11 spacing off his name right now. If I had my team member
12 list I could tell you. I think it's OFFICER NO. 14, not
13 the same OFFICER NO. 4, a different OFFICER NO. 4.

14 OFFICER NO. 3844: Okay. Not the same one that
15 was in your car with you?

16 THE WITNESS: No.

17 OFFICER NO. 16: Can we take a break real quick?

18 OFFICER NO. 49013: Do you need to?

19 THE WITNESS: If you want the name --

20 OFFICER NO. 16: Do you have more questions?

21 OFFICER NO. 49013: I think we are done.

22 I was just going to offer OFFICER NUMBER 2 to ask us
23 any questions or have any additional comments that he
24 has.

25 OFFICER NO. 16: Take a quick break.

1 OFFICER NO. 49013: Sure.

2 (Short recess.)

3 Q. BY OFFICER NO. 49013: We are back on the
4 record.

5 A. Can I go back one spot?

6 Q. You may. Now, this is the time where you
7 can --

8 A. Okay.

9 Q. -- fill in any other details you'd like, ask any
10 questions you would like.

11 A. You had ask me about what our team's mission was
12 going into this, and I said that to do a traffic stop and
13 arrest.

14 In reference to that, it was my understanding
15 that OSP or my team was going to be doing the traffic
16 stop, and then the federal agents would be arresting
17 individuals on their charges. So we were there to assist
18 them in that aspect.

19 Q. Okay.

20 A. That's all I have.

21 Q. That's all I have.

22 OFFICER NO. 3844: Do you have any questions
23 for us?

24 THE WITNESS: No, I appreciate it. No
25 questions.

1 OFFICER NO. 16: Thank you.

2 OFFICER NO. 49013: Record is closed at looks
3 like 15:54.

4 (Whereupon, at 3:54 p.m., the interview
5 terminated.)

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REPORTER'S CERTIFICATE

STATE OF OREGON)
) ss.
COUNTY OF MARION)

I, [REDACTED] a Certified Shorthand
Reporter in and for the State of Oregon, do hereby
certify:

That said interview was taken down by me in
shorthand at the time and place therein named and
thereafter transcribed by means of computer-aided
transcription, and that the foregoing transcript contains
a full, true, and verbatim record of the said interview;

I further certify that I have no interest in the
event of the action.

WITNESS my hand this 4th day of February, 2016.

[REDACTED]

1

1 [1] - 5:17, 9:3,
14:24, 16:9, 16:10,
16:16, 16:23, 17:5,
17:8, 17:21, 21:23,
23:11, 24:11, 24:13,
24:23, 25:2, 25:9,
37:2

1's [2] - 18:6, 18:10
10 [6] - 3:23, 16:21,
23:10, 41:5, 41:8,
41:13

10's [1] - 40:9
10:00 [1] - 5:24
13 [3] - 11:21, 14:19,
26:25

14 [1] - 42:12
15 [2] - 16:21, 23:10
1516 [1] - 23:2
15:54 [1] - 44:3
16 [8] - 22:22, 35:17,
42:17, 42:20, 42:25,
44:1

16 [1] - 35:11

19 [1] - 38:10

1st [1] - 6:18

2

2 [4] - 3:3, 10:23,
28:17, 42:22
20 [2] - 38:8, 41:15
2016 [2] - 3:1, 4:8,
45:17

24 [1] - 5:9
26 [1] - 4:8
28 [1] - 41:2
29 [1] - 41:2
2:00 [1] - 5:14
2:35 [1] - 3:1
2nd [1] - 6:19

3

3 [2] - 2:7, 10:24,
16:8, 16:11, 16:17,
16:18, 17:6, 17:20,
23:10, 23:12, 23:19,
23:21, 24:1, 24:16,
27:23, 28:1, 34:25,
35:2, 35:16, 38:23,
38:24
30 [1] - 41:3
308 [3] - 36:6, 36:8,
41:18

31 [1] - 3:1
3844 [18] - 22:20,
22:23, 33:24, 34:18,

35:5, 35:8, 38:25,
39:4, 39:6, 39:25,
40:25, 41:4, 41:7,
42:8, 42:14, 43:22
385 [1] - 8:16
3:54 [1] - 44:4

4

4 [13] - 11:18, 11:23,
11:25, 12:13, 13:9,
13:15, 13:20, 14:19,
16:6, 32:1, 33:4,
42:13

4's [2] - 30:7, 31:8
40 [3] - 12:20, 19:1,
19:20

40's [1] - 33:17
49013 [14] - 2:7, 3:7,
3:14, 23:1, 34:3, 35:9,
35:13, 35:18, 41:17,
42:18, 42:21, 43:1,
43:3, 44:2

4:00 [1] - 5:15

4th [1] - 45:17

5

5 [6] - 12:3, 12:20,
18:25, 19:6, 31:3,
32:1

5.56 [2] - 28:23,
37:21

50 [1] - 32:21

6

60 [1] - 32:21

6:00 [1] - 6:2

7

7 [7] - 19:19, 22:5,
22:12, 26:22, 27:18,
27:19, 35:15

7.62 [1] - 29:2

7:00 [1] - 6:4

A

ability [1] - 4:18

able [4] - 5:12, 23:25,
28:8, 28:19

absolutely [2] - 40:4,
42:6

academy [1] - 4:2

accelerate [1] - 15:9

acceptable [2] -

7:20, 7:22

accordance [1] -
10:19

accumulation [1] -
33:14

act [3] - 9:4, 9:11,
21:12

action [1] - 45:16

actions [1] - 33:25

actively [1] - 21:17

activities [1] - 5:8

acts [3] - 12:17,
12:18

additional [3] - 4:4,
8:2, 42:23

addressing [1] -

30:25

affected [4] - 4:14,
4:18, 4:24, 18:23

afternoon [1] - 5:14

agency [5] - 3:15,
25:20, 26:2, 26:4,
26:5

agent [4] - 13:4,
28:25, 28:19, 33:22

agents [7] - 18:18,
20:5, 20:18, 20:24,
32:2, 37:9, 43:16

aid [8] - 20:17, 20:25,
21:2, 21:7, 37:10,
37:18

aided [1] - 45:12

alcohol [1] - 4:17

alive [1] - 7:14

almost [1] - 31:17

altered [1] - 28:22

ammo [1] - 22:14

Ammon [3] - 7:11,
9:19, 9:20

ammunition [4] -
29:17, 29:21, 40:2,
41:18

amount [2] - 5:20,
20:2

anticipating [1] -
15:3

apologize [1] - 34:18

appear [1] - 15:7

appeared [2] - 15:8,
15:21

appreciate [1] -
43:24

apprehend [1] -
16:18

apprehensive [1] -
21:1

approaching [3] -
32:3, 32:9, 32:25

AR [1] - 40:8

AR10 [2] - 29:2, 41:5

area [2] - 18:1, 18:8

areas [1] - 39:19

arguments [1] - 6:25

arm [2] - 12:21,
16:24

armed [5] - 9:21,
9:24, 10:1, 10:2

armor [1] - 7:4

arrest [10] - 6:18,
8:21, 10:9, 13:11,
13:16, 26:12, 27:18,
30:25, 31:18, 43:13

arrested [1] - 7:20

arresting [2] - 28:20,
43:16

articles [2] - 7:8,
7:17

aside [3] - 11:5,
21:25, 27:18

aspect [1] - 43:18

assigned [2] - 3:25,
19:11

assist [2] - 8:11,
43:17

assistance [3] -
5:16, 25:22, 28:5

attempt [1] - 16:18

audio [2] - 38:3,
38:18

available [1] - 27:21

avoid [1] - 33:5

aware [1] - 6:24

B

backdrop [1] - 16:14

backed [2] - 15:3,
21:11

bad [1] - 23:21

badge [1] - 38:15

ballistic [1] - 29:2

band [1] - 15:23

bank [4] - 13:7,
15:12, 16:9, 32:22

bar [3] - 38:11,
38:15, 38:16

barrier [3] - 41:11,
41:13, 41:14

based [4] - 7:18,
15:19, 24:25, 28:24

basic [2] - 4:2, 22:17

BDUs [1] - 39:10

became [1] - 31:16

bed [1] - 5:23

beer [7] - 8:18, 8:20,
10:22, 10:25, 11:3,
19:13, 26:18

beginning [1] - 6:17

behind [8] - 10:19,
11:12, 14:19, 16:15,
18:6, 24:13

belief [1] - 24:22

belonged [1] - 9:3

belt [2] - 16:1, 41:5

Bend [8] - 3:17, 5:15,
5:16, 6:8, 40:15,
40:20, 41:20, 41:22

better [3] - 21:4,
39:15, 41:12

between [8] - 4:22,
12:16, 16:12, 30:9,
31:23, 40:20

beyond [1] - 27:15

bit [8] - 14:19, 16:11,
16:12, 21:19, 33:9,
37:2, 41:9, 41:12

blue [1] - 19:9

blues [1] - 38:12

body [1] - 7:4

bounce [1] - 14:2

brake [1] - 11:14

brakes [1] - 33:6

break [8] - 19:3,
22:19, 22:21, 23:2,
42:17, 42:25

brief [2] - 5:16, 6:12

briefing [3] - 16:17,
25:24, 26:2

briefly [8] - 3:19,
3:20, 5:8, 13:3, 38:6,
40:3

bright [1] - 38:11

bring [1] - 23:23

bringing [2] - 17:15,
24:2

broke [2] - 6:9, 19:8

brought [1] - 24:4

bullet [3] - 21:15,
25:19, 37:18

Bundy [4] - 7:12,
9:19, 8:25, 30:12

burn [2] - 5:12, 5:13

Burns [5] - 6:5, 6:11,
8:8, 39:13, 40:20

BY [8] - 2:5, 3:7,
23:1, 34:3, 35:9,
35:13, 35:18, 41:17,
43:3

C

camera [1] - 38:25

canopy [1] - 18:8

capabilities [1] -
29:2

capacity [1] - 36:4

car [4] - 28:18, 30:2,
30:21, 42:15

carbine [1] - 28:23

carried [2] - 16:1,
35:19

<p>carry [2] - 7:7, 35:23 carrying [2] - 29:7, 29:17 cartridge [1] - 22:14 case [4] - 11:11, 19:5, 25:6, 27:6 casing [5] - 21:15, 22:7, 34:21, 34:24, 35:2 catch [2] - 28:15, 33:2 caught [1] - 11:12 certain [1] - 36:3 certainly [2] - 26:16, 38:19 CERTIFICATE [1] - 45:1 certified [2] - 3:20, 3:22 Certified [2] - 45:7, 45:20 certify [2] - 45:9, 45:15 cetera [5] - 10:5, 10:7, 12:23, 38:13, 39:24 chamber [4] - 22:7, 22:15, 36:2, 36:10 charge [1] - 26:6 charges [1] - 43:17 check [2] - 20:17, 20:25 checking [2] - 21:5, 21:6 checkpoints [1] - 40:8 chemical [1] - 14:1 choking [1] - 20:1 chose [1] - 29:1 civilian [2] - 10:12, 38:22 civilians [1] - 21:22 Clarification [1] - 17:25 clarify [1] - 41:17 clarifying [2] - 22:18, 25:17 clear [4] - 20:14, 22:4, 24:24, 33:18 cleared [3] - 20:10, 20:12, 27:3 clearly [1] - 16:8 close [5] - 15:2, 23:19, 28:1, 33:5, 36:25, 37:1 closed [1] - 44:2 clothing [1] - 39:22 coat [3] - 23:7, 23:16, 24:7 collected [1] - 37:24 colored [1] - 8:18</p>	<p>com [1] - 28:18 coming [7] - 13:23, 14:13, 20:2, 23:8, 25:11, 41:25 command [4] - 8:8, 31:9, 40:6 command-wise [1] - 31:9 commands [23] - 11:19, 12:4, 12:9, 12:12, 12:22, 13:10, 14:7, 18:16, 18:17, 20:6, 30:6, 30:7, 30:24, 31:4, 31:8, 31:21, 31:25, 34:4, 34:5, 34:6, 34:10, 36:12 comment [1] - 34:19 comments [2] - 12:11, 42:23 communicate [1] - 28:8 communication [3] - 28:5, 28:11 comply [1] - 14:6 compound [1] - 41:18 computer [1] - 45:12 computer-aided [1] - 45:12 coms [2] - 28:12, 28:15 concerned [1] - 40:18 conclusion [2] - 7:18, 34:20 conditions [2] - 33:11, 33:12 confirm [1] - 13:22 confirmed [1] - 8:12 consisted [1] - 9:2 constituted [1] - 8:21 constitution [1] - 14:6 contact [4] - 5:4, 10:10, 30:6, 30:7 contacted [1] - 8:5 contain [1] - 13:8 contains [1] - 45:13 contingency [5] - 8:24, 10:24, 11:6, 27:12, 27:15 continued [3] - 10:4, 11:8, 31:25 continuing [2] - 13:9, 27:7 controlled [1] - 21:20 conversation [1] - 12:2</p>	<p>conversations [4] - 11:24, 12:8, 12:16, 35:12 coordinated [2] - 18:19, 21:16 cops [1] - 20:1 corner [2] - 15:5, 18:12 correct [10] - 24:20, 25:3, 27:14, 28:4, 35:13, 35:17, 37:12, 38:19, 38:20, 41:8 correction [1] - 19:12 coughing [1] - 20:1 countdown [1] - 10:6 counter [1] - 7:4 counterparts [2] - 8:9, 8:11 COUNTY [1] - 45:5 couple [3] - 17:16, 20:23, 42:2 course [3] - 4:3, 26:24, 37:14 court [1] - 17:25 cover [5] - 11:17, 11:22, 23:9, 23:14, 27:2 covered [2] - 19:6, 19:24 covering [1] - 17:21 CP [5] - 8:12, 40:18, 40:19, 41:19 criminal [1] - 6:21 critical [1] - 42:4 cross [4] - 17:6, 23:23, 24:5, 28:11 cuffing [1] - 37:15 cuffs [1] - 37:17 custody [4] - 19:16, 20:7, 27:10, 30:16</p>	<p>deeper [1] - 16:3 deeply [1] - 18:24 delineate [1] - 30:9 Department [1] - 3:17 department [5] - 29:8, 29:10, 29:18, 29:20 describe [5] - 3:21, 5:8, 8:6, 32:4, 32:25, 38:8 description [2] - 6:22, 10:17 design [1] - 8:20 designated [1] - 6:10 designation [1] - 28:16 designed [1] - 41:11 detail [1] - 8:6 details [2] - 34:16, 43:9 detaining [1] - 28:19 detective [1] - 3:16 determination [1] - 25:14 determined [1] - 9:9 device [3] - 38:3, 38:18, 39:1 devices [1] - 28:6 difference [2] - 29:4, 33:1 different [4] - 39:19, 40:2, 41:9, 42:13 difficult [2] - 18:22, 19:4 dig [2] - 15:18, 16:24 digging [1] - 16:3 direct [1] - 18:13 directed [2] - 19:19, 19:22 direction [3] - 10:5, 14:25, 21:24 discreet [1] - 39:16 Discussion [1] - 39:3 distance [4] - 15:24, 33:3, 33:9, 36:20, 36:25 distinctly [1] - 17:9 Dodge [3] - 8:18, 9:22, 9:23 done [4] - 9:8, 21:16, 39:14, 42:21 door [2] - 9:18, 15:15 double [1] - 35:25 down [5] - 11:17, 12:1, 12:8, 15:7, 15:8, 17:18, 18:9, 21:10, 45:10 dramatic [1] - 32:13 drive [3] - 10:17, 14:17, 22:11</p>	<p>driven [2] - 9:2, 9:23 driver [5] - 11:19, 12:1, 26:24, 30:7 drivers [2] - 15:15, 20:12 driving [5] - 14:5, 30:2, 32:18, 33:4, 40:20 drove [2] - 10:11, 35:15 dump [1] - 41:4 during [5] - 3:10, 13:13, 22:18, 28:6, 29:7, 33:16, 33:21, 37:14, 37:15</p>
E				
				<p>edge [2] - 10:9, 35:8 effective [1] - 19:25 eight [1] - 4:22 ejected [1] - 22:6 elementary [1] - 41:19 embedded [1] - 28:19 emergency [1] - 38:6 end [2] - 5:13, 32:24 enforcement [4] - 7:16, 33:21, 36:14, 40:19 engage [3] - 18:21, 23:18, 41:12 engaged [1] - 33:6 engagement [2] - 34:14, 40:18 engaging [1] - 35:24 ensued [1] - 31:24 ensure [1] - 27:8 entire [1] - 28:14 equipment [2] - 28:21, 39:8 equipped [2] - 38:2, 38:5 especially [1] - 38:17 estimated [2] - 32:17, 32:18 et [5] - 10:5, 10:7, 12:23, 38:13, 39:24 etc [2] - 18:16 event [2] - 9:4, 8:11, 11:10, 27:5, 27:8, 33:21, 45:16 events [1] - 8:6 eventually [1] - 12:18 evidentiary [1] - 34:22 exact [1] - 33:9 exactly [2] - 6:1,</p>

12:12
EXAMINATION [2] -
 2:5, 3:5
example [1] - 26:22
excellent [1] - 25:17
excessive [1] - 31:16
exchange [1] - 41:18
exclusion [1] - 28:14
EXHIBITS [1] - 2:12
exit [3] - 15:14, 21:8,
 31:17
exited [5] - 10:22,
 11:18, 11:22, 16:7,
 23:8
exiting [1] - 23:9
experience [2] -
 3:21, 15:20
explain [2] - 24:15,
 40:3
explained [1] - 24:19
exposed [1] - 23:13
expound [1] - 29:25
extra [2] - 40:13,
 42:2
extremely [1] - 38:11
eyes [1] - 18:23

F

face [1] - 42:10
facing [1] - 35:3
fact [4] - 12:6, 15:8,
 32:11, 33:23
factore [1] - 4:24
failed [1] - 11:8
fairly [1] - 19:19
familiar [1] - 8:19
fan [1] - 27:2
far [8] - 18:22, 27:20,
 28:5, 31:6, 32:19,
 32:23, 36:18, 38:8
fast [1] - 32:20
FBI [25] - 5:18, 6:21,
 8:11, 9:17, 11:21,
 12:2, 12:13, 17:22,
 18:6, 18:17, 20:5,
 20:18, 20:24, 25:23,
 26:3, 26:4, 28:7,
 26:18, 26:25, 28:8,
 28:10, 28:14, 28:15,
 30:6, 30:12, 32:1,
 37:8, 37:11, 39:18
fear [1] - 25:1
February [1] - 45:17
federal [1] - 43:18
feet [3] - 16:21,
 23:11, 33:14
tell [2] - 37:16, 37:20
tell [5] - 4:12, 7:1,
 7:21, 21:1, 21:3,

24:15
females [1] - 30:16
few [3] - 17:24, 18:1,
 34:14
field [1] - 24:4
fill [1] - 43:9
fine [2] - 4:10, 4:11,
 4:13
finger [2] - 24:9,
 25:15
Finicum [30] - 7:12,
 9:24, 11:25, 13:14,
 14:10, 14:17, 15:14,
 16:21, 16:23, 17:8,
 17:12, 17:17, 18:8,
 20:15, 20:23, 23:6,
 23:10, 23:14, 23:15,
 23:18, 26:2, 30:12,
 30:22, 31:7, 31:12,
 38:19, 37:4, 37:13,
 37:23

Finicum's [1] - 24:5
finishing [1] - 19:16
fire [4] - 14:1, 17:9,
 17:16, 24:8
firearm [1] - 23:24
firearms [2] - 7:6,
 29:7
fired [8] - 17:8,
 17:11, 19:7, 24:11,
 24:22, 25:18
fires [1] - 12:20
firing [2] - 17:9,
 24:12
first [12] - 3:10, 3:11,
 8:5, 10:23, 10:24,
 15:17, 20:17, 20:25,
 21:1, 21:7, 27:9,
 37:18
fit [1] - 21:8
five [4] - 10:8, 10:8,
 22:24, 31:24
flank [1] - 17:22
fled [1] - 27:8
flee [1] - 14:10
fleeing [1] - 14:25
focused [2] - 12:13,
 24:24

focusing [1] - 18:18
folks [2] - 18:3,
 18:21
follow [2] - 11:8,
 27:7
followed [1] - 15:1
FOR [1] - 2:12
force [1] - 27:21
foregoing [1] - 45:13
form [1] - 38:12
formality [1] - 3:8
forth [2] - 21:24,
 35:16

forward [1] - 27:3
four [1] - 9:18
free [1] - 19:17
freely [1] - 8:5
front [14] - 11:17,
 12:5, 14:3, 18:1, 18:7,
 18:10, 19:2, 22:7,
 36:1, 36:15, 38:22,
 36:25, 38:10, 38:12
full [3] - 4:12, 13:6,
 45:14
function [1] - 3:24

G

game [1] - 14:20
gas [5] - 13:25, 14:4,
 18:20, 18:24, 19:10,
 26:23
gear [1] - 14:21,
 29:5, 34:15, 40:1
general [7] - 4:6,
 6:22, 21:7, 21:15,
 25:20, 34:15, 35:14
generally [1] - 4:8
given [8] - 10:18,
 12:12, 18:17, 20:8,
 21:24, 29:18, 30:24,
 31:3, 38:17
glasses [1] - 5:4
grab [1] - 23:17
grabbed [4] - 13:1,
 40:22, 40:23, 42:3
grade [2] - 41:10,
 41:15
gray [1] - 8:19
great [1] - 20:2
grille [1] - 38:8
group [3] - 7:4, 9:17,
 10:21
guess [4] - 6:25,
 30:5, 30:9, 32:23
guys [6] - 17:22,
 18:6, 20:24, 22:16,
 37:23, 41:22

H

hair [1] - 17:8
hairs [1] - 24:5
half [1] - 12:18
hand [4] - 15:18,
 23:7, 23:16, 45:17
handcuffed [1] -
 37:5
handed [1] - 22:18
handgun [3] - 13:2,
 13:3, 15:22
hands [2] - 12:10,
 12:23, 13:6, 13:12,

13:17, 15:16, 31:17
heading [1] - 14:25
hear [8] - 12:2,
 12:12, 24:21, 28:20,
 30:24
heard [11] - 13:13,
 13:22, 17:9, 30:8,
 30:10, 30:21, 30:23,
 31:1, 34:11
hearing [1] - 34:9
heavy [1] - 39:24
height [1] - 15:16
held [1] - 39:3
helicopter [1] - 10:20
helmets [1] - 39:24
herby [1] - 45:8
high [1] - 38:9
Highway [1] - 8:16
history [1] - 6:21
hit [7] - 11:14, 17:18,
 20:21, 32:12, 32:14,
 32:21, 33:6
hits [1] - 12:21
hold [2] - 13:1, 41:11
holster [1] - 18:4,
 16:25
hop [1] - 14:18
hotel [1] - 5:23
hours [4] - 4:22, 5:9,
 5:12, 23:2
HRT [10] - 5:18, 8:11,
 8:25, 9:3, 9:9, 11:21,
 12:13, 12:17, 12:25,
 27:22

I

idea [1] - 38:23
IDENTIFICATION [1] -
 2:12
identified [1] - 36:14
identify [1] - 15:24
identifying [1] -
 36:13
identity [1] - 39:16
ignored [1] - 31:19
illnesses [1] - 4:14
immediately [3] -
 11:5, 17:18, 20:15
IN [1] - 5:18
incident [14] - 3:16,
 4:8, 4:15, 4:21, 5:9,
 6:9, 8:16, 11:6, 29:8,
 29:18, 33:12, 33:18,
 35:10, 40:4
including [1] - 32:1
individuals [14] -
 6:15, 6:19, 7:6, 7:8,
 8:15, 9:19, 12:9, 20:7,
 20:9, 28:12, 28:18,

26:20, 40:7, 43:17
information [12] -
 6:13, 6:20, 7:3, 7:5,
 8:13, 8:14, 9:15,
 21:14, 28:18, 30:11,
 39:17, 39:20
informed [8] - 9:17,
 10:15, 14:14, 14:24,
 20:18, 40:16
initial [9] - 5:18,
 8:21, 19:13, 30:11,
 32:16, 32:24
initiate [1] - 11:1
initiated [1] - 14:18
initiating [1] - 18:20
injured [6] - 20:19,
 33:18, 33:21, 33:23,
 33:25, 34:1
inside [10] - 14:3,
 14:4, 14:21, 15:18,
 18:4, 18:13, 19:3,
 19:4, 19:23, 30:5
intelligence [3] -
 9:17, 10:4, 10:12
intending [1] - 24:25
interest [1] - 45:15
intertwined [1] -
 28:10
interpretation [1] -
 7:18
interview [4] - 3:10,
 44:4, 45:10, 45:14
introduce [1] - 19:10
introduced [1] -
 19:24
involved [8] - 3:16,
 6:15, 6:17, 6:20, 7:26,
 8:25, 21:3, 21:13
issue [1] - 15:3
issued [3] - 29:8,
 29:10, 29:11
itself [2] - 25:20,
 41:10

J

jacket [1] - 15:18
January [1] - 4:8
JANUARY [1] - 3:1
jeep [1] - 9:18
Jeep [7] - 9:18,
 10:18, 10:25, 11:4,
 19:14, 26:20, 27:3
 [REDACTED] 19:11
job [1] - 33:5

K

keep [3] - 7:9, 33:9,
 39:16

killing [1] - 7:22
 kind [2] - 8:4, 8:12,
 10:6, 11:14, 11:24,
 12:10, 12:14, 12:18,
 12:19, 13:4, 13:8,
 15:18, 16:12, 18:5,
 18:7, 21:8, 21:10,
 21:19, 25:18, 33:25,
 34:21, 36:21, 37:20,
 38:15, 39:1, 40:16
 kit [3] - 29:5, 35:22,
 36:1
 knife [1] - 15:25
 knowing [1] - 32:15
 knowledge [5] -
 7:25, 26:8, 30:4, 37:4,
 37:13
 known [3] - 6:13, 7:6

L

lack [1] - 39:14
 lane [1] - 35:5
 large [1] - 8:18
 last [7] - 4:20, 5:3,
 5:9, 19:16, 22:15,
 29:13, 31:21
 lasted [1] - 5:20
 launcher [7] - 19:1,
 19:11, 19:17, 19:21,
 26:22, 27:20, 27:24
 LaVoy [2] - 9:23,
 11:26
 law [5] - 7:16, 7:19,
 33:20, 36:14, 40:19
 lawful [1] - 14:7
 lead [2] - 11:7, 11:9
 leaders [1] - 18:19
 learned [1] - 19:9
 least [3] - 10:1, 28:9,
 31:24
 leave [1] - 5:12
 leaves [1] - 9:7
 leaving [1] - 8:15
 LED [1] - 38:10
 left [14] - 9:15, 11:22,
 15:6, 15:11, 15:12,
 18:9, 17:22, 20:5,
 20:6, 22:13, 23:11,
 25:5, 32:10, 36:10
 lenses [1] - 5:4
 less [12] - 12:20,
 13:25, 16:18, 19:1,
 19:7, 19:21, 22:5,
 27:20, 27:24, 27:25,
 28:2
 lethal [12] - 12:20,
 13:25, 16:18, 16:19,
 19:1, 19:8, 19:21,
 22:5, 27:20, 27:24,
 27:25, 28:2

levels [1] - 40:17
 lifting [2] - 37:19,
 37:20
 light [4] - 11:2, 38:6,
 38:11, 38:15
 lighting [1] - 19:5
 lights [10] - 11:1,
 11:3, 11:4, 11:13,
 11:14, 27:9, 38:7,
 38:8, 38:9, 38:10
 likely [1] - 24:1
 line [1] - 28:1
 list [1] - 42:12
 load [1] - 36:3
 loaded [3] - 41:1,
 41:7, 41:8
 location [4] - 9:10,
 9:13, 10:5, 39:23
 locations [1] - 11:25
 locked [2] - 22:13,
 22:14
 look [2] - 5:10, 16:2
 looked [7] - 13:3,
 13:4, 13:20, 18:3,
 18:5, 32:8, 37:21
 looking [1] - 21:6
 looks [2] - 38:15,
 44:2
 low [1] - 33:17

M

M4 [3] - 28:23, 40:22,
 40:23
 magazine [7] - 22:6,
 22:8, 36:9, 36:11,
 41:3, 41:5, 41:13
 magazines [7] -
 36:3, 40:9, 40:10,
 40:13, 40:22, 42:2
 main [1] - 8:16
 maintain [2] - 15:9,
 27:2
 maintained [2] -
 20:4, 20:10
 majority [2] - 3:24,
 3:25
 Malheur [1] - 6:15
 maneuvered [1] -
 37:2
 maneuvering [1] -
 37:16
 MARION [1] - 45:5
 marked [1] - 2:14
 marks [1] - 36:13
 match [2] - 41:9,
 41:15
 matched [1] - 10:17
 mean [5] - 25:18,
 31:1, 35:11, 36:20,

38:12
 means [3] - 16:19,
 27:25, 45:12
 media [1] - 7:24
 medic [2] - 20:16,
 20:17
 medical [1] - 37:10
 medication [1] - 4:17
 meet [1] - 6:5
 member [3] - 9:9,
 11:21, 42:11
 members [17] - 5:17,
 9:9, 12:2, 12:3, 12:13,
 12:17, 13:1, 21:17,
 26:16, 27:22, 39:14,
 40:12, 40:16, 40:19,
 41:24, 41:25, 42:1
 mental [3] - 4:7,
 4:25, 5:3
 mention [3] - 30:16,
 31:7, 31:10
 mentioned [4] -
 27:19, 36:12, 37:10,
 38:17
 met [7] - 6:4, 6:6,
 8:8, 8:11, 39:6
 middle [4] - 11:15,
 17:12, 36:21, 36:23
 might [5] - 10:12,
 14:6, 15:3, 21:4, 34:1
 mile [3] - 10:7, 10:15
 miles [2] - 10:6, 10:8
 militia [2] - 39:14,
 40:16
 millimeter [3] -
 12:20, 19:1, 19:21
 mind [11] - 16:4,
 16:16, 16:21, 23:21,
 23:23, 24:19, 24:20,
 24:24, 30:5, 32:6,
 42:4
 mine [1] - 11:2
 minutes [2] - 22:11,
 31:22
 mirrors [1] - 38:9
 mission [6] - 26:9,
 26:11, 28:22, 29:22,
 42:4, 43:11
 missions [1] - 26:21
 model [1] - 8:20
 month [1] - 5:13
 morning [4] - 6:4,
 6:7, 6:8
 move [2] - 21:24,
 27:3
 moved [5] - 10:8,
 16:11, 16:12, 37:13
 movements [1] -
 39:20
 moving [7] - 16:22,
 17:5, 17:14, 17:23,

23:9, 25:8, 34:15
 multi [7] - 19:7,
 19:11, 19:17, 19:21,
 26:22, 27:19, 27:24
 mushroomed [2] -
 37:19, 37:22

N

name [3] - 9:6,
 42:11, 42:19
 named [1] - 45:11
 names [3] - 3:10,
 3:12, 6:21
 near [1] - 35:6
 necessary [1] -
 26:23
 need [5] - 12:22,
 13:11, 13:16, 22:1,
 22:18, 29:25, 41:16,
 42:18
 needed [5] - 7:1,
 9:11, 21:11, 21:15,
 26:23, 41:12
 next [3] - 5:19, 13:7,
 15:12
 night [3] - 4:23, 39:7,
 40:1
 night's [1] - 4:12
 NO [109] - 2:7, 3:3,
 3:7, 3:14, 5:17, 9:3,
 11:18, 11:21, 11:23,
 11:25, 12:3, 12:13,
 12:20, 13:9, 13:15,
 13:20, 14:19, 14:24,
 16:8, 16:8, 16:9,
 16:10, 16:11, 16:16,
 16:17, 18:23, 17:5,
 17:6, 17:8, 17:20,
 17:21, 18:6, 18:10,
 18:25, 19:6, 19:19,
 21:23, 22:5, 22:12,
 22:20, 22:22, 22:23,
 23:1, 23:10, 23:11,
 23:12, 23:19, 23:21,
 24:1, 24:11, 24:13,
 24:16, 24:23, 25:1,
 25:9, 26:22, 26:25,
 27:18, 27:19, 27:23,
 28:1, 30:6, 31:3, 31:6,
 32:1, 33:4, 33:24,
 34:3, 34:18, 34:25,
 35:2, 35:5, 35:8, 35:9,
 35:11, 35:13, 35:15,
 35:16, 35:17, 35:18,
 37:2, 38:23, 38:24,
 38:25, 39:4, 39:8,
 39:25, 40:25, 41:4,
 41:7, 41:17, 42:8,
 42:12, 42:13, 42:14,
 42:17, 42:18, 42:20,
 42:21, 42:25, 43:1,
 43:3, 43:22, 44:1,
 44:2
 nobody [2] - 16:15,
 20:13
 noncompliance [1] -
 9:5
 noncompliant [1] -
 14:14
 none [1] - 38:19
 None [1] - 2:14
 nonspecifically [1] -
 34:9
 normal [2] - 29:5,
 39:10
 normality [4] - 28:23,
 35:19, 35:23, 36:3
 north [3] - 14:14,
 21:22, 27:16
 northbound [1] -
 35:6
 northern [5] - 9:1,
 9:10, 9:12, 10:13,
 27:12
 note [1] - 3:9
 notebook [1] - 5:10
 noted [1] - 39:25
 nothing [1] - 30:21
 noticed [1] - 37:17
 number [4] - 10:23,
 10:24, 31:20, 33:8
 NUMBER [1] - 42:22
 numbers [1] - 3:12
 numerous [3] - 7:7,
 15:21, 31:19

O

observed [1] - 15:6
 observing [1] - 6:19
 obviously [1] - 36:9
 OC [2] - 14:1, 19:20
 occupation [1] - 6:14
 occupiers' [2] - 7:3,
 7:15
 occurred [2] - 21:25,
 40:5
 occurring [1] - 17:4
 OF [2] - 45:4, 45:5
 off-roading [1] -
 38:16
 offer [1] - 42:22
 office [2] - 6:8, 35:15
 OFFICER [110] - 2:7,
 3:3, 3:7, 3:14, 5:17,
 9:3, 11:18, 11:21,
 11:23, 11:25, 12:3,
 12:13, 12:20, 13:9,
 13:15, 13:20, 14:18,
 14:19, 14:24, 16:6,

16:8, 16:9, 16:10,
16:11, 16:16, 16:17,
16:23, 17:5, 17:6,
17:8, 17:20, 18:6,
18:10, 18:25, 19:6,
19:19, 21:23, 22:4,
22:12, 22:20, 22:22,
22:23, 23:1, 23:10,
23:11, 23:12, 23:19,
23:21, 24:1, 24:10,
24:13, 24:16, 24:23,
25:1, 25:9, 26:22,
26:25, 27:18, 27:19,
27:23, 28:1, 30:6,
31:3, 31:6, 31:25,
32:1, 33:4, 33:24,
34:3, 34:18, 34:25,
35:2, 35:5, 35:8, 35:9,
35:11, 35:13, 35:15,
35:16, 35:17, 35:18,
37:2, 38:23, 38:24,
38:26, 39:4, 39:6,
39:25, 40:25, 41:4,
41:7, 41:17, 42:8,
42:12, 42:13, 42:14,
42:17, 42:18, 42:20,
42:21, 42:22, 42:25,
43:1, 43:3, 43:22,
44:1, 44:2
officer [s] - 3:12,
3:16, 3:20, 3:22, 7:21,
7:23, 24:22, 38:14
officer's [s] - 3:15
officers [s] - 20:19,
21:20, 33:21
officers' [s] - 3:9,
3:11
official [s] - 3:13
often [s] - 25:4
once [s] - 20:14,
23:8, 28:20, 33:3
one [s] - 5:3, 9:2,
9:9, 9:16, 10:18, 12:3,
13:13, 18:19, 20:18,
21:23, 22:5, 24:3,
24:4, 24:20, 25:2,
28:9, 28:10, 31:3,
32:7, 36:9, 39:4,
40:12, 41:25, 42:14,
43:5
ones [s] - 40:11
online [s] - 7:7
OP [s] - 25:20, 28:10,
28:6
open [s] - 14:2,
28:24, 29:3
operating [s] -
39:12, 40:8
operation [s] - 5:18,
7:24, 8:1, 8:6, 25:25,
26:6, 26:11, 35:25
opportunity [s] - 8:4

opposed [s] - 41:15
option [s] - 27:25,
28:2
options [s] - 27:21
orange [s] - 14:1,
19:20
order [s] - 19:19,
24:17, 37:17
OREGON [s] - 3:1,
45:4
Oregon [s] - 3:23,
4:3, 8:10, 28:7, 31:13,
31:14, 45:8, 45:20
organizing [s] -
13:24, 14:8
originally [s] - 31:13
OSP [s] - 9:9, 12:3,
28:10, 43:15
ourselves [s] - 14:21
overall [s] - 12:14
overcast [s] - 33:16
overhead [s] - 10:3
owned [s] - 29:8,
29:10, 29:18, 29:20

P

p.m [s] - 5:14, 5:15,
44:4
P.M [s] - 3:1
package [s] - 11:2,
38:6
packet [s] - 6:20, 7:2
PAGE [s] - 2:5
park [s] - 9:6, 9:7,
9:14, 39:23, 39:24
part [s] - 3:12, 8:10,
8:17, 8:24
partial [s] - 5:11
particular [s] - 7:11,
7:12, 26:6, 26:10,
27:11, 37:8
passed [s] - 10:13
passenger [s] -
11:17, 11:18, 12:5,
12:6, 14:2, 19:2, 30:8
passing [s] - 30:17
past [s] - 34:15
patrol [s] - 3:24, 6:8
pavement [s] - 35:7
Payne [s] - 7:17,
9:24, 12:7, 12:10,
12:17, 14:9, 30:12,
30:15, 30:22, 30:25,
31:23
penetrator [s] -
41:11, 41:14
people [s] - 14:9,
17:24, 18:1, 18:18,
21:4, 21:21, 25:5,

30:21, 34:11, 39:18,
39:19
perception [s] -
32:4, 33:20
perfectly [s] - 37:22
perhaps [s] - 14:4
period [s] - 10:16
periods [s] - 33:16
person [s] - 19:16,
28:10
personal [s] - 29:19
persons [s] - 30:5
phone [s] - 38:25
photographs [s] -
6:22, 39:7
photos [s] - 35:1,
38:22, 38:24
physical [s] - 4:7,
4:25, 5:3
physically [s] - 4:11,
4:13
pickup [s] - 8:18,
8:19, 28:19
pistol [s] - 16:20,
23:17, 24:18, 40:21
place [s] - 8:7, 19:13,
19:14, 32:6, 33:12,
34:1, 45:11
plan [s] - 7:14, 8:12,
13:25, 18:20, 27:12,
28:14
plane [s] - 10:3,
10:20
planning [s] - 6:13
pocket [s] - 15:18,
22:8
point [s] - 7:22,
8:14, 9:7, 9:13, 9:14,
11:16, 13:9, 13:24,
14:6, 17:17, 17:21,
18:5, 19:3, 19:4,
19:10, 19:22, 20:4,
20:19, 21:8, 21:10,
21:23, 23:3, 23:5,
23:18, 24:7, 24:12,
25:19, 28:2, 31:3,
33:3, 35:25
pointed [s] - 34:20,
34:23, 37:23
Police [s] - 3:17,
3:23, 4:3, 8:10, 28:7,
31:13, 31:14
police [s] - 3:22,
4:2, 7:20, 7:23, 13:11,
13:16, 21:20, 31:3,
31:4, 31:14, 31:15,
36:16
position [s] - 8:16,
11:17, 19:20, 20:4,
20:11, 23:9, 23:13,
25:8, 25:9, 37:17

possible [s] - 16:19,
39:16, 40:16
post [s] - 8:6, 34:16,
34:21, 38:22, 40:6
potential [s] - 18:3,
18:21, 28:25
potentially [s] -
40:19
pouch [s] - 41:4
power [s] - 24:3,
24:4
present [s] - 3:14
pretty [s] - 11:1,
31:18
prevent [s] - 14:5
previous [s] - 16:17
previously [s] - 5:21,
6:10, 9:8, 10:18,
23:16
primarily [s] - 28:17
primary [s] - 26:19
prison [s] - 7:14
privileged [s] -
35:12, 35:17
problem [s] - 29:1
process [s] - 24:8,
24:11
processing [s] - 40:1
protect [s] - 24:17
provide [s] - 8:25,
10:11, 10:13, 39:19
provided [s] - 6:20,
11:19, 11:22, 21:14,
25:24
providing [s] - 10:3,
12:4, 21:6, 26:23,
37:18
proximity [s] - 23:19
pull [s] - 13:3, 13:7
pulled [s] - 11:5,
11:12, 17:7, 21:22,
23:14
pulling [s] - 15:14,
17:3, 17:4
pulse [s] - 21:5, 21:6
purpose [s] - 38:21
pursuit [s] - 9:5,
14:17, 15:1, 31:24,
32:24
pushing [s] - 32:13
put [s] - 12:23, 14:4,
17:7, 19:1, 19:22,
22:7, 22:8, 24:5,
31:20, 36:8, 37:17,
39:24

Q

qualified [s] - 29:13
quarter [s] - 10:7,

10:15
questions [s] - 4:6,
6:12, 22:18, 25:18,
42:20, 42:23, 43:10,
43:22, 43:25
quick [s] - 22:21,
42:17, 42:25
quite [s] - 17:24,
18:1

R

radio [s] - 14:13,
14:24, 19:15, 28:18
radios [s] - 28:7,
28:19
ram [s] - 32:7, 32:9
ran [s] - 16:7, 20:15,
20:23
range [s] - 28:24
rapidly [s] - 11:12,
15:9
rather [s] - 22:12,
30:8
reaching [s] - 15:19,
15:22, 16:2, 16:4,
30:3
read [s] - 7:8, 7:17
ready [s] - 22:11
real [s] - 35:14,
42:17
really [s] - 5:22
rear [s] - 8:25, 11:22,
18:7, 18:9, 22:13
reason [s] - 17:10,
17:19, 22:10, 25:4,
28:9, 39:10
reasonable [s] - 33:3
reasons [s] - 7:1,
34:22
received [s] - 9:14
recess [s] - 22:25,
43:2
recognize [s] - 23:25
recognized [s] -
23:12
recognizing [s] -
21:8
recollection [s] -
25:21, 29:5, 31:21
recon [s] - 9:8
record [s] - 3:8, 3:13,
23:1, 39:3, 43:4, 44:2,
45:14
recording [s] - 38:3,
38:18
records [s] - 29:15
red [s] - 28:18, 38:12
reference [s] - 43:14
refreshed [s] - 7:9

refresher (1) - 5:22
 refuge (3) - 8:15,
 9:15, 39:20
 Refuge (1) - 8:15
 regarding (5) - 5:17,
 8:15, 25:18, 30:12,
 36:6
 regular (2) - 38:16,
 39:9
 reiterate (1) - 31:8
 relatively (1) - 37:1
 relay (1) - 28:15
 remained (1) - 37:15
 remember (14) -
 9:25, 25:21, 26:8,
 30:20, 31:1, 31:2,
 31:8, 33:11, 35:1,
 36:18, 37:21, 38:21,
 41:24

repetition (1) - 31:16
 repetitions (1) -
 13:13
 reporter (1) - 17:25
 Reporter (2) - 45:8,
 45:20
 REPORTER'S (1) -
 45:1
 repositioned (1) -
 18:12
 representatives (1) -
 3:15
 request (1) - 28:4
 requesting (1) -
 25:21
 require (1) - 5:4
 required (1) - 5:6
 resist (1) - 7:22
 responded (1) - 5:16
 response (1) - 40:18
 responsibility (1) -
 26:19
 real (1) - 26:15
 result (1) - 40:21
 rifle (12) - 17:7,
 17:15, 22:8, 22:8,
 23:14, 24:2, 24:3,
 24:8, 24:12, 25:9,
 40:24, 41:10
 road (8) - 9:13,
 10:10, 10:22, 11:15,
 16:13, 33:11, 33:13,
 36:21, 36:23
 roadblock (14) - 9:4,
 9:11, 10:13, 15:2,
 15:6, 15:10, 21:22,
 30:3, 30:4, 32:4,
 32:25, 34:7, 34:10,
 35:4
 roading (1) - 38:16

roadway (1) - 33:14
 role (4) - 21:12,
 27:11, 27:12, 34:21
 rolling (1) - 15:17
 room (1) - 5:23
 root (7) - 8:18, 8:20,
 10:22, 10:25, 11:3,
 19:12, 26:18
 round (10) - 12:21,
 17:13, 19:2, 19:7,
 36:1, 37:21, 41:3,
 41:5, 41:13
 rounder (1) - 41:15
 rounds (7) - 19:21,
 19:22, 19:25, 36:8,
 38:10, 41:3, 41:9
 run (2) - 15:15, 32:16
 Ryan (1) - 9:25

S

safe (2) - 24:9, 27:11
 safety (1) - 36:2
 saw (12) - 10:16,
 11:13, 13:2, 15:5,
 15:23, 16:16, 16:22,
 18:24, 18:6, 22:15,
 32:3, 33:25
 scene (2) - 21:19,
 38:22
 scheme (1) - 21:9
 school (1) - 41:19
 scope (4) - 17:3,
 17:11, 24:2, 24:5
 screaming (2) -
 18:15, 18:17, 34:11
 search (1) - 13:1
 seat (1) - 22:9
 second (5) - 9:22,
 17:2, 17:15, 17:16,
 24:12
 seconds (2) - 17:16,
 34:14
 secreted (1) - 9:13
 secure (2) - 28:17,
 34:22
 secured (2) - 22:2,
 22:3
 security (1) - 9:1
 see (18) - 15:14,
 15:17, 16:8, 16:9,
 16:14, 16:15, 17:17,
 17:22, 18:9, 18:10,
 19:3, 19:4, 23:10,
 27:9, 29:25, 30:9,
 32:13, 42:10
 seeing (6) - 10:21,
 23:15, 24:8, 25:8,
 25:10
 selected (1) - 28:22
 sent (1) - 20:11

served (1) - 3:24
 set (7) - 8:16, 9:8,
 9:7, 9:12, 39:9, 39:10
 seven (2) - 4:22, 8:9
 several (5) - 18:6,
 22:11, 31:15, 31:22,
 33:14
 shirt (1) - 37:20
 shoot (5) - 13:19,
 13:23, 14:12, 14:16,
 18:22
 shooter (1) - 34:22
 shooting (1) - 21:3,
 21:13, 21:25, 22:3,
 25:2, 25:4, 34:16,
 34:21, 35:10, 36:19,
 38:22
 Short (2) - 22:25,
 43:2
 short (8) - 5:20,
 10:16, 19:19, 20:20,
 23:2, 40:9, 40:10,
 40:13
 Shorthand (2) - 45:7,
 45:20
 shorthand (1) -
 45:11
 shortly (1) - 21:24
 shot (4) - 23:20,
 24:1, 25:11, 36:24
 shots (1) - 24:22
 shoulder (5) - 15:16,
 18:4, 18:25, 17:4,
 25:10
 side (14) - 11:18,
 12:1, 12:5, 14:2,
 15:13, 15:16, 16:9,
 16:10, 20:5, 20:12,
 21:22, 30:8, 33:13,
 36:4
 silver (1) - 9:2
 similar (1) - 15:20
 simply (2) - 26:12,
 27:2
 single (4) - 17:13,
 18:25, 19:7
 situations (1) - 15:21
 six (4) - 19:20, 19:25,
 24:3, 31:24
 sleep (4) - 4:12, 4:20,
 4:23
 slightly (2) - 16:3,
 33:15
 sling (1) - 36:1
 slow (1) - 15:8
 slowed (1) - 11:5
 slowing (2) - 15:7,
 21:10
 slung (1) - 35:25
 small (1) - 20:11
 smoke (1) - 20:2

snow (17) - 9:8, 9:7,
 9:14, 13:7, 15:12,
 15:13, 15:15, 16:9,
 17:23, 32:12, 32:22,
 33:13, 37:20, 37:22,
 39:23
 somewhere (3) -
 32:21, 36:23, 36:25
 soon (4) - 14:23,
 17:7, 17:11, 19:18
 Sorry (1) - 18:1
 sounded (1) - 25:11
 spacing (1) - 42:11
 specific (14) - 7:3,
 7:18, 7:25, 25:25,
 26:9, 26:11, 28:15,
 27:22, 28:16, 30:25,
 31:20, 34:6, 39:7,
 39:9
 specifically (8) -
 28:22, 29:22, 31:9,
 33:24, 34:19, 41:11,
 41:13, 42:1
 specifics (2) - 31:2,
 31:8
 sped (1) - 14:20
 speed (3) - 15:10,
 32:17, 32:18
 spike (2) - 33:7
 sponge (2) - 12:21,
 19:9
 spooling (1) - 41:22
 spot (3) - 23:21,
 37:16, 43:5
 SPRINGFIELD (1) -
 3:1
 squeeze (3) - 24:10,
 25:16, 32:10
 squeezed (1) - 17:13
 ss (1) - 45:4
 stage (1) - 6:13
 staging (1) - 39:22
 stance (1) - 7:16
 standard (5) - 4:3,
 28:7, 29:21, 29:23,
 31:18
 standby (1) - 21:19
 standing (1) - 33:15
 started (5) - 3:19,
 13:1, 15:2, 17:22,
 21:5, 24:9
 starting (2) - 24:10,
 25:15
 starts (3) - 12:19,
 12:22, 14:17
 STATE (1) - 45:4
 State (9) - 3:23, 4:3,
 8:10, 28:7, 31:13,
 31:14, 45:8, 45:20
 state (8) - 4:7, 4:26,
 5:3, 13:15, 30:5,

31:13, 38:18
 statement (1) - 31:10
 stating (1) - 13:10
 stenographer (2) -
 3:11, 3:18
 stepped (5) - 16:22,
 19:6, 19:24, 21:14,
 34:13
 stick (2) - 23:7, 23:16
 still (4) - 15:17,
 16:13, 18:2, 19:14
 stood (2) - 24:21,
 25:2
 stop (12) - 6:22, 11:1,
 11:10, 15:8, 15:13,
 16:6, 19:13, 26:12,
 27:8, 31:23, 43:12,
 43:16
 stopped (5) - 11:5,
 11:14, 18:7, 27:1,
 36:21
 strips (2) - 33:7, 33:8
 struggle (2) - 17:1,
 24:6
 stuck (2) - 12:10,
 40:22
 stuff (2) - 14:20,
 18:15
 sub (1) - 26:21
 sub-misalone (1) -
 26:21
 subjects (1) - 7:25
 SUNDAY (1) - 3:1
 surrender (1) - 14:15
 surveillance (3) -
 7:4, 10:20, 39:14
 SWAT (2) - 3:25, 4:5
 swerve (1) - 15:6
 switch (1) - 41:15

T

tac (1) - 28:17
 tactical (2) - 39:9,
 41:8
 tailored (1) - 29:22
 tape (1) - 36:16
 Taser (1) - 27:23
 tasked (3) - 27:1,
 27:7, 27:19
 tasks (1) - 26:15
 team (27) - 5:17,
 5:18, 8:9, 8:11, 8:17,
 8:21, 9:1, 9:10, 9:12,
 10:9, 10:14, 14:14,
 18:19, 20:11, 21:16,
 26:16, 26:17, 27:13,
 27:22, 30:25, 40:7,
 40:12, 41:24, 41:25,
 42:11, 43:15
 team's (3) - 25:21,

28:5, 43:11
teams [1] - 6:9
temperature [1] - 33:17
tending [1] - 20:22
term [2] - 18:25, 39:15
terminated [1] - 44:5
terms [1] - 35:14
terrain [2] - 28:25, 29:3
THE [14] - 34:2, 34:25, 35:6, 39:2, 39:5, 39:12, 40:4, 41:2, 41:6, 41:8, 42:10, 42:16, 42:19, 43:24
thereafter [1] - 45:12
therein [1] - 45:11
thinking [2] - 16:4, 32:19, 37:21
thoughts [1] - 32:5
threat [5] - 17:20, 18:2, 18:3, 25:10, 40:17
three [4] - 8:17, 8:21, 9:19, 10:9
throughout [2] - 4:4, 15:10
tingling [1] - 19:5
tip [3] - 12:21, 19:9, 19:20
tips [1] - 14:1
together [1] - 41:12
took [10] - 8:7, 11:17, 19:13, 20:6, 22:6, 22:12, 33:12, 38:21
tossed [1] - 13:6
towards [10] - 7:16, 10:9, 16:23, 18:24, 17:23, 20:15, 20:23, 30:2, 32:24, 36:22
town [1] - 39:13
traffic [5] - 8:22, 11:1, 19:13, 26:12, 43:12, 43:15
trail [1] - 30:2
training [5] - 3:21, 4:2, 4:4, 5:13, 15:20
transcribe [1] - 3:11
transcribed [1] - 45:12
transcript [1] - 45:13
transcription [1] - 45:13
travel [1] - 10:6
traveled [1] - 6:10
traveling [1] - 40:14
tree [1] - 28:1
trigger [3] - 24:10, 25:15, 25:16

trooper [1] - 36:17
truck [53] - 8:18, 8:19, 8:20, 9:23, 10:17, 10:22, 10:25, 11:4, 11:8, 11:13, 11:16, 11:20, 11:22, 12:18, 12:25, 15:6, 15:8, 15:11, 16:8, 18:4, 18:7, 18:8, 18:10, 18:11, 18:13, 18:14, 18:18, 19:13, 19:23, 20:5, 20:7, 20:12, 20:14, 20:21, 22:6, 22:13, 23:6, 23:13, 26:19, 27:2, 27:4, 27:6, 30:3, 32:3, 32:19, 34:13, 36:21, 36:22, 36:25, 40:23
trucks [1] - 9:2
true [1] - 45:14
try [3] - 20:25, 27:8, 32:10
trying [5] - 5:12, 7:8, 17:5, 33:2, 33:8
turn [6] - 13:11, 13:17, 13:18, 16:23, 23:15, 31:16
turned [4] - 11:3, 11:4, 12:6, 27:5
two [15] - 9:3, 9:15, 9:19, 10:1, 11:24, 12:8, 12:9, 17:15, 17:16, 26:13, 30:10, 30:23, 40:2, 40:10, 40:22
type [2] - 34:23, 39:11
types [1] - 40:2

U

under [3] - 13:11, 13:16, 31:18
underneath [1] - 37:22
understood [2] - 20:14, 24:23
uniform [1] - 39:9
unit [1] - 27:16
units [1] - 27:12
unlawful [1] - 7:21
unmarked [2] - 39:15, 39:21
up [52] - 8:1, 6:9, 7:9, 8:16, 9:8, 9:7, 9:12, 9:13, 10:9, 11:12, 11:17, 12:23, 13:12, 13:17, 15:14, 15:16, 15:17, 16:9, 16:11, 16:22, 17:3, 17:4, 17:7, 17:12, 17:15,

17:22, 18:25, 19:2, 19:4, 19:16, 19:17, 19:20, 20:12, 20:16, 20:17, 20:23, 20:24, 21:22, 22:14, 23:14, 24:2, 24:5, 25:9, 31:17, 33:2, 37:20, 38:9, 40:8, 40:10, 41:22, 42:1
updated [1] - 10:4
updates [1] - 10:4
upgrading [1] - 40:17

V

vaguely [1] - 30:20
van [6] - 8:20, 10:23, 11:9, 12:4, 13:7, 13:8, 14:9, 19:12, 27:6
various [5] - 3:15, 6:9, 7:6, 7:8, 20:7
vault [1] - 22:13
veered [1] - 15:11
vehicle [53] - 9:18, 9:20, 9:22, 10:2, 10:9, 10:23, 10:24, 11:2, 11:7, 11:9, 11:10, 11:16, 13:12, 13:17, 13:18, 14:4, 14:11, 14:18, 14:22, 14:23, 14:24, 15:1, 15:12, 16:6, 16:7, 19:23, 20:3, 20:10, 20:12, 23:7, 23:8, 23:9, 26:24, 27:6, 27:7, 28:10, 28:19, 29:1, 30:17, 30:22, 31:5, 31:18, 31:17, 32:9, 32:13, 32:15, 35:22, 35:24, 36:2, 36:5, 38:7, 39:20, 40:5
vehicle's [1] - 27:9
vehicles [14] - 8:17, 8:21, 8:25, 9:3, 9:8, 9:15, 10:12, 16:10, 26:13, 27:1, 29:3, 32:8, 39:15, 39:21
verbal [12] - 11:19, 12:4, 12:9, 12:12, 13:10, 20:6, 31:4, 34:3, 34:5, 34:8, 34:10, 36:12
verbatim [1] - 45:14
vest [4] - 36:16, 40:2, 40:11, 40:22
vests [1] - 39:24
via [1] - 30:6
vicinity [1] - 17:1
video [1] - 38:18
videos [1] - 7:7,

7:11, 7:13, 15:25
view [4] - 7:24, 18:7, 18:13, 24:4
visual [2] - 10:10, 38:2
voices [2] - 30:23, 34:11

W

waist [1] - 15:23
wait [3] - 23:22, 23:23, 24:17
waited [2] - 8:14, 20:5
walked [1] - 36:22
watched [1] - 7:11
watching [2] - 12:14, 39:18
water [1] - 33:15
weaken [1] - 14:6
weapon [4] - 17:4, 22:2, 34:22, 35:18
weapons [2] - 7:3, 29:9
wear [2] - 5:6
wearing [5] - 5:5, 36:13, 39:8, 39:10
weather [1] - 33:11
whatsoever [1] - 11:6
whereabouts [1] - 34:24
whichever [1] - 10:20
white [20] - 9:22, 10:17, 11:7, 11:13, 11:20, 15:6, 15:8, 15:11, 16:4, 18:11, 18:13, 19:23, 20:21, 23:13, 27:2, 27:4, 27:6, 30:3, 32:3, 32:19
whole [1] - 21:9
wide [1] - 24:4
Wildlife [1] - 6:15
window [6] - 12:6, 12:10, 14:2, 19:2, 19:8
windows [1] - 12:1
windshield [1] - 14:3
wise [1] - 31:9
witness [1] - 33:24
WITNESS [10] - 34:2, 34:25, 35:6, 39:2, 39:5, 39:12, 40:4, 41:2, 41:6, 41:8, 42:10, 42:16, 42:19, 43:24, 45:17
word [1] - 20:8
wore [1] - 39:22

Y

years [2] - 3:23, 4:4
yelled [1] - 21:23
yelling [1] - 34:12
yield [1] - 11:8
yielding [1] - 32:6
yourself [2] - 26:14, 28:21
YouTube [1] - 15:25

**DESCHUTES COUNTY SHERIFF'S OFFICE**

CASE# 2016-00024205

CASE SUPPLEMENT REPORT #4

83333 West Highway 20

Bend, OR 97701

CONNECTED #1 2016-0024156

CONNECTED #2 2016-0024241

CONNECTED #3

EVENT	DATE/TIME OF THIS REPORT 01/26/2016 19:18
	TITLE / DESCRIPTION Additional Investigation and Interview of Officer #1

DISTRIBUTION			
<input type="checkbox"/> KARLY'S LAW	<input checked="" type="checkbox"/> DA	<input type="checkbox"/> DHS	<input type="checkbox"/> JUSTICE COURT
<input type="checkbox"/> MDT	<input type="checkbox"/> JUVENILE	<input type="checkbox"/> KIDS CENTER	<input type="checkbox"/> CIRCUIT COURT
<input type="checkbox"/> USE of FORCE	<input type="checkbox"/> DMV	<input checked="" type="checkbox"/> DETECTIVES	<input type="checkbox"/> MENTAL HEALTH
<input type="checkbox"/> PURSUIT	<input type="checkbox"/> OLCC	<input type="checkbox"/> ME	<input type="checkbox"/> ENVIRONMENTAL HEALTH
<input type="checkbox"/> K-9	Other:		

OFFENSES	CTS	STATUTE/DESCRIPTION	ATTEMPT/COMMIT

SUBJECT	SUBJECT TYPE		NAME (LAST, FIRST, MIDDLE SUFFIX)				PRIMARY PHONE	
	ADDRESS (STREET, CITY, STATE, ZIP)						PHONE #2	
	DOB	AGE or AGE RANGE	SEX	RACE	HEIGHT or RANGE	WEIGHT or RANGE	HAIR	EYE
	DL NUMBER/STATE			SSN	ALIAS (LAST, FIRST, MIDDLE)			
	EMPLOYER NAME AND ADDRESS					EMPLOYER PHONE NUMBER		

SUBJECT	SUBJECT TYPE		NAME (LAST, FIRST, MIDDLE SUFFIX)				PRIMARY PHONE	
	ADDRESS (STREET, CITY, STATE, ZIP)						PHONE #2	
	DOB	AGE or AGE RANGE	SEX	RACE	HEIGHT or RANGE	WEIGHT or RANGE	HAIR	EYE
	DL NUMBER/STATE			SSN	ALIAS (LAST, FIRST, MIDDLE)			
	EMPLOYER NAME AND ADDRESS					EMPLOYER PHONE NUMBER		

SUBJECT	SUBJECT TYPE		NAME (LAST, FIRST, MIDDLE SUFFIX)				PRIMARY PHONE	
	ADDRESS (STREET, CITY, STATE, ZIP)						PHONE #2	
	DOB	AGE or AGE RANGE	SEX	RACE	HEIGHT or RANGE	WEIGHT or RANGE	HAIR	EYE
	DL NUMBER/STATE			SSN	ALIAS (LAST, FIRST, MIDDLE)			
	EMPLOYER NAME AND ADDRESS					EMPLOYER PHONE NUMBER		

WRITING OFFICER DCSO 21	DATE 2/18/2016	REVIEWED BY DCSO 7	2/18/2016 16:45
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DESCHUTES COUNTY SHERIFF'S OFFICE

CASE SUPPLEMENT REPORT

63333 West Highway 20

Bend, OR 97701

CASE# 2016-00024205

NARRATIVE

ASSOCIATED CASE NUMBERS

Bend Police Department Case No 16-24156
Redmond Police Department Case No 16-24241
Oregon State Police Case No SP16-026132

ATTACHMENT:

Copy of Transcription of Recorded Statement

EVIDENCE COLLECTED

1 Black Patagonia Jacket Size L
1 Black Tactical Vest with accessories
1 Black Smith and Wesson .40 cal pistol
16 .40 cal unspent "Speer" ammunition rounds from KV102
14 .40 cal unspent "Speer" ammunition rounds from KV101
58 .223 "Speer" rounds within two rifle magazines
1 pair of brown Danner boots. Size 10.5
1 Black Polo Style Shirt
1 Pair Green Pants "5.11" Size 34/34
Media Card with Photos
Stenographer's Original Transcription
Original Non-Disclosure Agreement with Stenographer Service
Original Training Records for Officer #1 and Officer #2

These items have been booked into the Deschutes County Sheriff's Office Evidence Division for secure storage.

INVESTIGATION SUMMARY

I am a Detective with the Deschutes County Sheriff's Office and a member of the Tri-County Major Crime Team, a multi-jurisdictional team of Detectives from various law enforcement agencies. Bend Police Detective #3627 and I were assigned to collect evidence from and interview "Officer #1."

I have participated in this investigation since January 26th, 2016. I have obtained the facts set forth in this report through personal participation in the investigation described below and from oral and written reports of other law enforcement officers, documents and other evidence obtained during this investigation. I have obtained and read official reports prepared by various law enforcements officers participating in this investigation and in the other related investigations by the Central Oregon Major Crimes Team, Oregon State Police, Deschutes County Sheriff's Office, and Bend Police Department. Please refer to their respective report for additional details about this investigation.

In addition, I have personally viewed the aerial footage provided by the Federal Bureau of Investigation and the video

REPORTING OFFICER

DATE

REVIEWED BY

2/18/2016

2/18/2016 16:45



DESCHUTES COUNTY SHERIFF'S OFFICE

CASE SUPPLEMENT REPORT

83333 West Highway 20
Bend, OR 97701

CASE# 2016-00024205

NARRATIVE (Continuation)

footage taken from Shawna Cox from inside the white truck driven by Lavoy Finicum.

This supplemental report is submitted for the limited purpose of documenting a statement of "Officer #1", it does not set forth each and every fact identified during the course of this investigation.

In summary, "Officer #1" was involved with an FBI operation to stop and arrest identified targets. He/she was assigned to control traffic on the north side of the FBI roadblock on Highway 395 during the FBI operation. During the FBI operation, he/she received information that the roadblock was going to be relocated and his/her traffic control post would also be adjusted. He/she returned to the roadblock to begin relocation. At the same time, Officer #1 was told that the suspect's white truck fled the traffic stop and was approaching his/her position. Officer #1 took a cursory position on the east side of the road. See the attached Stenographer's report for additional details about Officer #1's assignment and positioning.

SCENE SUMMARY

On January 27th, 2016, I personally viewed and familiarized myself with both scenes on Highway 395 with the other team Detectives. During the scene review, "Officer #3" provided a cursory review of the scene layout. See Bend Police Detective #3867's report for details about "Officer #3's" presentation.

Highway 395, at the 2nd scene, is a mostly north/south two-lane rural roadway of asphalt construction located in the Clear Fork National Forest. The asphalt surface was in good condition. This area is regulated by posted 55 mph speed signs. The roadway had a slight downward grade to the north in this area.

There is one lane for the northbound traffic and one lane for the southbound traffic. Each lane is approximately twelve feet wide with a 4 foot shoulder. At the time of my visit, the shoulders were not exposed as they were covered with ice and snow. Yellow centerlines and white fog lines identify traffic lanes. The painted pavement markings are in good condition.

There is approximately eighteen inches of asphalt beyond the white painted fog line; beyond the asphalt is a soft gravel shoulder followed by a slope. The slope on the east side of the highway was significantly downward and was covered in deep snow. The slope on the west side was upward and also covered in deep snow. The type of terrain underneath the snow was unknown.

This area does not have any roadway lighting or supplemental signage.

The shooting incident occurred at approximately 1630 hours. According to the United States Naval Observatory, the sunrise time for this area was 0719 hours and the sunset time was 1659 hours. According to weather data obtained from at the Burns Municipal Airport, at 1630 hours, the temperature was 27.2°, the winds were out of the west-northwest at 1.75kts and visibility was greater than 6 miles. There was no significant precipitation in the previous 12 hours.

I did not take any measurements, photographs or process any evidence while at the scene.

STATEMENT OF OFFICER #1

REPORTING OFFICER

DATE

REVIEWED BY

2/18/2016

2/18/2016 16:45



DESCHUTES COUNTY SHERIFF'S OFFICE

CASE SUPPLEMENT REPORT

83333 West Highway 20

Bend, OR 97701

CASE# 2016-00024205

NARRATIVE (Continuation)

On January 31st, 2016 at approximately 11:00AM, Bend Police Detective #3627 and I met with "Officer #1" and his/her representation at the Springfield office of the Oregon State Police. "Officer #1" provided us a voluntary statement that was recorded by [REDACTED] a professional stenographer.

A complete copy of the stenographer's transcription report is attached to this report. Please refer to this transcription for details about "Officer #1's" statement. The original report was booked into DCSO Evidence.

On February 12th, 2016, at approximately 1:30PM, Bend Police [REDACTED] and I met with "Officer #1" and his/her representation again at the Springfield office of the Oregon State Police. We provided "Officer #1" a copy of the FBI's aerial video and a copy of the cell phone video from Shawna Cox's cell phone. We specifically asked Officer #1 about when he/she discharged his/her weapon. He provided us a voluntary statement after reviewing the video footage.

Officer #1 recalled seeing the white truck "rounding the corner" and believed that it was traveling too fast to stop and intended on ramming the roadblock into him/her and the other officers. Officer #1 told me he/she began firing at the white truck in the "corner" and where he could see the driver's door. Although, he/she could not recall the number of shots taken at the truck, Officer #1 explained he/she continued to aim and shoot at the driver and truck engine until it swerved at the last moment in front of the "spike strips" placed in the roadway by FBI agents.

When asked about the moment in Shawna Cox's cell phone video when shots are taken at the white truck that break the rear window (Counter 5:30), Officer #1 replied by saying, "I don't recall moving and shooting. When compared to the aerial photo, Officer #1 confirmed his position in the scene as it shows Officer #1 moving from east to west between the two FBI trucks and his/her own truck. He/she confirmed he/she was preparing to rescue an officer he/she believed was trapped under the white truck.

Officer #1 explained as he/she approached the white truck he/she could see Finicum on the west side of the truck and hear other officers giving him commands. See the attached Stenographer's report for additional details and the rest of Officer #1's statements.

End of report.

REPORTING OFFICER

DATE

REVIEWED BY

2/18/2016

2/18/2016 16:45

ORIGINAL

STATEMENT OF OFFICER NO. 1

Taken at the offices of Oregon State Police, 3620 Gateway,
Springfield, Oregon, commencing at 11:50 a.m., on Sunday,
January 31, 2016.

A P P E A R A N C E S

OFFICER NO. 18, for the officer
OFFICER NO. 16, OSPOA representative
OFFICER NO. 3627
OFFICER NO. 44640

REPORTED BY:



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I N D E X

EXAMINATION BY:

PAGE

OFFICER NO. 3627

3

EXHIBITS FOR IDENTIFICATION

(None marked.)

3
1 SPRINGFIELD, OREGON, SUNDAY, JANUARY 31, 2016, 11:50 A.M.

2
3 OFFICER NO. 1

4
5 EXAMINATION

6 BY OFFICER NO. 3627:

7 Q. At first, just to get on the record, will you
8 state your name, and you are going to change that name to
9 signify a number, correct?

10 A. And I am going to list first names of others.

11 Q. First names only, and she will change them on
12 the record to the number itself.

13 (Discussion held off the record.)

14 Q. BY OFFICER NO. 3627: As far as officer
15 background, how long have you been a certified officer
16 with the Oregon State Police, and can you briefly describe
17 your training and experience?

18 A. [REDACTED]

19 Q. [REDACTED]

20 A. [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 [REDACTED]
25 [REDACTED]

1 Q. Okay. This incident occurred on January 26,
2 2016. Generally how were you feeling on that date?

3 A. I was feeling I would say well. I was working
4 through many phases of what we were asked to do that day,
5 and I felt that we were prepared and that -- that I had a
6 clear understanding of the overall totality of what was
7 going on and what our role was going to be while we were
8 assisting the FBI.

9 Q. Did you have any illnesses that affected you the
10 day of the incident?

11 A. No.

12 Q. Did you take any medication or alcohol that
13 affected your ability?

14 A. No.

15 Q. Do you require glasses or contacts, and if so,
16 were you wearing them?

17 A. I do not require glasses or contacts.

18 Q. When did you last sleep and how much sleep did
19 you get? And that's prior to the incident.

20 A. The night prior, and I was asleep in the 9:00
21 o'clock hour, and woke up in the -- what time did I hit
22 breakfast? 6:30? Actually I think it was 5:45. I got a
23 full night's sleep.

24 Q. Are there any other factors that may have
25 affected your physical or mental state at that time that

1 we haven't covered here that you want to put on the
2 record?

3 A. I think it's important to know that as a member
4 of our SWAT team, we try to maintain the best physical
5 condition we can. We are routinely exercising to maintain
6 good physical, mental faculties, and not on any kind of
7 prescription meds or any kind of health issues or anything
8 like that. I would say there is absolutely nothing that
9 affected my ability to perform as a state trooper that
10 day.

11 Q. Briefly describe your activities for the 24
12 hours prior to the incident.

13 A. So that backs up to 4:30 the day before?

14 Q. Yes.

15 A. So the day before, I had left, went to Bend to
16 begin the planning process of this. We met, OSP SWAT
17 members met in Bend that night. After we met, I went -- I
18 got -- went back to the hotel. I got picked up by OFFICER
19 NO. 3. We went to a local restaurant in town. He then
20 brought me back to the hotel, like I said, I was asleep in
21 the 9:00 o'clock hour. I think it was before 9:00 I got
22 back, and was out sleeping with no issues.

23 Woke up in the morning. Picked OFFICER NO. 3
24 up. We responded to Burns. We were slightly behind other
25 members of the team. Went straight to the command post in

1 Burns, and proceeded to be a part of the planning and
2 contingencies and seeing how we as an agency were going to
3 be able to assist the FBI in the overall operation.

4 Q. Regarding the planning and prior information
5 that you may have known, what did you know about the
6 occupation of the Malheur Wildlife Refuge and those
7 individuals involved prior to the incident?

8 A. I knew in December that there was people from
9 out of state, specifically I knew Ammon Bundy and Jason
10 Patrick and others were in Harney County. I went to a
11 meeting, I don't know the date, in mid later third of
12 December with the sheriffs office and all the local
13 partners, and were there in discussing, you know, the
14 overall situation and what it could turn into and what
15 they were experiencing to that point.

16 Then on January 2nd, there was a planned rally,
17 protest, if you will, and I responded to Burns. I was
18 there. During that time, I knew more of the individuals.
19 I had seen many open source postings of different levels
20 of basically statements about the situation regarding the
21 Hammonds, and then other concerns that different groups
22 had had regarding land use and such. And some of the more
23 extreme posts that I saw included, you know, "I'm going to
24 go to Burns and shoot me some feds," things like that.

25 So I was there on the 2nd. A small group of

1 Oregon State Police SWAT was in town, and we had no
2 incidents other than I think it's important to note that
3 that day, that group of people, let's call them militia,
4 for lack of a better scientific term, were actively
5 surveilling me as a -- as what I think they identified a
6 government employee.

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21 So that was the level of surveillance that I was
22 confident that group was doing and that was consistent
23 with later reports that I got from law enforcement
24 officials on the behavior of the militia and how they were
25 counter surveilling what law enforcement was doing.

1 Q. Okay.

2 OFFICER NO. 16: Just to clarify, what uniform
3 were you wearing?

4 THE WITNESS: On January 2nd I was wearing a
5 class A Oregon State Police uniform, badge and everything.

6 Q. BY OFFICER NO. 3627: Okay. In my questions, I
7 just refer to them as an occupying group. I'm going to
8 refer for consistency as militia from this point forward,
9 if that's okay.

10 A. Okay.

11 Q. And you spoke to the surveillance. Did you have
12 any specific information about the militia's weapons or
13 body armor, them having either?

14 A. To progress, I think there is a lot between the
15 2nd and last Tuesday. So I then was involved in, you
16 know, several meetings. I was getting multiple
17 intelligence briefs. I was getting information about the
18 militia at the Malheur National Wildlife Refuge. I was
19 getting information on different groups coming into town,
20 and that they were coming and going, and the numbers
21 growing on the weekend and slimming down during the week.
22 I mean there was countless pages of intel briefings that I
23 was able to read and be aware of.

24 So throughout the next however many weeks, I was
25 involved in multiple meetings that involved planning

1 future operations and strategy and how the FBI was going
2 to try to resolve the situation.

3 I need to back up. What was your last?

4 Q. Did you have any specific information about them
5 having weapons or body armor?

6 A. Yes.

7 Q. If so, what?

8 A. Throughout that point I also was doing my own,
9 you know, for lack of better words, viewing on the
10 internet, and I would see videos posted, so I knew that
11 they were armed obviously.

12 And then I had heard information regarding inert
13 or grenades, report of 10 grenades that had made it to the
14 refuge.

15 There was reports of long guns to include scoped
16 rifles.

17 There was a report of a high caliber hunting
18 rifle in the tower with, you know, shifts being manned 24
19 hours a day.

20 There was reports that they were basically
21 routinely or more often than not armed with side arms, and
22 with also, you know, long rifles, to include assault-style
23 AR-15 rifles, AK-47's.

24 We were anticipating all type of weapons in
25 Harney County, whether it was in a vehicle related with

1 the group or actually out at the refuge.

2 Q. Okay.

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10 Q. So you covered one of those. And you did touch
11 on this with one statement, but what did you know about
12 the occupying group's specific stance towards law
13 enforcement?

14 A. I knew that they -- most of what I saw, they
15 would imply that they are there for peaceful protest, and
16 that they were encouraging law enforcement to join their
17 cause, and they put that face of a peaceful relationship
18 between law enforcement and their cause out there, but I
19 also knew that at the end of their statement of being
20 peaceful, that they would take defensive actions to
21 include shooting police officers to further their message.

22 Q. Okay. So now we are just going to jump to the
23 incident itself, and the planning operation. And so at
24 this point from the time you were first contacted for this
25 mission, just talk us through the entire thing, until the
time when you left --

1 A. And just to clarify before anything to that, you
2 are talking specifically the action to arrest people?

3 Q. Yes.

4 A. Not anything at the refuge or anything --

5 Q. Nothing on the refuge. I'm specifically talking
6 about the operation that culminated in this incident.

7 A. Okay. So I received a text from my manager that
8 said that there is an open source discussion about a
9 meeting in Grant County. I was able -- and that had the
10 article attached. I believe it was an Oregon Live
11 article. I read that, and I read that there was a meeting
12 scheduled in Grant County that Tuesday night at 6:00 p.m.,
13 and at that point there was discussion about being
14 prepared to effect an arrest during their travel to that
15 meeting.

16 So the next day I traveled to Redmond area, and
17 I met with leaders of the FBI and discussed how we would
18 participate and assist them in that.

19 We talked locations, vehicle order, how many
20 people, those sort of things, to, you know, safely conduct
21 this traffic stop, assuming at that point that they had to
22 drive from the refuge to John Day where the meeting was
23 held.

24 I was there starting these discussions around
25 11:00 a.m. It became clear to me that within FBI's

1 structure, that there was -- this operation was probably
2 going to be approved, and so that afternoon I contacted a
3 SWAT sergeant and had him get ahold of those that were
4 going to be involved and have them respond to Bend, those
5 that were from out of the area, and we all met in Bend.

6 I gave that group of OSP SWAT members a brief of
7 what I knew at that point, and then we broke that night.
8 And the instructions were at that point to respond to
9 Burns the next morning and to meet up with the FBI and
10 walk through and coordinate, you know, details of how that
11 would look.

12 That day there was discussions about a location
13 which was actually in Grant County. It was a large canyon
14 that had tactically beneficial areas, and through the
15 planning process, as you now know, we moved the location
16 where we were going to conduct this traffic stop and
17 arrest to -- into Harney County.

18 So the next -- the next morning I got to the CP
19 after -- OFFICER NO. 3 and I got to the CP after the other
20 six members were in the planning process with members of
21 the FBI, and that included discussions ranging from, you
22 know, who is going to drive what vehicles, who's going to
23 intermix with the FBI for communication purposes, who's
24 going to be assigned what roles, what vehicles are going
25 to stop each vehicle, [REDACTED]

1 [REDACTED]
2 [REDACTED] So we had contingencies
3 for if one yielded, one didn't. If they both yielded, you
4 know, and so on.

5 So that, those sort of, for lack of better term,
6 down-in-the-weeds details, very fine details were being
7 were happening between all members of the Oregon State
8 Police and the involved parties of the FBI.

9 After that, it progressed through that day. The
10 management, the leadership of Oregon State Police SWAT
11 team, as well as the team leaders of FBI's group met with
12 the officials from the FBI and presented the plan as it
13 evolved.

14 And I was -- I was aware at that point that OSP
15 and the FBI were approved to proceed with this operation
16 from the highest levels of the FBI.

17 I was also aware at that point that OSP and the
18 FBI knew that there was authority to arrest these
19 individuals through the federal system, and the FBI was
20 going to effect those arrests at the conclusion of the
21 traffic stop, and we were there to assist them with the
22 traffic stop portion and safely bringing those people into
23 custody.

24 Q. Do you recall what the date was with the
25 planning portion?

1 A. Can you help me with the actual day of the
2 event?

3 Q. The actual day was Tuesday.

4 A. So the very first time I learned about this
5 meeting in John Day and the potential of them driving and
6 being an opportunity to arrest them would have been Sunday
7 night is when I read that article.

8 Monday I drive to Central Oregon and began
9 planning initially with the FBI. Monday night all the OSP
10 personnel convened in Central Oregon.

11 Tuesday morning, we all respond to Burns, and
12 then we continued through that process of planning the
13 fine details, and ensuring everyone has received all the
14 information they need to initiate this operation.

15 Q. Okay.

16 A. So after the approval is when we took our
17 assignments and prepared, and then eventually left the
18 Burns area to effect this.

19 Q. Okay. And it sounds like there was a briefing
20 for this operation?

21 A. There was. I think you could describe it as a
22 briefing.

23 Q. Okay.

24 A. As a culmination of thoughts and assurance that
25 everyone is on the same page, that we have our assignments

1 and our responsibilities, and we have our contingencies.
2 That was conducted Tuesday.

3 Q. Okay. So go ahead. Just talk me from the
4 briefing through incident.

5 A. So with the concern of counter surveillance and
6 the totality of the intelligence that we had up to that
7 point, we had chosen to use combination of Oregon State
8 Police vehicles and FBI vehicles. Our vehicles were
9 equipped with red and blue lights and a siren, and they
10 were going to be the ones that made the traffic stop.

11 So we staggered our response. We were extremely
12 concerned that our departure from Burns, which is a
13 relatively small town, and leaving from the central hub of
14 the command post there, that our departure or any of our
15 behavior that day could kind of expose the operation, and
16 we were actually concerned that there was vehicles
17 surveilling the command post that day. So we were taking
18 precautions at that point not to appear to be some
19 tactical group that was deploying to some area.

20 So we staggered our response. I would say I
21 think it was after 2:00 o'clock we started staggering our
22 response out to the area, and I'll describe a snow park,
23 and then I don't recall the name of the road, but there
24 was a Forest Service road. There was a Forest Service
25 road, those are kind of the two points we were deploying

1 to.

2 There was a group of -- that was going to stay
3 at the snow park, and then as intelligence came in, and we
4 knew more about what was approaching us, they were going
5 to pull out onto the highway, pull in behind the two
6 vehicles, activate their lights and conduct a traffic
7 stop, with the plan of conducting a felony stop, through
8 policy, just a basic police felony stop, and take those
9 people into custody at that location.

10 So as we deployed out, there was that group of
11 officers, which was a combination of Oregon State Police
12 and FBI. They had a medical contingency. I don't know
13 the level, but they had an FBI medic with them. They had
14 a canine with them. And their goal was to effect the
15 traffic stop.

16 There was, down the road at this side road,
17 there was two FBI vehicles with three of their members and
18 one OSP member, and then additionally there, there was an
19 OSP command vehicle, an OSP team leader, and an FBI team
20 leader.

21 So as I drove out to the area, I physically
22 drove into the snow park and saw where everyone was
23 staged. I had driven down and saw the side road, and what
24 was beyond it, down meaning north on 395 from the scene.

25 And I was aware of the most current intelligence

1 reporting that was coming in from the FBI, and was aware
2 of what was being put out to the group as a whole.

3 [REDACTED]
4 [REDACTED]
5 [REDACTED]
6 [REDACTED] There was
7 communication on multiple FBI radios, although I think the
8 main channel was not working very well. What I remember
9 is a lot of information coming from an FBI aircraft
10 regarding the vehicle's movement towards our location.

11 So that information was coming into our command,
12 and the command was pushing that out over the OSP radio,
13 which was our tac 2 secure channel. So that ensured that
14 all units involved got that information, [REDACTED]

15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 And off the top of my head, we knew in a white
19 Dodge truck, it was being driven by Finicum. He had with
20 him Ryan Payne and Ryan Bundy. [REDACTED]
21 [REDACTED]

22 In the orange jeep, as it was described to us,
23 there was -- I don't recall the driver's name. There was
24 a driver. There was Cavalier, who was mentioned to be in
25 the front passenger seat, and there was Ammon Bundy in the

1 back seat, or that could have been mixed up. Those two
2 were in there. I don't recall the name of the driver.

3 And we had information that the white truck was
4 in front as they approached. We knew that the FBI had
5 visual on them leaving the Malheur Wildlife area, and then
6 there was a break in information about exactly where they
7 were, but it started getting accurate when the plane
8 estimated they were five miles away from our location, and
9 traveling at highway speeds towards us, and that was
10 relayed over OSP's channel to all members.

11 So the last update from the aircraft on where
12 this -- these two vehicles were when they were about a
13 mile, approximately a mile away from the snow park
14 entrance.

15 From there, I recall hearing on the radio,
16 execute, command of execute, meaning they were going to
17 initiate a traffic stop.

18 So several minutes go by.

19 So let me back up real quickly. The two FBI
20 vehicles that were parked on the side road, we were north.
21 They were all north. When the traffic stop occurred, the
22 FBI were going to pull out and block the roadway and
23 ensure that no motoring public approached the traffic
24 stop.

25 The OSP vehicle was going to be beyond that, to

1 the north of that, and they also were going to -- and that
2 group of two vehicles, FBI vehicles, which OFFICER NO. 3
3 was a part of that group for communication purposes also
4 was going to deploy spike strips to prevent any of these
5 individuals from fleeing.

6 And so as that traffic stop is executed, and
7 minutes go by, the OSP command vehicle drove closer to
8 where the two FBI vehicles were in a V in the middle of
9 the roadway, and the FBI team leader was discussing moving
10 that whole element forward towards the traffic stop to
11 close in on the traffic stop, and that is one of the
12 reasons why the command vehicle was where it was.

13 Q. Okay.

14 A. Because he was discussing with members of the
15 FBI about closing in the containment, if you will, and at
16 that point OSP vocalized that it's best to just maintain
17 the position here and not proceed any closer to the
18 traffic stop.

19 And as that discussion is going on, I think
20 everyone was in agreement that it made more tactical sense
21 to keep that distance, and to maintain the presence, not
22 allow any motoring public beyond us to a felony traffic
23 stop.

24 So we held that position, and moments later
25 there is discussion on the radio that the operator --

1 there was discussion that the vehicles had separated
2 somewhat. There was like several hundred yards between
3 them, and so you had kind of two traffic stops, and then I
4 could tell that there was a group communicating with the
5 white Dodge pickup driven by Finicum. There was
6 information on the radio that Finicum was not coming out
7 of the vehicle, was being uncooperative.

8 There was discussion about transitioning to our
9 gas plan, to initiate putting gas into that vehicle during
10 that traffic stop.

11 Due to the fact that they were armed, and now
12 being noncompliant, and this is going on for more than
13 what a reasonable time frame is, and the movement within
14 the vehicle, that it was at that point, while the officers
15 were preparing for that, the OSP command came over the
16 radio and said, "Proceed with your gas plan when you are
17 ready."

18 It was moments later that -- that we heard that
19 the white truck is fleeing, is now fleeing, and they are
20 trying to overtake it.

21 At that point now, I had gotten out of the
22 vehicle. I had an AR-15. I was wearing an OSP over-vest
23 that had your standard Oregon State Police badge and
24 police marking, and your standard tools, handcuffs,
25 et cetera.

1 I was now out of the vehicle. I was very clear
2 on the area we were at. We were in some kind of a long
3 sweeping curve with several hundred yards of visibility as
4 the vehicle approached, with ample time for anyone even
5 driving at a high rate of speed to come to a complete
6 stop.

7 I was preparing for essentially another
8 felony-style stop now at this location, assuming that the
9 vehicles would have to come to a stop or ram through the
10 roadblock, or what ended up happening, try to go around
11 the roadblock.

12 So there is a bit of, I want to call it
13 commotion, but there is -- but I'm hearing some yelling,
14 and I vividly remember OFFICER NO. 3, so everything I'll
15 refer to is facing the direction the truck is coming.

16 Q. Okay.

17 A. Okay? So I remember to the right OFFICER NO. 3
18 falling in the snow, and I could see clearly OFFICER NO. 3
19 is making an aggressive move to try to get off of the
20 roadway through the snow, and what I presumed would be to
21 a safe area where there was some trees, and I could tell,
22 I watched multiple steps, and I recall seeing agents still
23 within, behind the two vehicles that were in a V.

24 I recall them being on little step stools over
25 the truck, and I remember trying to process the safest

1 place for me to go now, and as time -- I knew that our
2 distance was not that great, and I knew that this truck
3 was going to be upon us very fast, and I made the decision
4 to go far left, and I was standing on -- I had one foot on
5 the snow bank and one foot on the bumper of that left
6 truck. I was straddling the two. And the contingency at
7 that point was cover from there if that truck approached
8 at a high rate of speed, I was going to jump to the far
9 left as far as I could out into that snow if a vehicle
10 tried to ram through those vehicles.

11 So within moments, sure enough here comes a
12 white, what appears to be a Dodge truck, and I'm very
13 familiar with those -- we have one on our SWAT team --
14 approaching at a high speed. I estimated between 60 and
15 70 miles per hour. And I could see it approaching the
16 roadblock, and with my training and experience, it got to
17 a point where I believe without a doubt it could not stop.
18 It was going to run into our roadblock, which would have
19 resulted in the death or serious injury of multiple
20 officers.

21 As it rounded the corner, and I believe that
22 there was no other option, it was going to run into the
23 roadblock. I fired multiple rounds from an AR-15 rifle
24 that is assigned to me, and I was aiming towards the --
25 what would be the driver area, and at the motor.

1 The truck continued obviously towards the, I
2 would say kind of the last minute, last second, it swerves
3 to the driver's left or to our scene I've been referring
4 to, to the right side of it.

5 So I'm now on the left, and I watched the truck
6 plow through that snow and push snow like you would push
7 water if you ran a car into a lake, and I saw an officer
8 in front of the truck, and I believed that the officer was
9 ran over by the truck, and I felt that he was likely under
10 that truck.

11 As the truck comes to a stop, I immediately
12 move -- I would say move quickly towards the truck,
13 covering the truck, anticipating based off of those
14 actions, such an aggressive action, I anticipated likely
15 being shot at through those windows of that vehicle, and
16 that's based off of all the intelligence reports and the
17 fact that they are armed and now they are committed to the
18 point of running over an officer.

19 I approached the truck quickly, trying to see
20 where the officer was, and trying to be prepared to engage
21 any threats that may present itself at that point, knowing
22 we had to get an officer out from under that truck.

23 As that's happening, I'm literally moving
24 towards the truck, so I'm -- I leave the bumper in the
25 snow bank, and approach the truck just straight on, so I'm

1 walking behind the two vehicles, approaching, and I walk
2 in front of the third vehicle there, and I approach that
3 truck, and now I can see, and I had known prior that
4 OFFICER NO. 3 had moved to the tree line for safety, and
5 now I can see and I can hear communication between the
6 driver and OFFICER NO. 3, and I can -- I see the driver
7 exiting the truck, and I am now perceiving that as the
8 greatest threat at that point.

9 No other doors on the passenger side did I ever
10 see open, and I know that to get into a better position of
11 advantage to try to give commands and resolve the
12 situation, I move to the left around behind the truck
13 that's stuck in the snow.

14 I'm out in the open. The footing isn't great.
15 I'm walking on, you know, loose snow, but immediately as
16 I'm in view of the driver, I am focused solely on the
17 driver, and I'm covering him with my rifle.

18 I can see -- I know that OFFICER NO. 3 is to my
19 left in the tree line, and I can see OFFICER NO. 3. My
20 focus is on the driver at that point, and I am cognizant
21 that I'm out in the open, and I'm exposed to the truck,
22 but with what was going on with OFFICER NO. 3 being
23 exposed and in the open, it was still my priority to cover
24 the driver. That was the most obvious concern to our
25 safety at that point.

1 I knew prior to this, I know that OFFICER NO. 3
2 had been asked to take custodies and to assist with any
3 traffic-related issues that came up, and that he did not
4 have a long gun, a rifle, and so he would have been armed
5 with a pistol and a Taser.

6 So as I'm going over there, I am concerned that
7 [REDACTED] over there dealing with the driver alone. I slide
8 over there. I see what's going on. The driver is moving.
9 He's -- I felt that he was moving my direction, and I
10 remember OFFICER NO. 3 yelling something to him. I don't
11 remember the exact verbiage, but he is giving him
12 commands.

13 I remember the driver saying, "Just shoot me.
14 You are going to have to shoot me." There could have been
15 other words intermixed there, but that's what I recall.
16 He's yelling in an angry-get-my-point-across loud voice,
17 "Just shoot me. You are going to have to shoot me," and
18 he's yelling at us.

19 He had been reaching. He spins -- reaching, I
20 mean kind of reaching in his waist band/shirt area. He
21 spins, and this is all happening pretty fast. He kind of
22 spins away from me. I remember viewing his back as I'm
23 covering him. I remember a distinct kind of a sweeping
24 motion with one arm, and the other arm diving into what I
25 believe, based off of prior videos and intelligence, would

1 be what I would call a shoulder rig, shoulder harnesses,
2 and it was consistent with grabbing a firearm, which I
3 knew could be drawn and fired with, you know, extremely
4 fast, and the person that was exposed was OFFICER NO. 3,
5 as he had turned slightly away from me and he was more
6 facing OFFICER NO. 3, and had he drawn, OFFICER NO. 3 was
7 in his path.

8 And I think at that point his attention was away
9 from me as he now kind of was moving, what I perceived as
10 back away from me, and his attention was back directed
11 towards OFFICER NO. 3.

12 I could see OFFICER NO. 3 advancing, and I just
13 knew that based off of what I was seeing, and the totality
14 of all of the circumstances there, that I needed to take
15 action to stop him from being a threat to OFFICER NO. 3,
16 and at that point I fired two rounds, what I thought was
17 striking him in the center of his back, and the driver
18 falls to his knees.

19 I could tell that, I wasn't 100 percent sure,
20 but I felt that after that, the driver was not overtly
21 going for -- I could tell he was alive but he wasn't still
22 actively going for anything. He was laying still
23 essentially.

24 I was exposed to the truck, and I could sense
25 that. I could feel that. I moved back to my right.

1 At that point the vehicle that was pursuing the
2 suspect vehicle had arrived and other officers were
3 approaching the scene.

4 I met up with a couple officers that were behind
5 the vehicle covering the suspect truck, and for a brief
6 moment we were covering the truck and covering the driver,
7 and now trying to now transition to how we were going to
8 get the rest of the people in the vehicle to comply and
9 take them into custody.

10 So I, from there I transitioned background to
11 the main element of officers that were behind the two
12 vehicles in a wedge, and there was discussion amongst
13 officers that there is still clearly movement in the
14 vehicle. There is still occupants in the vehicle.

15 They are being now -- diversions had started
16 going off over the vehicle, multiple diversions to try to
17 distract the people that were in the vehicle, and try to
18 get them to comply with the verbal commands that I was
19 hearing being yelled.

20 At one point, as I'm behind kind of observing
21 and seeing the actions of everyone, OFFICER NO. 5 --
22 OFFICER NO. 5 approaches. He has a single 40 millimeter
23 launcher, and he's instructed to break out the window.

24 So he fires a single 40 millimeter round, which
25 I never did look, but I believe it broke out the window,

1 and I hear him say that that was a blue tip, meaning it
2 did not have any chemical agents in it. It was just an
3 impact round.

4 Then transitioned to -- there was discussion
5 that more officers were coming down to that immediate
6 scene, and that OFFICER NO. 7 was going to be showing up
7 any moment with a multi launcher, and I knew the multi
8 launcher would have orange tips, meaning that they would
9 contain OCCS chemical agents in them, and that they were
10 going to deploy those rounds into the truck, as minutes
11 had lapsed and the occupants in the truck were not
12 complying with the commands. They were not exiting the
13 truck within a reasonable amount of time whatsoever.
14 There was no reason they couldn't have exited the truck
15 and complied with the commands.

16 Gas was deployed into the truck. There was
17 still a period of time where they were not coming out.
18 There was discussion that we are not hearing coughing, and
19 then it goes into the occupants ultimately exiting the
20 truck and following commands.

21 I had done things initially afterwards, I was
22 focusing on beyond the scene or to the north, there was
23 civilian vehicles that had pulled up, and I was trying to
24 get their attention and pointing, and waving for them to
25 get back, because I felt they were too close to the scene

1 for their safety, so I was waving at them to get back.
2 They ultimately didn't move. They stayed put. They
3 actually started driving towards us, and I was adamantly
4 waving at them to stop and to stay back.

5 I also ran at one point -- there was a request
6 for a shield to come up for the officers to use, so I ran
7 to our van, and I retrieved the shield, and I brought that
8 back to the officers, and I maintained a position behind
9 the vehicles while all turned out to be three occupants,
10 one male, Ryan Bundy, and two females that I am unfamiliar
11 with, and they were taken into custody without, you know,
12 any further use of force or incident.

13 They were following verbal commands, and they
14 were placed into flexible handcuffs and placed on the
15 ground. They were seated on the ground while we tried to
16 coordinate getting additional officers there to secure the
17 scene, and I knew that officers had approached the driver
18 to render aid once the truck was cleared.

19 So I knew that was going on. There was a group
20 over there. There was a satellite phone being used to
21 try to get back to the command post exactly what was going
22 on.

23 There was communication over our BR 1 channel,
24 which would work, asking for an ambulance code 3 to our
25 location.

1 And then I worked on getting marked units
2 through the scene, so what we had to do was that left
3 vehicle in the V. We tried to paint that really fast,
4 just so you have an idea where it was, and we had to slide
5 that forward, and so we could drive marked units that had
6 arrived through -- through the scene to the north to block
7 that road, identify the people in the vehicle, and then
8 provide security at that north end.

9 Q. Okay.

10 OFFICER NO. 44640: This would be a good spot
11 for a break.

12 Q. BY OFFICER NO. 3627: Do you want to take a
13 break?

14 A. Yes. Thank you.

15 (Short recess.)

16 Q. BY OFFICER NO. 3627: So at this point we are
17 just going to go back and hit a few clarifying things.

18 Back to the briefing, first of all, which agency
19 requested your assistance or your team's assistance?

20 A. The FBI.

21 Q. And were you provided with the briefing or an
22 OPS plan or anything that had these, the suspects who you
23 were supposed to take into custody, photos, any
24 information regarding that?

25 A. There was -- there was an operation plan

1 pertaining to the overall circumstance of Malheur National
2 Wildlife area.

3 There was an operation plan built by the FBI
4 regarding this particular operation that was, I think,
5 made out of slides.

6 Q. Okay.

7 A. And there was then on a white board, there was
8 additional information being written down and discussed
9 and viewed by those that were involved.

10 Q. And which agency was in charge of the overall
11 operation?

12 A. The FBI.

13 Q. And I think you touched on it before, but for
14 this specific mission, what was the stated mission? What
15 was the objective?

16 A. To conduct a traffic stop and apprehend the
17 occupants of the vehicles.

18 Q. It sounds like you were -- there are two
19 separate elements, and there was the traffic stop element,
20 and then you were a part of the element that was north.
21 Were there any specific or specialized tasks for
22 individual members? Was anybody saying, "Hey, you are
23 going to be doing this," or they had to address or change
24 anything accordingly?

25 A. I think I mentioned earlier, they had

1 assignments down to, you know, who was driving the
2 vehicles, who was, you know, I don't know specifically,
3 but they typically get into who's left side cover, who's
4 right side cover, who's custody, and I was confident that
5 those assignments, everything was clear what their
6 assignments were. I just can't off the top of my head
7 recite who was what assignment right now.

8 But, yes, everyone had a role. I do know at
9 that northern end, OFFICER NO. 3 was given the assignment
10 to deal with traffic and to take custodies, which is why
11 he didn't have a rifle with him.

12 And that the other agents involved in that group
13 were going to be providing cover or assistance as needed,
14 with the assumption that or the hope that we were purely
15 there to stop traffic and to prevent more people driving
16 into the felony stop, where those specific assignments
17 were going to happen.

18 Q. Probably a little out of order, but prior to
19 this, roughly how many trips, approximately how many trips
20 to Burns had you made over the course of --

21 A. Well, okay. To Burns itself, only two, all the
22 way into Burns. I was there on January 2nd, and then the
23 Friday before this there was another movement with law
24 enforcement that potentially could have resulted in a
25 similar plan, but was called off by the FBI. So I

1 continued into Burns, and then left.

2 I had been through e-mail, mainly by phone, and
3 then multiple briefs in Central Oregon, both in Bend and
4 in Redmond.

5 Well, and to clarify, I was there three times.
6 So the initial meeting prior to January 2nd, then on
7 January 2nd, and then on the Friday before this incident.
8 So total of three times in Burns. All other meetings were
9 in Central Oregon.

10 Q. Okay. About the OPS plan, was there any
11 specific factors articulated about safety concerns with
12 the subjects or with the plan?

13 A. I -- in this, in this operation, as it evolved
14 rather quickly, I know that the FBI put together an
15 operation plan to present.

16 Q. Uh-huh.

17 A. I do remember looking at it, and noticing that
18 it was not -- it didn't have all the information that a
19 prior operation plan had. It was scaled down to more of a
20 generic plan to present, but what I can say is that was
21 something they created to present to their command.

22 When the SWAT commander and the senior team
23 leader for the FBI HRT briefed face to face, the FBI
24 leadership and more details were discussed than what was
25 on that OPS plan.

1 And then more importantly, that all the officers
2 involved in this operation, like I said earlier, got
3 details answered all the way down to what weapon you are
4 going to carry, where you are going to be seated, what you
5 are going to drive. They intermixed. They discussed --
6 everyone before they left command post had a clear
7 understanding, and the SWAT commander and team leaders
8 ensure that.

9 So it's somewhat confusing, but prior to this
10 operation, there is a much larger operation going on, and
11 everyone within the OSP SWAT team received a full tactical
12 briefing on what our involvement was going to be to assist
13 the FBI in the overall structure. So all that information
14 pertaining, you know, who was involved, their backgrounds,
15 their criminal histories, their weapons known to carry,
16 the details of the area, you know, all of those things
17 were provided in an initial briefing prior to this
18 operation, so they had -- everyone in this operation had
19 that initial briefing, and several of them had been in all
20 of the planning from the beginning.

21 Q. Did you tailor or select your equipment specific
22 for this mission in any way? I mean from what you might
23 generally do?

24 A. Me personally?

25 Q. Yes.

1 A. Yeah. Yeah. I was -- I had on a, you know, a
2 nondescript black jacket that I could wear over the
3 clearly police marked ballistic vest that contained, you
4 know, the standard tools. And that was touching on the
5 security concerns and being able to get from Burns out to
6 this location without being seen as law enforcement. So
7 we were trying to operate covertly.

8 Q. Okay.

9 A. And so that -- that is why myself was wearing
10 a -- it was a standard black jacket. I was wearing a
11 standard 40 caliber department issued pistol, which is
12 what I wear any time I'm on duty.

13 Beyond that, I was -- I had my department issued
14 AR-15, which is a .223 with me in the cab of the truck,
15 and that was pretty much standard as we were moving,
16 because there was concern that a threat to law enforcement
17 could be anywhere.

18 And I can't think of any other -- oh, you know,
19 I had -- I knew that cell coverage was poor. I knew radio
20 reception would be poor. We were operating on a secure
21 channel which doesn't hit a repeater, so I knew that the
22 information going from the scene back to the command post
23 in Burns was going to be through a satellite phone, so I
24 had that out and confirmed it worked. I made sure that
25 the FBI was aware that it was there, and that the plan was

1 in place, and depending on what evolved, the FBI team
2 leader was going to call directly into their command post,
3 which is what happened.

4 Q. Okay. You mentioned it was a department owned
5 and issued AR-15?

6 A. A Noveske AR-15.

7 Q. And you qualified with that rifle?

8 A. Yes.

9 Q. And the ammunition you were carrying at that
10 time, department issued?

11 A. Department issued.

12 Q. Was it just a standard carry ammunition or was
13 it specifically for this mission?

14 A. Standard duty round.

15 Q. Jumping forward to, you mentioned when the
16 initial traffic top, you heard some radio traffic about
17 Finicum being uncooperative. Do you know what was said or
18 do you recall what was said or what was your perception?

19 A. I recall the officers relaying that he was being
20 uncooperative and telling them that he wasn't going to
21 come out. That's -- that's my recollection of the
22 language.

23 Q. And you had talked about you were, when the
24 vehicle approached you, you had one foot on the snow bank
25 and one foot on the bumper of the truck. You said your

1 thought that your plan was to dive left. Can you describe
2 what was left of that?

3 A. So to the left of that was just snow, like
4 several feet of snow that had been pushed to the side from
5 snow plows, which is why I was able to be at the same
6 level essentially on the bumper and on the snow bank.

7 Q. Okay.

8 A. And so I was -- I recall looking over there. It
9 was basically wide open snow for, you know, feet, yards,
10 and then it went to timber.

11 Q. Okay.

12 A. I was going to just get as far out there as I
13 can. In my mind, I was concerned that they would ram the
14 vehicles, which is what would have caused injury to those
15 behind the vehicles or even myself, so I was going to try
16 to get as far away from that as I could.

17 Q. And when you saw the white truck round the
18 corner, I'm pretty sure you mentioned this, you saw it
19 approaching your location. What was your perception of
20 whether it was or was not yielding to the roadblock?

21 A. It was clear to me, the speed the truck was
22 traveling was I would say between 60 and 70 miles per
23 hour, was traveling at a speed which I knew from my
24 training and experience, it was -- had no intention to
25 stop. There was no visibility of the front end dropping

1 like brakes were being applied. There was just no
2 variation of speed, other than maintaining that high speed
3 directly at us.

4 And when it became apparent to me based off my
5 training and experience as a crash, you know, technician,
6 and overall time as a police officer, I knew there was --
7 it had crossed the threshold of being able to stop prior
8 to, and there was no indication that the driver was going
9 to make any evasive maneuver or try to avoid hitting any
10 of us, and with the locations of the officers, once I was
11 put in the spot of trying to defend the officers and
12 prevent that truck from running through that roadblock,
13 that's when I felt that the use of force was my only
14 option to try to prevent them from running into us.

15 Q. Do you recall -- you said there was snow on the
16 side of the roads. What were the road conditions; do you
17 recall?

18 A. I believe they were dry or moist in areas, but
19 essentially somewhat dry. I don't recall any ice.
20 Immediately off of the bare pavement was these snow banks,
21 but I would describe it as lightly damp.

22 Q. Were you injured during this incident?

23 A. No, I was not injured.

24 Q. You talked about, one, in the question, did you
25 know or perceive any other law enforcement officer being

1 injured, and you talked about the FBI agent. Was there
2 anyone else that you perceived at that time?

3 A. No. I was in a position to see one FBI agent or
4 officer. I knew -- I did know it was an FBI officer,
5 because I knew OFFICER NO. 3 had moved up into -- or
6 moving towards the timber as he fell and was struggling to
7 kind of get that way, and I -- so, yeah, I knew that that
8 agent was in the path of that truck, and in the process of
9 the truck plowing full speed around the FBI vehicles, it
10 looked to me like he was hit by the truck, and I believed
11 he was under it, and as I approached, I was looking for
12 the agent to see what I could do to cover him and provide
13 any aid and identify where he was.

14 Q. I think you stated you, when the truck was
15 approaching, and you knew it wasn't going to stop, you
16 fired a couple rounds. Do you know roughly how many?

17 A. I don't. I would -- several, a few, a couple,
18 more than one.

19 Q. When the truck came to a stop, you saw the
20 driver get out. You stated you knew that Finicum was
21 going to be the driver. Did you recognize the driver as
22 Finicum when he got out?

23 A. Once I slid around the back of the truck, I
24 could clearly see that it was Finicum.

25 Q. You heard OFFICER NO. 3 giving verbal commands.

1 What was -- what was Finicum's response to those commands?

2 A. You know, like I mentioned earlier, I heard -- I
3 moved to -- I moved over there because of, you know,
4 visual clues, and I could hear an exchange of words. When
5 I came around and was clearly in view of Finicum, I heard
6 him yelling that, "You are going to have to shoot me.
7 Just shoot me," in an angry loud voice. And I -- I don't
8 remember any specifics beyond that.

9 Q. So with your experience, would you say that
10 Finicum was complying with the commands?

11 A. No. So let me elaborate on that.

12 Finicum was moving away from the vehicle.
13 Finicum was approaching me and looking at me. Finicum had
14 more than ample opportunity to turn around and comply with
15 the commands. Finicum actively reached in an area that I
16 believed and had information that he was carrying a
17 firearm. He did this more than once, and the second time
18 as he's now avoiding back away from me, he is still not
19 showing any signs of complying with our presence or our
20 commands.

21 He reaches clearly like he is reaching into, you
22 know, the left side of his torso, where a weapon would be
23 kept, and I know that through my training and experience,
24 that had he pulled that weapon out and fired, or had he
25 pulled it out, I could not have reacted to stopping that

1 threat to myself or to OFFICER NO. 3, and the decision to
2 use force against Finicum was to prevent any injury to
3 OFFICER NO. 3 or myself.

4 And I know that that motion to pull a gun out
5 can happen faster than I can react to it, and I couldn't
6 wait for the gun to be pointed at OFFICER NO. 3 or myself,
7 and that additionally, I know that a gun can be fired
8 through a jacket right between his arm and his torso,
9 which would have been in line with where OFFICER NO. 3
10 was.

11 Q. Okay. What was your perception of the distance
12 between Finicum and OFFICER NO. 3?

13 A. Roughly 15 feet.

14 Q. Post shooting -- back up.

15 Do you hear or do you have any knowledge of
16 anybody else shooting at the time?

17 A. No.

18 Q. After the shooting, did you talk to anyone
19 afterwards about the incident?

20 A. Yes. Initially on scene, I learned that there
21 was another OSP officer that had fired at Finicum, and
22 that was consistent with getting that information to
23 everyone on the team to ensure that we can provide the
24 same response to that officer, and meaning response,
25 meaning that we can make sure that he is with another

1 officer, that he's being taken care of, that he's being
2 brought back to, you know, the process, for a better term.
3 So I was aware of that. And beyond that, you know --

4 OFFICER NO. 18: You obviously don't want any
5 discussions that would be privileged.

6 Q. BY OFFICER NO. 3627: No, no, absolutely not.

7 A. I was going to say, I talked to people, but it's
8 all privileged.

9 Q. No, I don't want to know about that.

10 My understanding, all the rounds you fired from
11 your rifle.

12 A. That is correct.

13 Q. What did you do with your rifle after?

14 A. After the truck was -- the suspect vehicle was
15 secured, three occupants were detained. They had moved
16 out and cleared it. Sometime later I asked OFFICER NO. 15
17 as I was getting ready to leave the scene, "Would you like
18 me to take this with me or would you like it on scene?"

19 And the comment was made that investigators
20 would probably want it on scene, so I left it exactly the
21 way it was. It was on safe, put in the back seat of the
22 OSP vehicle that was on scene.

23 Q. Okay. What size of magazine was your rifle and
24 how many rounds do you normally carry?

25 A. It was a 30 round Palmer magazine. I had topped

1 all my magazines off at 29 rounds.

2 Q. I know with handguns, when you top magazines off
3 and leave one in the chamber, so with you in your rifle
4 you had 29 total, or was it 29 --

5 A. 29 total rounds, so when I went out there that
6 day, the chamber was empty, and as I'm at the scene, you
7 know, you charge the weapon, which leaves 28 in the
8 magazine and one in the chamber.

9 Q. Do you recall when the vehicle's approaching you
10 what your point of aim was when you fired the several
11 rounds?

12 A. Yeah. I remember firing at the driver
13 compartment, and then I remember just trying to put them
14 in the motor.

15 Q. And then same question for when it was Finicum?

16 A. Yeah, I clearly recall having my point of aim in
17 the center of his back, upper back, on my initial shot,
18 and then following up with an immediate second shot, so
19 assuming it was in that same area, his torso.

20 Q. What was the distance between you and Finicum?

21 A. I would estimate 10 yards.

22 Q. And you may or may not, post shooting, do you
23 recall if Finicum was handcuffed?

24 A. I do not know.

25 Q. It sounded like there was medical aid. Do you

1 know who requested medical aid?

2 A. I know that OFFICER NO. 3 got on the radio
3 almost immediately and requested for an ambulance to
4 respond code 3, and I know that there was discussion
5 amongst members to get the FBI's medic over to him once
6 the scene was secure and the truck had been cleared.

7 Q. Was he moved at all?

8 A. No, I never saw him being moved.

9 Q. Was your vehicle equipped with any visual or
10 audio device like a dash cam or anything?

11 A. No.

12 Q. And were you wearing anything?

13 A. No.

14 Q. Do you know of anybody taking photos prior to
15 everything being moved of the scene?

16 A. No. I did see a photo. I don't know when it
17 was taken. I'm trying to think if it was of -- I believe
18 it was taken with a phone and I believe OFFICER NO. 3 had
19 a scene photo and I don't know when. I think it was
20 after, maybe even after I left.

21 OFFICER NO. 3627: Do you have anything?

22 (Discussion held off the record.)

23 Q. BY OFFICER NO. 3627: So your vehicle, you said
24 your vehicle wasn't equipped at this time. Has it ever
25 been?

1 A. No.

2 Q. Was it removed or --

3 A. The vehicle assigned to me has never been
4 equipped with video of any kind.

5 Q. Okay. Anything you want to add? Anything that
6 we didn't cover?

7 [REDACTED] Do you guys want to talk before
8 we close the record?

9 OFFICER NO. 16: Yes.

10 OFFICER NO. 3627: That's all we have.

11 OFFICER NO. 18: Take a break.

12 (Short recess.)

13 Q. BY OFFICER NO. 3627: Anything else that you
14 guys want to --

15 A. Yes. There is a couple things I'd like to add
16 and clarify. At the point the vehicle's approaching, we
17 had the group that was there, had set out spike strips.
18 The spike strips were just in front of the vehicles, and I
19 knew that that would have no effect on slowing down that
20 pickup that was coming at us. I knew that that would not
21 change the velocity of that vehicle and the impact it was
22 going to have on coming into our scene.

23 When I made the decision to fire at Finicum, and
24 I'm covering, and I use that force, I believed that he was
25 going to pull a gun and shoot OFFICER NO. 3, and in that

1 moment with everything I was observing, the actions and
2 verbal statements, everything that I had learned and been
3 briefed on, I truly believed that he was going to shoot
4 OFFICER NO. 3.

5 OFFICER NO. 16: For clarification, also for
6 you, too, right? For your safety as well?

7 THE WITNESS: Yeah. I mean obviously he had
8 seen where I was. He had engaged, made eye contact with
9 me prior to that moment, and clearly I was exposed to him
10 and whatever actions he was actively trying to take, and
11 what would have continued to happen if I did not use
12 deadly physical force at that moment.

13 After this scene kind of evolved, we were
14 concerned that there was any number of folks that could
15 have approached this area from the meeting in John Day,
16 and there was information that there was many supporters
17 of the militia that we had concerns would be approaching
18 our scene afterwards.

19 Q. Uh-huh.

20 A. So that's just another piece of information that
21 we had at the time that, you know, one of the things we
22 were going to do is effect this arrest and leave the area,
23 and get everybody, every vehicle, assuming went without
24 issues and we were going to go back to Burns as quickly as
25 we can to avoid any confrontation, whether it's coming

1 from the Malheur Refuge or in Burns or from the north out
2 of Grant County.

3 Q. Did you have any information about what kind of
4 support or how many supporters they had in John Day?

5 A. I knew going into it that there was a sheriff in
6 Grant County that was supporting the movement or the
7 ideology behind what they were pushing. I knew that there
8 was a large amount of community members in Grant County
9 that supported their beliefs, and that had similar
10 constitutional beliefs, and to the point of the Grant
11 County making it clear they are a UN free zone, and so
12 that knowledge was known to all of us, that for a very
13 simple way to put it, they were not friendly to law
14 enforcement conducting any enforcement actions, and mainly
15 the Federal Bureau of Investigation and federal agencies.

16 Q. Was that a factor in moving the location from
17 Grant County to where you made the incident?

18 A. Absolutely.

19 Q. I have nothing else.

20 OFFICER NO. 16: I'm good.

21 OFFICER NO. 18: I'm good.

22 (Whereupon, at 1:47 p.m., the interview
23 terminated.)

24

25

REPORTER'S CERTIFICATE

STATE OF OREGON)
) ss.
COUNTY OF MARION)

I, [REDACTED] a Certified Shorthand
Reporter in and for the State of Oregon, do hereby
certify:

That said interview was taken down by me in
shorthand at the time and place therein named and
thereafter transcribed by means of computer-aided
transcription, and that the foregoing transcript contains
a full, true, and verbatim record of the said interview;

I further certify that I have no interest in the
event of the action.

WITNESS my hand this 4th day of March, 2016.

[REDACTED]

1

1 [2] - 3:3, 29:23
 10 [3] - 3:18, 9:13,
 43:21
 100 [1] - 26:19
 11:00 [1] - 11:25
 11:50 [1] - 3:1
 15 [2] - 41:13, 42:16
 16 [4] - 8:2, 45:9,
 46:5, 47:20
 18 [3] - 42:4, 45:11,
 47:21
 1:47 [1] - 47:22

2

2 [1] - 17:13
 2016 [3] - 3:1, 4:2,
 46:17
 223 [1] - 35:14
 24 [2] - 5:11, 9:18
 26 [1] - 4:1
 27th [1] - 7:20
 28 [1] - 43:7
 29 [4] - 43:1, 43:4,
 43:5
 2:00 [1] - 15:21
 2nd [8] - 8:16, 8:25,
 7:12, 8:4, 8:15, 32:22,
 33:6, 33:7

3

3 [35] - 2:7, 5:19,
 5:23, 12:19, 19:2,
 21:14, 21:17, 21:18,
 24:4, 24:6, 24:18,
 24:19, 24:22, 25:1,
 25:10, 26:4, 26:8,
 26:11, 26:12, 26:15,
 29:24, 32:9, 39:5,
 39:25, 41:1, 41:3,
 41:6, 41:9, 41:12,
 44:2, 44:4, 44:18,
 45:25, 46:4
 30 [1] - 42:25
 31 [1] - 3:1
 3627 [1] - 2:7, 3:6,
 3:14, 8:6, 30:12,
 30:16, 42:6, 44:21,
 44:23, 45:10, 45:13
 395 [1] - 16:24

4

40 [3] - 27:22, 27:24,
 35:11

44640 [1] - 30:10
 4:30 [1] - 5:13
 4th [1] - 48:17

5

5 [2] - 27:21, 27:22
 5:45 [1] - 4:22

6

60 [2] - 22:14, 37:22
 6:00 [1] - 11:12
 6:30 [1] - 4:22

7

7 [1] - 28:6
 70 [2] - 22:15, 37:22

9

9:00 [3] - 4:20, 5:21

A

A.M [1] - 3:1
 a.m [1] - 11:25
 ability [2] - 4:13, 5:9
 able [6] - 6:3, 8:23,
 11:9, 35:5, 37:5, 38:7
 absolutely [3] - 5:8,
 42:6, 47:18
 accordingly [1] -
 31:24
 accurate [1] - 18:7
 action [4] - 11:2,
 23:14, 26:15, 48:16
 actions [6] - 10:19,
 23:14, 27:21, 46:1,
 46:10, 47:14
 activate [1] - 18:6
 actively [4] - 7:4,
 26:22, 40:15, 46:10
 activities [1] - 5:11
 actual [2] - 14:1,
 14:3
 adamantly [1] - 29:3
 add [2] - 45:5, 45:15
 additional [3] - 3:25,
 29:16, 31:8
 additionally [2] -
 16:18, 41:7
 address [1] - 31:23
 advancing [1] -
 26:12
 advantage [1] -
 24:11

affected [4] - 4:9,
 4:13, 4:25, 5:9
 afternoon [1] - 12:2
 afterwards [3] -
 28:21, 41:19, 46:18
 agencies [1] - 47:15
 agency [3] - 6:2,
 30:18, 31:10
 agent [4] - 39:1,
 39:3, 39:8, 39:12
 agents [4] - 21:22,
 28:2, 28:9, 32:12
 aggressive [2] -
 21:18, 23:14
 agreement [1] -
 19:20
 ahead [2] - 10:3,
 15:3
 ahold [1] - 12:3
 aid [4] - 29:18, 39:13,
 43:25, 44:1
 aided [1] - 48:12
 aim [2] - 43:10, 43:16
 aiming [1] - 22:24
 aircraft [2] - 17:9,
 18:11
 AK-47's [1] - 9:23
 alcohol [1] - 4:12
 alive [1] - 26:21
 allow [1] - 19:22
 almost [1] - 44:3
 alone [1] - 25:7
 ambulance [2] -
 29:24, 44:3
 Ammon [3] - 6:9,
 10:8, 17:25
 ammunition [2] -
 36:9, 36:12
 amount [2] - 28:13,
 47:8
 ample [2] - 21:4,
 40:14
 angry [2] - 25:16,
 40:7
 angry-get-my-point
 -across [1] - 25:16
 answered [1] - 34:3
 anticipated [1] -
 23:14
 anticipating [2] -
 9:24, 23:13
 apparent [1] - 38:4
 appear [1] - 15:18
 applied [1] - 38:1
 apprehend [1] -
 31:16
 approach [2] - 23:25,
 24:2
 approached [9] -
 18:4, 18:23, 21:4,
 22:7, 23:19, 29:17,

36:24, 39:11, 48:15
 approaches [1] -
 27:22
 approaching [1] -
 18:4, 22:14, 22:15,
 24:1, 27:3, 37:19,
 39:15, 40:13, 43:9,
 45:16, 46:17
 approval [1] - 14:16
 approved [2] - 12:2,
 13:15
 AR-15 [6] - 9:23,
 20:22, 22:23, 35:14,
 36:5, 36:6
 area [17] - 11:16,
 12:5, 14:18, 15:19,
 15:22, 16:21, 18:5,
 21:2, 21:21, 22:25,
 25:20, 31:2, 34:16,
 40:15, 43:19, 46:15,
 46:22
 areas [2] - 12:14,
 38:18
 arm [3] - 25:24, 41:8
 armed [7] - 9:11,
 9:21, 10:7, 17:18,
 20:11, 23:17, 25:4
 armor [2] - 8:13, 9:5
 arms [2] - 9:21,
 17:21
 arrest [6] - 11:2,
 11:14, 12:17, 13:18,
 14:6, 46:22
 arrests [1] - 13:20
 arrived [2] - 27:2,
 30:8
 article [3] - 11:10,
 11:11, 14:7
 articulated [1] -
 33:11
 asleep [2] - 4:20,
 5:20
 assault [1] - 9:22
 assault-style [1] -
 9:22
 assigned [3] - 12:24,
 22:24, 45:3
 assignment [2] -
 32:7, 32:9
 assignments [6] -
 14:17, 14:25, 32:1,
 32:5, 32:6, 32:16
 assat [6] - 8:3,
 11:18, 13:21, 25:2,
 34:12
 assistance [3] -
 30:19, 32:13
 assisting [1] - 4:8
 assuming [5] -
 11:21, 12:25, 21:8,
 43:19, 46:23

assumption [1] -
 32:14
 assurance [1] -
 14:24
 attached [1] - 11:10
 attention [3] - 26:8,
 26:10, 28:24
 audio [1] - 44:10
 authority [1] - 13:18
 avoid [2] - 38:9,
 46:25
 avoiding [1] - 40:18
 aware [7] - 8:23,
 13:14, 13:17, 16:25,
 17:1, 35:25, 42:3

B

background [2] -
 3:15, 27:10
 backgrounds [1] -
 34:14
 backs [1] - 5:13
 badge [2] - 8:5,
 20:23
 ballistic [1] - 35:3
 band/shirt [1] -
 25:20
 bank [4] - 22:5,
 23:25, 36:24, 37:6
 banks [1] - 38:20
 bare [1] - 38:20
 based [5] - 23:13,
 23:16, 25:25, 26:13,
 38:4
 basic [1] - 16:8
 became [2] - 11:25,
 38:4
 began [1] - 14:8
 begin [1] - 5:16
 beginning [1] - 34:20
 behavior [2] - 7:24,
 15:16
 behind [1] - 5:24,
 18:5, 21:23, 24:1,
 24:12, 27:4, 27:11,
 27:20, 29:8, 37:15,
 47:7
 beliefs [2] - 47:9,
 47:10
 Bend [7] - 5:15, 5:17,
 7:13, 7:20, 12:4, 12:5,
 33:3
 beneficial [1] - 12:14
 beat [2] - 5:4, 19:16
 better [8] - 7:4, 8:9,
 13:5, 24:10, 42:2
 between [10] - 8:14,
 10:17, 13:7, 20:2,
 22:14, 24:5, 37:22,

41:8, 41:12, 43:20
beyond [7] - 16:24,
18:25, 19:22, 28:22,
35:13, 40:8, 42:3
bit [1] - 21:12
black [2] - 35:2,
35:10
block [2] - 18:22,
30:8
blue [2] - 15:9, 28:1
board [1] - 31:7
body [2] - 8:13, 9:5
BR [1] - 29:23
brakes [1] - 38:1
break [5] - 18:8,
27:23, 30:11, 30:13,
45:11
breakfast [1] - 4:22
brief [2] - 12:6, 27:5
briefed [2] - 33:23,
46:3
briefing [5] - 14:19,
14:22, 15:4, 30:18,
30:21, 34:12, 34:17,
34:19
briefings [1] - 8:22
briefly [2] - 3:16,
5:11
briefs [2] - 8:17, 33:3
bringing [1] - 13:22
broke [2] - 12:7,
27:25
brought [3] - 5:20,
29:7, 42:2
built [1] - 31:3
bumper [4] - 22:5,
23:24, 38:25, 37:6
Bundy [5] - 8:9, 10:8,
17:20, 17:26, 29:10
Bureau [1] - 47:15
Burns [17] - 5:24,
6:1, 8:17, 6:24, 12:9,
14:11, 14:18, 15:12,
32:20, 32:21, 32:22,
33:1, 33:8, 35:5,
35:23, 46:24, 47:1
BY [9] - 2:5, 3:6,
3:14, 8:6, 30:12,
30:16, 42:6, 44:23,
45:13

C

cab [1] - 36:14
caliber [2] - 9:17,
35:11
cam [1] - 44:10
canine [1] - 18:14
canyon [1] - 12:13
car [1] - 23:7

care [1] - 42:1
carry [4] - 34:4,
34:15, 36:12, 42:24
carrying [3] - 17:21,
36:9, 40:16
caught [2] - 7:15,
7:17
caused [1] - 37:14
Cavaller [1] - 17:24
cell [2] - 17:4, 35:19
center [2] - 28:17,
43:17
Central [4] - 14:8,
14:10, 33:3, 33:9
central [1] - 15:13
CERTIFICATE [1] -
48:1
Certified [2] - 48:7,
48:20
certified [1] - 3:15
certify [2] - 48:9,
48:15
ceters [1] - 20:25
chamber [3] - 43:3,
43:6, 43:8
change [4] - 3:6,
3:11, 31:23, 45:21
channel [2] - 17:8,
17:13, 18:10, 29:23,
35:21
charge [2] - 31:10,
43:7
chemical [2] - 28:2,
28:9
chosen [1] - 15:7
circumstance [1] -
31:1
circumstances [1] -
26:14
city [1] - 7:20
civilian [1] - 28:23
clarification [1] -
48:5
clarify [5] - 8:2, 11:1,
17:3, 33:5, 45:16
clarifying [1] - 30:17
class [1] - 8:5
clear [7] - 4:6, 11:25,
21:1, 32:5, 34:6,
37:21, 47:11
cleared [3] - 29:16,
42:16, 44:6
clearly [8] - 21:18,
27:13, 35:3, 39:24,
40:5, 40:21, 43:16,
46:9
close [3] - 19:11,
28:25, 45:8
closer [2] - 19:7,
19:17
closing [1] - 19:15

clues [1] - 40:4
code [2] - 29:24,
44:4
cognizant [1] - 24:20
combination [2] -
15:7, 18:11
coming [14] - 8:10,
8:20, 17:1, 17:4, 17:6,
17:9, 17:11, 20:6,
21:15, 28:5, 28:17,
45:20, 45:22, 46:25
command [15] -
5:25, 15:14, 15:17,
16:19, 17:11, 17:12,
18:18, 19:7, 19:12,
20:15, 29:21, 33:21,
34:6, 35:22, 38:2
commander [2] -
33:22, 34:7
commands [12] -
24:11, 25:12, 27:18,
28:12, 28:15, 28:20,
29:13, 38:25, 40:1,
40:10, 40:15, 40:20
comment [1] - 42:19
committed [1] -
23:17
commotion [1] -
21:13
communicating [1] -
20:4
communication [5] -
12:23, 17:7, 19:3,
24:5, 29:23
community [1] - 47:8
compartment [1] -
43:13
complete [1] - 21:5
compiled [1] - 28:15
comply [3] - 27:8,
27:18, 40:14
complying [3] -
28:12, 40:10, 40:19
computer [1] - 48:12
computer-aided [1] -
48:12
concern [3] - 15:5,
24:24, 35:16
concerned [8] -
15:12, 15:16, 25:6,
37:13, 46:14
concerns [4] - 6:21,
33:11, 35:5, 48:17
conclusion [1] -
13:20
condition [1] - 5:5
conditions [1] -
38:16
conduct [4] - 11:20,
12:16, 16:6, 31:16
conducted [1] - 15:2

conducting [2] -
18:7, 47:14
confident [2] - 7:22,
32:4
confirmed [1] -
35:24
confrontation [1] -
46:25
confusing [1] - 34:9
consistency [1] - 8:8
consistent [3] - 7:22,
28:2, 41:22
constitutional [1] -
47:10
contact [1] - 46:8
contacted [2] -
10:23, 12:2
contacts [2] - 4:15,
4:17
contain [1] - 28:9
contained [1] - 35:3
containment [1] -
19:15
contains [1] - 48:13
contingencies [3] -
6:2, 13:2, 15:1
contingency [2] -
18:12, 22:6
continued [4] -
14:12, 23:1, 33:1,
48:11
convened [1] - 14:10
coordinate [2] -
12:10, 29:16
corner [2] - 22:21,
37:16
correct [2] - 3:9,
42:12
coughing [1] - 28:18
counter [2] - 7:25,
15:5
countless [1] - 8:22
County [12] - 6:10,
7:12, 9:25, 11:9,
11:12, 12:13, 12:17,
47:2, 47:6, 47:8,
47:11, 47:17
COUNTY [1] - 48:5
couple [4] - 27:4,
39:16, 39:17, 45:15
course [1] - 32:20
cover [7] - 22:7,
24:23, 32:3, 32:4,
32:13, 39:12, 45:8
coverage [1] - 35:19
covered [2] - 5:1,
10:9
covering [2] - 23:13,
24:17, 25:23, 27:5,
27:6, 45:24
covertly [1] - 35:7

CP [2] - 12:18, 12:19
crash [1] - 38:5
created [1] - 33:21
criminal [1] - 34:15
criteria [1] - 3:24
crossed [1] - 38:7
[REDACTED]
culminated [1] - 11:8
culmination [1] -
14:24
current [1] - 16:25
curve [1] - 21:3
custodies [2] - 25:2,
32:10
custody [5] - 13:23,
18:9, 27:9, 29:11,
30:23, 32:4

D

damp [1] - 38:21
dash [1] - 44:10
date [3] - 4:2, 6:11,
13:24
deadly [1] - 46:12
deal [1] - 32:10
dealing [1] - 25:7
death [1] - 22:19
December [2] - 6:8,
6:12
decision [4] - 3:22,
22:3, 41:1, 45:23
defend [1] - 38:11
defensive [2] - 3:22,
10:19
department [5] -
3:25, 35:11, 35:13,
36:4, 38:10, 38:11
departure [2] -
15:12, 15:14
deploy [2] - 18:4,
28:10
deployed [2] - 16:10,
28:16
deploying [2] -
15:19, 15:25
describe [5] - 3:16,
5:11, 14:21, 15:22,
37:1, 38:21
described [1] - 17:22
details [7] - 12:10,
13:6, 14:13, 33:24,
34:3, 34:16
detained [1] - 42:15
device [1] - 44:10
different [3] - 6:19,
6:21, 8:19
directed [1] - 26:10
direction [2] - 21:16,

25:9
 directly [2] - 36:2,
 38:3
 discussed [4] -
 11:17, 31:8, 33:24,
 34:5
 discussing [3] -
 6:13, 19:9, 19:14
 Discussion [2] -
 3:13, 44:22
 discussion [10] -
 11:8, 11:13, 19:19,
 19:25, 20:1, 20:8,
 27:12, 28:4, 28:18,
 44:4
 discussions [4] -
 11:24, 12:12, 12:21,
 42:5
 distance [4] - 19:21,
 22:2, 41:11, 43:20
 distinct [1] - 25:23
 distract [1] - 27:17
 dive [1] - 37:1
 diversions [2] -
 27:15, 27:16
 diving [1] - 25:24
 Dodge [3] - 17:19,
 20:6, 22:12
 done [1] - 28:21
 doors [1] - 24:9
 doubt [1] - 22:17
 down [12] - 8:21,
 13:6, 16:16, 16:23,
 16:24, 28:5, 31:8,
 32:1, 33:19, 34:3,
 45:19, 48:10
 down-in-the-woods
 [1] - 13:6
 DPSST [1] - 3:24
 drawn [2] - 26:3,
 26:6
 drive [5] - 11:22,
 12:22, 14:8, 30:5,
 34:5
 driven [3] - 16:23,
 17:19, 20:5
 driver [2] - 17:24,
 18:2, 22:25, 24:6,
 24:16, 24:17, 24:20,
 24:24, 25:7, 25:8,
 26:13, 26:17, 26:20,
 27:6, 29:17, 38:8,
 39:20, 39:21, 43:12
 driver's [2] - 17:23,
 23:3
 driving [7] - 14:5,
 17:15, 17:17, 21:5,
 29:3, 32:1, 32:15
 dropping [1] - 37:25
 drove [4] - 7:12,
 16:21, 16:22, 19:7

dry [2] - 38:18, 38:19
 due [1] - 20:11
 during [6] - 6:18, 7:8,
 8:21, 11:14, 20:9,
 38:22
 duty [2] - 35:12,
 36:14

E

e-mail [1] - 33:2
 effect [6] - 11:14,
 13:20, 14:18, 16:14,
 45:19, 46:22
 either [1] - 8:13
 elaborate [1] - 40:11
 element [4] - 19:10,
 27:11, 31:19, 31:20
 elements [1] - 31:19
 employee [1] - 7:6
 empty [1] - 43:6
 encouraging [1] -
 10:15
 end [4] - 10:18, 30:8,
 32:9, 37:25
 ended [1] - 21:10
 enforcement [13] -
 3:20, 3:24, 7:23, 7:25,
 10:12, 10:15, 10:17,
 32:24, 35:6, 35:16,
 38:25, 47:14
 engage [1] - 23:20
 engaged [1] - 46:6
 ensure [3] - 18:23,
 34:8, 41:23
 ensured [1] - 17:13
 ensuring [1] - 14:13
 entire [1] - 10:24
 entrance [1] - 18:14
 equipment [1] -
 34:21
 equipped [4] - 15:9,
 44:9, 44:24, 45:4
 essentially [4] -
 21:7, 26:23, 37:6,
 38:19
 established [1] -
 3:24
 estimate [1] - 43:21
 estimated [2] - 18:8,
 22:14
 et [1] - 20:25
 evasive [1] - 38:9
 event [2] - 14:2,
 48:16
 eventually [1] -
 14:17
 evolved [4] - 13:13,
 33:13, 36:1, 46:13
 exact [1] - 25:11

exactly [3] - 18:6,
 29:21, 42:20
 EXAMINATION [2] -
 2:5, 3:5
 exception [1] - 10:8
 exchange [1] - 40:4
 execute [2] - 18:16
 executed [1] - 19:6
 exercising [1] - 5:5
 EXHIBITS [1] - 2:12
 exited [1] - 28:14
 exiting [3] - 24:7,
 28:12, 28:19
 experience [6] -
 3:17, 22:16, 37:24,
 38:5, 40:9, 40:23
 experiencing [1] -
 6:15
 Explorer [1] - 7:13
 expose [1] - 15:15
 exposed [5] - 24:21,
 24:23, 26:4, 26:24,
 46:9
 extreme [1] - 6:23
 extremely [2] -
 16:11, 26:3
 eye [1] - 46:8

F

face [3] - 10:16,
 33:23
 facing [2] - 21:15,
 28:6
 fact [2] - 20:11,
 23:17
 factor [1] - 47:16
 factors [2] - 4:24,
 33:11
 faculties [1] - 5:6
 falling [1] - 21:18
 falls [1] - 26:18
 familiar [1] - 22:13
 far [6] - 3:14, 22:4,
 22:8, 22:9, 37:12,
 37:16
 fast [4] - 22:3, 25:21,
 26:4, 30:3
 faster [1] - 41:5
 FBI [46] - 4:8, 6:3,
 9:1, 10:6, 11:17, 12:9,
 12:21, 12:23, 13:8,
 13:12, 13:15, 13:16,
 13:18, 13:19, 14:9,
 15:8, 16:12, 16:13,
 16:17, 16:19, 17:1,
 17:5, 17:7, 17:9, 18:4,
 18:19, 18:22, 19:2,
 19:8, 19:9, 19:15,
 30:20, 31:3, 31:12,
 32:25, 33:14, 33:23,

34:13, 35:25, 36:1,
 39:1, 39:3, 39:4, 39:9
 FBI's [3] - 11:25,
 13:11, 44:5
 Federal [1] - 47:15
 federal [2] - 13:19,
 47:15
 feds [1] - 6:24
 feat [3] - 37:4, 37:9,
 41:13
 felt [1] - 39:6
 felony [6] - 16:7,
 16:8, 19:22, 21:8,
 32:16
 felony-style [1] -
 21:8
 felt [6] - 4:5, 23:9,
 26:9, 28:20, 28:25,
 38:13
 females [1] - 29:10
 few [2] - 30:17, 39:17
 fine [2] - 13:6, 14:13
 Finicum [20] - 17:19,
 20:5, 20:6, 36:17,
 39:20, 39:22, 39:24,
 40:5, 40:10, 40:12,
 40:13, 40:15, 41:2,
 41:12, 41:21, 43:15,
 43:20, 43:23, 45:23
 Finicum's [1] - 40:1
 fire [1] - 45:23
 firearm [2] - 26:2,
 40:17
 firearms [1] - 3:22
 fired [9] - 22:23,
 26:3, 26:16, 39:16,
 40:24, 41:7, 41:21,
 42:10, 43:10
 fires [1] - 27:24
 firing [1] - 43:12
 first [6] - 3:7, 3:10,
 3:11, 10:23, 14:4,
 30:18
 five [1] - 18:8
 fleeing [3] - 19:5,
 20:19
 flexible [1] - 29:14
 focus [1] - 24:20
 focused [1] - 24:16
 focusing [1] - 28:22
 folks [1] - 46:14
 following [4] - 7:7,
 28:20, 28:13, 43:18
 foot [4] - 22:4, 22:5,
 36:24, 36:25
 footing [1] - 24:14
 FOR [1] - 2:12
 force [5] - 29:12,
 38:13, 41:2, 45:24,
 46:12
 foregoing [1] - 48:13

Forest [2] - 15:24
 forward [4] - 8:8,
 19:10, 30:5, 36:15
 frame [1] - 20:13
 free [1] - 47:11
 Friday [2] - 32:23,
 33:7
 friendly [1] - 47:13
 front [9] - 17:25,
 18:4, 23:8, 24:2,
 37:25, 45:18
 full [4] - 4:23, 34:11,
 39:9, 48:14
 future [1] - 9:1

G

gap [1] - 7:19
 gas [5] - 7:14, 20:9,
 20:16, 28:16
 generally [2] - 4:2,
 34:23
 generic [1] - 33:20
 given [1] - 32:9
 glasses [2] - 4:15,
 4:17
 goal [1] - 16:14
 government [1] - 7:6
 grabbing [1] - 26:2
 Grant [6] - 11:9,
 11:12, 12:13, 47:2,
 47:6, 47:8, 47:10,
 47:17
 great [2] - 22:2,
 24:14
 greatest [1] - 24:8
 grenades [2] - 9:13
 ground [2] - 29:15
 group [18] - 6:25,
 7:3, 7:22, 8:7, 10:1,
 10:6, 12:6, 13:11,
 15:19, 16:2, 16:10,
 17:2, 19:2, 19:3, 20:4,
 29:19, 32:12, 45:17
 group's [1] - 10:11
 groups [2] - 6:21,
 8:19
 growing [1] - 8:21
 gun [5] - 26:4, 41:4,
 41:6, 41:7, 45:25
 guns [1] - 9:15
 guys [2] - 45:7,
 45:14

H

Hammonds [1] -
 6:21
 hand [1] - 48:17
 handcuffed [1] -

43:23
handcuffs [2] -
20:24, 29:14
handguns [2] - 10:7,
43:2
harnesses [1] - 28:1
Harney [1] - 6:10,
7:12, 9:25, 12:17
head [2] - 17:18,
32:6
health [1] - 5:7
hear [4] - 24:5, 28:1,
40:4, 41:15
heard [8] - 9:12,
20:18, 36:16, 39:25,
40:2, 40:5
hearing [4] - 18:15,
21:13, 27:19, 28:18
held [4] - 3:13,
11:23, 19:24, 44:22
help [1] - 14:1
hereby [1] - 48:8
high [5] - 9:17, 21:5,
22:8, 22:14, 38:2
higher [1] - 7:18
highest [1] - 13:18
highway [3] - 7:17,
16:5, 18:9
histories [1] - 34:15
hit [4] - 4:21, 30:17,
35:21, 38:10
hitting [1] - 38:9
hope [1] - 32:14
hotel [2] - 5:18, 5:20
hour [4] - 4:21, 5:21,
22:15, 37:23
hours [3] - 3:21,
5:12, 9:19
HRT [1] - 33:23
hub [1] - 15:13
hundred [2] - 20:2,
21:3
hundreds [1] - 3:21
hunting [1] - 9:17

I

ice [1] - 38:19
Idaho [2] - 7:7, 7:13
idea [1] - 30:4
IDENTIFICATION [1]
- 2:12
identified [1] - 7:5
identify [2] - 30:7,
39:13
ideology [1] - 47:7
illnesses [1] - 4:9
immediate [2] - 28:6,
43:18
immediately [4] -

23:11, 24:15, 38:20,
44:3
impact [2] - 28:3,
45:21
imply [1] - 10:14
important [2] - 5:3,
7:2
importantly [1] -
34:1
incident [14] - 4:1,
4:10, 4:19, 5:12, 6:7,
10:4, 10:22, 11:6,
15:4, 29:12, 33:7,
38:22, 41:19, 47:17
incidents [1] - 7:2
include [4] - 7:14,
9:18, 9:22, 10:20
included [2] - 6:23,
12:21
indication [1] - 38:8
individual [1] - 31:22
individuals [4] - 6:7,
8:18, 13:19, 19:5
inert [1] - 9:12
information [30] -
6:4, 8:12, 8:17, 8:19,
9:4, 9:12, 10:5, 10:8,
13:1, 14:14, 17:3,
17:4, 17:9, 17:11,
17:14, 17:15, 17:20,
18:3, 18:6, 20:6,
30:24, 31:8, 33:18,
34:13, 35:22, 40:16,
41:22, 48:16, 48:20,
47:3
initial [5] - 33:6,
34:17, 34:19, 36:16,
43:17
initiate [2] - 14:14,
18:17, 20:9
injured [3] - 38:22,
38:23, 39:1
injury [3] - 22:19,
37:14, 41:2
instructed [1] -
27:23
instructions [1] -
12:8
intel [1] - 8:22
intelligence [8] -
8:17, 15:8, 18:3,
16:25, 23:16, 25:25
intention [1] - 37:24
interest [1] - 48:15
intermix [1] - 12:23
intermixed [2] -
25:15, 34:5
Internet [1] - 9:10
interview [3] - 47:22,
48:10, 48:14
investigation [1] -

47:15
investigators [1] -
42:19
involved [12] - 3:23,
6:7, 8:15, 8:25, 12:4,
13:8, 17:14, 31:9,
32:12, 34:2, 34:14
involvement [1] -
34:12
issued [8] - 35:11,
35:13, 38:5, 38:10,
38:11
issues [4] - 5:7, 5:22,
25:3, 48:24
itself [4] - 3:12,
10:22, 23:21, 32:21

J

jacket [3] - 35:2,
35:10, 41:8
January [8] - 4:1,
6:16, 8:4, 32:22, 33:8,
33:7
JANUARY [1] - 3:1
[REDACTED]
jeep [1] - 17:22
[REDACTED]
13:2, 14:5, 46:15,
47:4
join [1] - 10:16
jump [2] - 10:21,
22:8
jumping [1] - 36:15

K

keep [1] - 19:21
kept [1] - 40:23
kind [18] - 5:6, 5:7,
15:15, 15:25, 20:3,
21:2, 23:2, 25:20,
25:21, 25:23, 26:9,
27:20, 39:7, 45:4,
46:13, 47:3
knees [1] - 28:18
knowing [1] - 23:21
knowledge [2] -
41:15, 47:12
known [4] - 6:5,
24:3, 34:15, 47:12

L

lack [2] - 7:4, 9:9,
13:5
lake [1] - 23:7
land [1] - 8:22

language [1] - 36:22
lapsed [1] - 26:11
large [2] - 12:13,
47:8
larger [1] - 34:10
last [8] - 4:18, 6:15,
9:3, 18:11, 23:2
launcher [3] - 27:23,
28:7, 28:8
law [12] - 3:20, 3:23,
7:23, 7:25, 10:11,
10:15, 10:17, 32:23,
35:6, 35:16, 38:25,
47:13
laying [1] - 26:22
leader [5] - 16:19,
16:20, 19:9, 33:23,
38:2
leaders [3] - 11:17,
13:11, 34:7
leadership [2] -
13:10, 39:24
learned [3] - 14:4,
41:20, 46:2
leave [4] - 23:24,
42:17, 43:3, 48:22
leaves [1] - 43:7
leaving [2] - 15:13,
18:5
left [22] - 5:16, 7:9,
7:12, 10:25, 14:17,
22:4, 22:5, 22:9, 23:3,
23:5, 24:12, 24:19,
30:2, 32:3, 33:1, 34:8,
37:1, 37:2, 37:3,
40:22, 42:20, 44:20
level [3] - 7:21,
16:13, 37:8
levels [2] - 6:19,
13:16
lightly [1] - 38:21
lights [2] - 15:9, 16:6
likely [2] - 23:9,
23:14
line [3] - 24:4, 24:19,
41:9
list [1] - 3:10
literally [1] - 23:23
live [1] - 11:10
local [2] - 5:19, 6:12
location [1] - 7:10,
12:12, 12:15, 16:9,
17:10, 18:8, 21:8,
29:25, 35:6, 37:19,
47:16
locations [2] - 11:19,
38:10
look [2] - 12:11,
27:25
looked [1] - 39:10
looking [4] - 33:17,

37:8, 39:11, 40:13
loose [1] - 24:15
loud [2] - 25:16, 40:7

M

magazine [1] -
42:23, 42:25, 43:8
magazines [2] -
43:1, 43:2
mail [1] - 33:2
main [2] - 17:8,
27:11
maintain [4] - 5:4,
5:5, 19:16, 19:21
maintained [2] -
7:16, 29:6
maintaining [1] -
38:2
male [1] - 29:10
Malheur [5] - 8:6,
8:18, 18:5, 31:1, 47:1
management [1] -
13:10
manager [1] - 11:7
maneuver [1] - 38:9
manned [1] - 8:18
March [1] - 48:17
MARION [1] - 48:5
marked [4] - 2:14,
30:1, 30:5, 35:3
marking [1] - 20:24
mean [4] - 8:22,
25:20, 34:22, 46:7
meaning [7] - 16:24,
17:4, 18:16, 28:1,
28:6, 41:24, 41:25
means [1] - 48:12
medic [2] - 18:13,
44:5
medical [3] - 16:12,
43:25, 44:1
medication [1] - 4:12
meds [1] - 5:7
meet [1] - 12:9
meeting [8] - 6:11,
11:9, 11:11, 11:15,
11:22, 14:5, 33:6,
48:15
meetings [3] - 8:16,
8:25, 33:8
meets [1] - 3:24
member [2] - 5:3,
18:18
members [12] - 5:17,
5:25, 12:6, 12:20,
13:7, 16:17, 18:10,
19:14, 31:22, 44:5,
47:8
mental [2] - 4:25, 5:6

mentioned [6] -
17:24, 31:25, 36:4,
36:15, 37:18, 40:2
message [1] - 10:20
messages [1] - 17:6
met [7] - 5:16, 5:17,
11:17, 12:5, 13:11,
27:4
mid [1] - 5:11
middle [1] - 19:8
might [1] - 34:22
mile [2] - 18:13
miles [3] - 18:8,
22:15, 37:22
militia [5] - 7:3, 7:24,
8:8, 8:18, 46:17
militia's [1] - 8:12
millimeter [2] -
27:22, 27:24
mind [1] - 37:13
minute [1] - 23:2
minutes [4] - 7:16,
18:18, 19:7, 28:10
mission [5] - 10:24,
31:14, 34:22, 36:13
mixed [1] - 18:1
molst [1] - 38:18
moment [5] - 27:6,
28:7, 46:1, 46:9,
46:12
moments [3] - 19:24,
20:18, 22:11
Monday [2] - 14:8,
14:9
morning [4] - 5:23,
12:9, 12:18, 14:11
most [3] - 10:13,
16:25, 24:24
motion [2] - 25:24,
41:4
motor [2] - 22:25,
43:14
motoring [2] - 18:23,
19:22
move [5] - 21:19,
23:12, 24:12, 29:2
moved [10] - 12:15,
24:4, 28:25, 39:5,
40:3, 42:15, 44:7,
44:8, 44:15
movement [5] -
17:10, 20:13, 27:13,
32:23, 47:6
moving [9] - 19:9,
23:23, 25:8, 25:9,
26:9, 39:15, 39:6,
40:12, 47:16
MR [1] - 45:7
multi [2] - 28:7
multiple [9] - 8:16,
8:25, 17:4, 17:7,

21:22, 22:19, 22:23,
27:16, 33:3

N

name [5] - 3:8,
15:23, 17:23, 18:2
named [1] - 48:11
names [2] - 3:10,
3:11
National [2] - 8:18,
31:1
need [2] - 9:3, 14:14
needed [2] - 26:14,
32:13
never [3] - 27:25,
44:8, 45:9
next [5] - 8:24,
11:16, 12:9, 12:18
night [8] - 4:20, 5:17,
11:12, 12:7, 14:7,
14:9
night's [1] - 4:23
NO [56] - 2:7, 3:3,
3:6, 3:14, 5:19, 5:23,
8:2, 8:6, 12:19, 19:2,
21:14, 21:17, 21:18,
24:4, 24:6, 24:18,
24:19, 24:22, 25:1,
25:10, 26:4, 26:6,
26:11, 26:12, 26:15,
27:21, 27:22, 28:6,
30:10, 30:12, 30:16,
32:9, 39:5, 39:25,
41:1, 41:3, 41:6, 41:9,
41:12, 42:4, 42:6,
42:16, 44:2, 44:18,
44:21, 44:23, 45:9,
45:10, 45:11, 45:13,
45:25, 46:4, 46:5,
47:20, 47:21
noncompliant [1] -
20:12
nondescript [1] -
35:2
None [1] - 2:14
normally [1] - 42:24
north [9] - 16:24,
18:20, 18:21, 19:1,
28:22, 30:6, 30:8,
31:20, 47:1
northern [1] - 32:9
note [1] - 7:2
nothing [3] - 5:6,
11:5, 47:19
noticing [1] - 33:17
Noveske [1] - 36:6
number [3] - 3:9,
3:12, 48:14
numbers [1] - 8:20

O

o'clock [3] - 4:21,
5:21, 15:21
objective [1] - 31:15
observing [2] -
27:20, 46:1
obvious [1] - 24:24
obviously [4] - 9:11,
23:1, 42:4, 46:7
OCCS [1] - 28:9
occupants [7] - 10:7,
27:14, 28:11, 28:19,
29:9, 31:17, 42:15
occupation [1] - 6:6
occupying [2] - 8:7,
10:11
occurred [2] - 4:1,
18:21
OF [2] - 48:4, 48:5
office [1] - 6:12
OFFICER [58] - 2:7,
3:3, 3:6, 3:14, 5:18,
5:23, 8:2, 8:6, 12:19,
19:2, 21:14, 21:17,
21:18, 24:4, 24:6,
24:18, 24:19, 24:22,
25:1, 25:10, 26:4,
26:6, 26:11, 26:12,
26:15, 27:21, 27:22,
28:6, 30:10, 30:12,
30:16, 32:9, 39:5,
39:25, 41:1, 41:3,
41:6, 41:9, 41:12,
42:4, 42:6, 42:16,
44:2, 44:18, 44:21,
44:23, 45:9, 45:10,
45:11, 45:13, 45:25,
46:4, 46:5, 47:20,
47:21
officer [14] - 3:14,
3:15, 23:7, 23:8,
23:18, 23:20, 23:22,
38:6, 38:25, 39:4,
41:21, 41:24, 42:1
officers [17] - 10:20,
16:11, 20:14, 22:20,
27:2, 27:4, 27:11,
27:13, 28:5, 29:8,
29:9, 29:16, 29:17,
34:1, 36:19, 38:10,
38:11
officials [2] - 7:24,
13:12
often [1] - 9:21
once [8] - 29:18,
38:10, 39:23, 40:17,
44:5
one [21] - 10:9,
10:10, 13:3, 16:18,
19:11, 22:4, 22:5,
22:13, 25:24, 27:20,
29:5, 29:10, 36:24,
36:26, 38:24, 39:3,
39:18, 43:3, 43:8,
46:21
ones [1] - 15:10
open [7] - 6:19, 11:8,
24:10, 24:14, 24:21,
24:23, 37:9
operate [1] - 35:7
operating [1] - 35:20
operation [20] - 6:3,
10:22, 11:6, 12:1,
13:15, 14:14, 14:20,
15:15, 30:25, 31:3,
31:4, 31:11, 33:13,
33:15, 33:19, 34:2,
34:10, 34:18
operations [1] - 9:1
operator [1] - 19:25
opportunity [2] -
14:6, 40:14
OPS [3] - 30:22,
33:10, 33:25
option [2] - 22:22,
38:14
orange [2] - 17:22,
28:8
order [2] - 11:19,
32:18
OREGON [2] - 3:1,
48:4
Oregon [15] - 3:16,
7:1, 8:5, 11:10, 13:7,
13:10, 14:8, 14:10,
15:7, 18:11, 20:23,
33:3, 33:9, 48:8,
48:20
OSP [17] - 5:16, 12:6,
13:14, 13:17, 14:9,
16:18, 16:19, 17:12,
18:25, 19:7, 19:16,
20:15, 20:22, 34:11,
41:21, 42:22
OSP's [1] - 18:10
over-vest [1] - 20:22
overall [7] - 4:6, 5:3,
6:14, 31:1, 31:10,
34:13, 38:6
overtake [1] - 20:20
overtly [1] - 28:20
own [1] - 9:8
owned [1] - 36:4

P

p.m [2] - 11:12,
47:22
page [1] - 14:25
PAGE [1] - 2:5
pages [1] - 8:22

paint [1] - 30:3
Palmer [1] - 42:25
park [4] - 15:22,
16:3, 16:22, 18:13
parked [2] - 7:10,
18:20
part [3] - 6:1, 19:3,
31:20
participate [1] -
11:18
particular [2] - 10:5,
31:4
parties [1] - 13:8
partners [1] - 6:13
passed [3] - 7:14,
7:17, 10:6
passenger [2] -
17:25, 24:9
path [2] - 26:7, 39:8
Patrick [1] - 6:10
pavement [1] - 38:20
Payne [1] - 17:20
peaceful [3] - 10:14,
10:16, 10:19
people [11] - 6:8, 7:3,
11:2, 11:20, 13:22,
16:9, 27:8, 27:17,
30:7, 32:15, 42:7
per [2] - 22:15, 37:22
perceive [1] - 38:25
perceived [2] - 26:9,
39:2
perceiving [1] - 24:7
percent [1] - 28:19
perception [3] -
36:18, 37:19, 41:11
perform [1] - 5:9
period [1] - 28:17
person [1] - 26:4
personally [1] -
34:24
personnel [1] - 14:10
pertaining [2] - 31:1,
34:14
phases [1] - 4:4
phone [5] - 17:5,
29:20, 33:2, 35:23,
44:18
photo [2] - 44:18,
44:19
photos [2] - 30:23,
44:14
physical [4] - 4:25,
5:4, 5:6, 48:12
physically [1] -
16:21
picked [2] - 5:18,
5:23
pickup [2] - 20:5,
45:20
piece [1] - 46:20

pistol [2] - 25:5,
35:11
place [5] - 22:1, 36:1,
48:11
placed [2] - 29:14
plan [16] - 13:12,
16:7, 20:9, 20:16,
30:22, 30:25, 31:3,
32:25, 33:10, 33:12,
33:15, 33:19, 33:20,
33:25, 35:25, 37:1
plane [1] - 18:7
planned [1] - 6:16
planning [11] - 5:16,
6:1, 6:4, 8:25, 10:22,
12:15, 12:20, 13:25,
14:9, 14:12, 34:20
plated [2] - 7:7, 7:13
plow [1] - 23:6
plowing [1] - 38:9
plows [1] - 37:5
point [34] - 8:15, 8:8,
9:8, 10:23, 11:13,
11:21, 12:7, 12:8,
12:25, 13:14, 13:17,
15:7, 15:18, 19:18,
20:14, 20:21, 22:7,
22:17, 23:18, 23:21,
24:8, 24:20, 24:25,
25:18, 26:8, 26:16,
27:1, 27:20, 29:5,
30:16, 43:10, 43:16,
45:18, 47:10
pointed [1] - 41:6
pointing [1] - 28:24
points [1] - 15:25
police [5] - 10:20,
16:8, 20:24, 35:3,
38:8
Police [3] - 3:16, 7:1,
8:5, 13:8, 13:10, 15:8,
16:11, 20:23
policy [1] - 16:8
poor [2] - 35:19,
35:20
portion [2] - 13:22,
13:25
position [5] - 19:17,
19:24, 24:10, 29:8,
38:3
post [9] - 5:25,
15:14, 15:17, 29:21,
34:8, 35:22, 36:2,
41:14, 43:22
posted [1] - 9:10
postings [1] - 6:19
posts [1] - 6:23
potential [1] - 14:5
potentially [1] -
32:24
precautions [1] -

15:18
prepared [4] - 4:5,
11:14, 14:17, 23:20
preparing [2] -
20:15, 21:7
prescription [1] - 5:7
presence [2] - 19:21,
40:19
present [4] - 23:21,
33:15, 33:20, 33:21
presented [1] - 13:12
presumed [1] - 21:20
pretty [3] - 25:21,
35:15, 37:18
prevent [5] - 19:4,
32:15, 38:12, 38:14,
41:2
priority [1] - 24:23
privileged [2] - 42:5,
42:8
Proceed [1] - 20:16
proceed [2] - 13:15,
19:17
proceeded [1] - 6:1
process [7] - 5:16,
12:15, 12:20, 14:12,
21:25, 30:8, 42:2
progress [1] - 8:14
progressed [1] -
13:9
protest [2] - 8:17,
10:14
provide [3] - 30:8,
39:12, 41:23
provided [2] - 30:21,
34:17
providing [1] - 32:13
public [2] - 18:23,
19:22
pull [3] - 16:5, 18:22,
41:4, 45:25
pulled [7] - 7:8, 7:10,
7:15, 7:16, 28:23,
40:24, 40:25
purely [1] - 32:14
purposes [2] - 12:23,
19:3
pursuing [1] - 27:1
push [2] - 23:8
pushed [1] - 37:4
pushing [2] - 17:12,
47:7
put [9] - 5:1, 10:16,
17:2, 29:2, 33:14,
38:11, 42:21, 43:13,
47:13
putting [1] - 20:9

Q

qualified [1] - 38:7
questions [1] - 8:6
quickly [3] - 18:19,
23:12, 23:19, 33:14,
46:24

R

radio [9] - 17:12,
18:15, 19:25, 20:6,
20:16, 35:19, 36:16,
44:2
radios [1] - 17:7
rally [1] - 6:16
ram [3] - 21:9, 22:10,
37:13
ran [4] - 23:7, 23:9,
29:5, 29:6
ranging [1] - 12:21
rate [2] - 21:5, 22:6
rather [1] - 33:14
reached [1] - 40:15
reaches [1] - 40:21
reaching [4] - 25:19,
25:20, 40:21
react [1] - 41:5
reacted [1] - 40:25
read [4] - 8:23,
11:11, 14:7
ready [2] - 20:17,
42:17
real [1] - 18:19
really [1] - 30:3
reason [1] - 28:14
reasonable [2] -
20:13, 28:13
reasons [1] - 19:12
received [3] - 11:7,
14:13, 34:11
reception [1] - 35:20
recess [2] - 30:15,
45:12
recite [1] - 32:7
recognize [1] - 39:21
recollection [1] -
38:21
record [7] - 3:7, 3:12,
3:13, 5:2, 44:22, 45:8,
48:14
red [1] - 15:9
Redmond [2] -
11:16, 33:4
refer [3] - 8:7, 8:8,
21:18
referring [1] - 23:3
refuge [5] - 9:14,
10:1, 11:4, 11:5,
11:22

Refuge [1] - 6:6,
8:18, 47:1
regarding [9] - 6:4,
6:20, 6:22, 9:12, 10:5,
17:10, 17:15, 30:24,
31:4
related [2] - 9:25,
25:3
relationship [1] -
10:16
relatively [1] - 15:13
relayed [1] - 18:10
relaying [1] - 38:19
remember [13] -
17:8, 21:14, 21:17,
21:25, 25:10, 25:11,
25:13, 25:22, 25:23,
33:17, 40:8, 43:12,
43:13
removed [1] - 45:2
render [1] - 29:18
[REDACTED]
repeater [1] - 35:21
report [7] - 9:13,
9:17
reported [1] - 17:16
Reporter [2] - 48:8,
48:20
REPORTER'S [1] -
48:1
reporting [1] - 17:1
reports [4] - 7:23,
9:15, 9:20, 23:16
request [1] - 29:5
requested [3] -
30:19, 44:1, 44:3
require [2] - 4:15,
4:17
resolve [2] - 9:2,
24:11
respond [4] - 12:4,
12:8, 14:11, 44:4
responded [2] -
5:24, 6:17
response [5] - 15:11,
15:20, 15:22, 40:1,
41:24
responsibilities [1] -
15:1
rest [1] - 27:8
restaurant [1] - 5:19
resulted [2] - 22:19,
32:24
retrieved [1] - 29:7
rifle [10] - 9:18,
22:23, 24:17, 25:4,
32:11, 36:7, 42:11,
42:13, 42:23, 43:3
rifles [3] - 9:16, 9:22,
9:23

rig [1] - 26:1
road [9] - 15:23,
15:24, 15:25, 16:16,
18:23, 18:20, 30:7,
38:18
roadblock [7] -
21:10, 21:11, 22:16,
22:18, 22:23, 37:20,
38:12
roads [1] - 38:16
roadway [3] - 18:22,
10:9, 21:20
role [2] - 4:7, 32:8
roles [1] - 12:24
roughly [3] - 32:19,
39:16, 41:13
round [5] - 27:24,
28:3, 36:14, 37:17,
42:25
rounded [1] - 22:21
rounds [9] - 22:23,
26:16, 28:10, 39:16,
42:10, 42:24, 43:1,
43:5, 43:11
routinely [2] - 5:5,
9:21
run [2] - 22:18, 22:22
running [3] - 23:18,
38:12, 38:14
Ryan [2] - 17:20,
29:10

S

safe [2] - 21:21,
42:21
safely [2] - 11:20,
13:22
safest [1] - 21:25
safety [5] - 24:4,
24:25, 29:1, 33:11,
46:8
satellite [2] - 29:20,
35:23
saw [9] - 6:23, 10:13,
16:22, 18:23, 23:7,
37:17, 37:18, 39:19,
44:8
scaled [1] - 33:19
scene [22] - 16:24,
23:3, 27:3, 28:6,
28:22, 28:25, 29:17,
30:2, 30:6, 35:22,
41:20, 42:17, 42:18,
42:20, 42:22, 43:8,
44:9, 44:15, 44:19,
45:22, 46:13, 46:18
scheduled [1] -
11:12
scientific [1] - 7:4
scoped [1] - 9:15

seat [3] - 17:25, 18:1, 42:21 seated [2] - 29:15, 34:4 second [3] - 23:2, 40:17, 43:18 secure [4] - 17:13, 29:16, 35:20, 44:6 secured [1] - 42:15 security [2] - 30:8, 35:5 see [10] - 9:10, 21:18, 22:15, 23:19, 24:3, 24:5, 24:6, 24:10, 24:18, 24:19, 25:8, 28:12, 39:3, 39:12, 39:24, 44:16 seeing [4] - 6:2, 21:22, 26:13, 27:21 select [1] - 34:21 senior [1] - 33:22 sense [2] - 19:20, 26:24 separate [1] - 31:19 separated [1] - 20:1 sergeant [1] - 12:3 serious [1] - 22:19 Service [2] - 15:24 set [1] - 45:17 several [9] - 7:16, 8:16, 18:18, 20:2, 21:3, 34:19, 37:4, 39:17, 43:10 sheriff [1] - 47:5 sheriffs [1] - 6:12 shield [2] - 29:6, 29:7 shifts [1] - 9:18 shoot [8] - 6:24, 25:13, 25:14, 25:17, 40:6, 40:7, 45:25, 46:3 shooting [5] - 10:20, 41:14, 41:18, 41:18, 43:22 Short [2] - 30:15, 45:12 Shorthand [2] - 48:7, 48:20 shorthand [1] - 48:11 shot [3] - 23:15, 43:17, 43:18 shoulder [2] - 26:1 showing [2] - 28:6, 40:19 side [12] - 9:21, 16:16, 16:23, 17:21, 18:20, 23:4, 24:9, 32:3, 32:4, 37:4, 38:16, 40:22	signify [1] - 3:9 signs [1] - 40:19 similar [2] - 32:25, 47:9 simple [1] - 47:13 single [2] - 27:22, 27:24 siren [1] - 15:9 situation [4] - 6:14, 6:20, 9:2, 24:12 six [1] - 12:20 size [1] - 42:23 sleep [3] - 4:18, 4:23 sleeping [1] - 5:22 sild [1] - 39:23 slide [2] - 25:7, 30:4 slides [1] - 31:5 slightly [2] - 5:24, 26:5 slimming [1] - 8:21 slowing [1] - 45:19 small [2] - 6:25, 15:13 snow [2] - 15:22, 16:3, 16:22, 18:13, 21:18, 21:20, 22:5, 22:9, 23:6, 23:25, 24:13, 24:15, 36:24, 37:3, 37:4, 37:5, 37:6, 37:9, 38:15, 38:20 solely [1] - 24:16 sometime [1] - 42:16 somewhat [3] - 20:2, 34:9, 38:19 sort [2] - 11:20, 13:5 sounded [1] - 43:25 sounds [2] - 14:19, 31:18 source [2] - 6:19, 11:8 sources [1] - 17:4 south [1] - 7:20 specialized [2] - 3:21, 31:21 specific [8] - 6:12, 9:4, 10:11, 31:14, 31:21, 32:16, 33:11, 34:21 specifically [5] - 6:9, 11:2, 11:5, 32:2, 36:13 specifics [1] - 40:8 speed [9] - 7:18, 21:5, 22:8, 22:14, 37:21, 37:23, 38:2, 39:9 speeds [2] - 7:17, 18:9 spike [3] - 19:4, 45:17, 45:18 spins [3] - 25:19, 25:21, 25:22	spot [3] - 17:17, 30:10, 38:11 SPRINGFIELD [1] - 3:1 ss [1] - 48:4 staged [1] - 16:23 staggered [2] - 15:11, 15:20 staggering [1] - 15:21 stance [1] - 10:11 standard [10] - 3:20, 3:23, 20:23, 20:24, 35:4, 35:10, 35:11, 35:15, 36:12, 36:14 standing [1] - 22:4 started [4] - 15:21, 18:7, 27:15, 29:3 starting [1] - 11:24 state [4] - 3:8, 4:25, 5:9, 6:9 STATE [1] - 48:4 State [10] - 3:16, 7:1, 8:5, 13:7, 13:10, 15:7, 16:11, 20:23, 48:8, 48:20 statement [2] - 10:10, 10:18 statements [2] - 6:20, 46:2 station [1] - 7:15 stay [2] - 16:2, 29:4 stayed [2] - 7:13, 29:2 step [1] - 21:24 steps [1] - 21:22 still [8] - 21:22, 24:23, 26:21, 26:22, 27:13, 27:14, 28:17, 40:18 stools [1] - 21:24 stop [34] - 11:21, 12:16, 12:25, 13:21, 13:22, 15:10, 16:7, 16:8, 16:15, 18:17, 18:21, 18:24, 19:6, 19:10, 19:11, 19:18, 19:23, 20:10, 21:6, 21:8, 21:9, 22:17, 23:11, 28:15, 29:4, 31:16, 31:19, 32:15, 32:16, 37:25, 38:7, 39:15, 39:19 stopping [1] - 40:25 stops [1] - 20:3 straddling [1] - 22:6 straight [2] - 5:25, 23:25 strategy [1] - 9:1 striking [1] - 26:17	strips [3] - 19:4, 45:17, 45:18 structure [2] - 12:1, 34:13 struggling [1] - 39:6 stuck [1] - 24:13 style [2] - 9:22, 21:8 subjects [1] - 33:12 SUNDAY [1] - 3:1 Sunday [1] - 14:8 support [1] - 47:4 supported [1] - 47:9 supporters [2] - 46:16, 47:4 supporting [1] - 47:6 supposed [1] - 30:23 surveillance [3] - 7:21, 8:11, 15:5 surveilling [3] - 7:5, 7:25, 15:17 suspect [3] - 27:2, 27:5, 42:14 suspects [1] - 30:22 SWAT [10] - 5:4, 5:16, 7:1, 12:3, 12:6, 13:10, 22:13, 33:22, 34:7, 34:11 sweeping [2] - 21:3, 25:23 swerves [1] - 23:2 system [1] - 13:19	26:15, 35:16, 41:1 threats [1] - 23:21 three [5] - 16:17, 29:9, 33:5, 33:8, 42:15 threshold [1] - 38:7 throughout [2] - 8:24, 9:8 timber [2] - 37:10, 39:6 tip [1] - 28:1 tips [1] - 28:8 together [1] - 33:14 took [1] - 14:16 tools [2] - 20:24, 35:4 top [4] - 17:18, 32:6, 36:16, 43:2 topped [1] - 42:25 torso [3] - 40:22, 41:8, 43:19 total [3] - 33:8, 43:4, 43:5 totality [3] - 4:6, 15:6, 26:13 touch [1] - 10:9 touched [1] - 31:13 touching [1] - 35:4 towards [1] - 10:11, 17:10, 18:9, 19:10, 22:24, 23:1, 23:12, 23:24, 26:11, 29:3, 39:6 tower [1] - 9:18 town [4] - 5:19, 7:1, 8:19, 15:13 traffic [24] - 11:21, 12:16, 13:21, 13:22, 15:10, 16:6, 16:15, 18:17, 18:21, 18:23, 19:6, 19:10, 19:11, 19:18, 19:22, 20:3, 20:10, 25:3, 31:16, 31:19, 32:10, 32:15, 36:16 traffic-related [1] - 25:3 training [9] - 3:17, 3:21, 3:23, 3:25, 22:16, 37:24, 38:5, 40:23 transcribed [1] - 48:12 transcript [1] - 48:13 transcription [1] - 48:13 transition [1] - 27:7 transitioned [2] - 27:10, 28:4 transitioning [1] - 20:8
--	---	--	---	---

travel (1) - 11:14
traveled (1) - 11:16
travelling (4) - 13:2,
 18:9, 37:22, 37:23
tree (2) - 24:4, 24:19
tree (1) - 21:21
tried (3) - 22:10,
 29:15, 30:3
trips (2) - 32:19
trooper (1) - 5:9
truck (48) - 17:19,
 18:3, 20:19, 21:15,
 21:25, 22:2, 22:6,
 22:7, 22:12, 23:1,
 23:5, 23:8, 23:9,
 23:10, 23:11, 23:12,
 23:13, 23:19, 23:22,
 23:24, 23:25, 24:3,
 24:7, 24:12, 24:21,
 26:24, 27:5, 27:6,
 28:10, 28:11, 28:13,
 28:14, 28:16, 28:20,
 29:18, 35:14, 36:25,
 37:17, 37:21, 38:12,
 39:8, 39:9, 39:10,
 39:14, 39:19, 39:23,
 42:14, 44:6
true (1) - 48:14
truly (1) - 46:3
try (11) - 5:4, 9:2,
 21:10, 21:19, 24:11,
 27:16, 27:17, 29:21,
 37:15, 38:9, 38:14
trying (11) - 20:20,
 21:25, 23:19, 23:20,
 27:7, 28:23, 35:7,
 36:11, 43:13, 44:17,
 48:10
Tuesday (5) - 8:15,
 11:12, 14:3, 14:11,
 15:2
turn (2) - 6:14, 40:14
turned (3) - 7:20,
 26:5, 29:9
twice (2) - 7:8, 7:9
two (18) - 13:1,
 15:25, 16:5, 16:17,
 18:1, 18:12, 18:19,
 19:2, 19:8, 20:3,
 21:23, 22:6, 24:1,
 28:16, 27:11, 29:10,
 31:18, 32:21
type (1) - 9:24
typically (1) - 32:3

U

ultimately (2) -
 28:19, 29:2
UN (1) - 47:11
uncooperative (3) -

20:7, 36:17, 36:20
under (3) - 23:9,
 23:22, 39:11
unfamiliar (1) - 29:10
uniform (3) - 7:9,
 8:2, 8:5
units (3) - 17:14,
 30:1, 30:5
unmarked (1) - 7:9
up (22) - 4:21, 5:13,
 6:18, 5:23, 8:24, 7:15,
 7:17, 9:3, 10:4, 12:9,
 15:6, 18:1, 18:19,
 21:10, 25:3, 27:4,
 28:6, 28:23, 29:6,
 39:5, 41:14, 43:18
update (1) - 18:11
updates (1) - 17:6
upper (1) - 43:17

V

van (1) - 29:7

variation (1) - 36:2
vehicle (39) - 7:9,
 7:10, 9:25, 10:7,
 11:19, 12:25, 16:19,
 16:25, 19:7, 19:12,
 20:7, 20:9, 20:14,
 20:22, 21:1, 21:4,
 22:9, 23:15, 24:2,
 27:1, 27:2, 27:5, 27:8,
 27:14, 27:16, 27:17,
 30:3, 30:7, 36:24,
 40:12, 42:14, 42:22,
 44:9, 44:23, 44:24,
 45:3, 45:21, 46:23
vehicle's (3) - 17:10,
 43:9, 45:16
vehicles (31) - 7:7,
 12:22, 12:24, 13:2,
 15:8, 15:16, 16:6,
 16:17, 17:15, 17:16,
 18:12, 18:20, 19:2,
 19:8, 20:1, 21:9,
 21:23, 22:10, 24:1,
 27:12, 28:23, 29:9,
 31:17, 32:2, 37:14,
 37:15, 39:9, 45:18
velocity (1) - 45:21
verbal (4) - 27:18,
 29:13, 39:25, 48:2
verbatim (1) - 48:14
verblage (1) - 25:11
vest (2) - 20:22, 35:3
video (1) - 45:4
video (2) - 9:10,
 25:25
view (2) - 24:16, 40:5

viewed (1) - 31:9
viewing (2) - 9:9,
 25:22
visibility (2) - 21:3,
 37:26
visual (3) - 18:5,
 40:4, 44:9
vividly (1) - 21:14
vocalized (1) - 19:16
voice (2) - 25:16,
 40:7

W

waist (1) - 25:20
wait (1) - 41:6
waited (1) - 7:15
walk (2) - 12:10, 24:1
walking (2) - 24:1,
 24:15
watched (2) - 21:22,
 23:5
water (1) - 23:7
waving (3) - 28:24,
 29:1, 29:4
weapon (4) - 34:3,
 40:22, 40:24, 43:7
weapons (4) - 8:12,
 9:5, 9:24, 34:15
wear (2) - 35:2,
 35:12
wearing (7) - 4:16,
 8:3, 8:4, 20:22, 36:9,
 35:10, 44:12
wedge (1) - 27:12
weeds (1) - 13:6
week (1) - 6:21
weekend (1) - 8:21
weeks (1) - 8:24
whatsoever (1) -
 28:13
white (2) - 17:18,
 18:3, 20:5, 20:19,
 22:12, 31:7, 37:17
whole (3) - 7:8, 17:2,
 19:10
wide (1) - 37:9
Wildlife (4) - 6:6,
 8:18, 18:5, 31:2
window (2) - 27:23,
 27:25
windows (1) - 23:15
WITNESS (3) - 6:4,
 46:7, 48:17
woke (2) - 4:21, 5:23
words (3) - 9:9,
 25:15, 40:4
written (1) - 31:8

Y

yards (4) - 20:2,
 21:3, 37:9, 43:21
years (1) - 3:18
yelled (1) - 27:19
yelling (5) - 21:13,
 25:10, 25:16, 25:18,
 40:6
yielded (2) - 13:3
yielding (1) - 37:20

Z

zone (1) - 47:11

**DESCHUTES COUNTY SHERIFF'S OFFICE**

CASE# 2016-00024205

CASE SUPPLEMENT REPORT 583333 West Highway 20
Bend, OR 97701

CONNECTED # 1

CONNECTED # 2

CONNECTED # 3

EVENT	DATE/TIME OF THIS REPORT 02/16/2016 19:18
	TITLE / DESCRIPTION Scale Diagram

DISTRIBUTION			
<input type="checkbox"/> KARLY'S LAW	<input type="checkbox"/> DA	<input type="checkbox"/> DHS	<input type="checkbox"/> JUSTICE COURT
<input type="checkbox"/> MDT	<input type="checkbox"/> JUVENILE	<input type="checkbox"/> KIDS CENTER	<input type="checkbox"/> CIRCUIT COURT
<input type="checkbox"/> USE of FORCE	<input type="checkbox"/> DMV	<input type="checkbox"/> DETECTIVES	<input type="checkbox"/> MENTAL HEALTH
<input type="checkbox"/> PURSUIT	<input type="checkbox"/> OLCC	<input type="checkbox"/> ME	<input type="checkbox"/> ENVIRONMENTAL HEALTH
<input type="checkbox"/> K-9	Other		

CT#	STATUTE/DESCRIPTION	ATTEMPT/COMMIT

ECT	SUBJECT TYPE Assisting Officer		NAME (LAST, FIRST, MIDDLE SUFFIX) [REDACTED]		PRIMARY PHONE Work	
	ADDRESS (STREET, CITY, STATE, ZIP) 90 W A ST Burns, OR 97720-					PHONE #2 [REDACTED]
	DOB	AGE or AGE RANGE	SEX	RACE	HEIGHT or RANGE	WEIGHT or RANGE
			Male	White		
	DL NUMBER/STATE		SSN	ALIAS (LAST, FIRST, MIDDLE)		
EMPLOYER NAME AND ADDRESS Oregon State Police 90 W A ST Burns, OR 97720-		EMPLOYER PHONE NUMBER [REDACTED]				

SUBJECT	SUBJECT TYPE Assisting Officer		NAME (LAST, FIRST, MIDDLE SUFFIX) [REDACTED]		PRIMARY PHONE Home	
	ADDRESS (STREET, CITY, STATE, ZIP) 555 15TH ST Bend, OR 97701					PHONE #2 [REDACTED]
	DOB	AGE or AGE RANGE	SEX	RACE	HEIGHT or RANGE	WEIGHT or RANGE
			Male	White		
	DL NUMBER/STATE		SSN	ALIAS (LAST, FIRST, MIDDLE)		
OR						
EMPLOYER NAME AND ADDRESS		EMPLOYER PHONE NUMBER				

SUBJECT	SUBJECT TYPE		NAME (LAST, FIRST, MIDDLE SUFFIX)		PRIMARY PHONE	
	ADDRESS (STREET, CITY, STATE, ZIP)					PHONE #2
	DOB	AGE or AGE RANGE	SEX	RACE	HEIGHT or RANGE	WEIGHT or RANGE
	DL NUMBER/STATE		SSN	ALIAS (LAST, FIRST, MIDDLE)		
EMPLOYER NAME AND ADDRESS		EMPLOYER PHONE NUMBER				

NO OFFICER DCSO 17	DATE 02/04/2016	REVIEWED BY DCSO T	2/18/2016 16:45
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**DESCHUTES COUNTY SHERIFF'S OFFICE****CASE SUPPLEMENT REPORT**

63333 West Highway 20

Bend, OR 97701

CASE# 2016-00024205

NARRATIVE**ATTACHMENTS:**

Scale Diagram of Scene (1 page)

NARRATIVE:

On January 26th at about 18:30 hours, I was requested by DCSO 11 to go with the major crimes team to this incident and diagram the scene. I traveled to Burns and made contact at the incident command post and then traveled with detectives and the OSP crime lab to the scene. When I arrived, I made contact with Trooper (T) who is the re constructionist from the Burns OSP Patrol Office. Trooper (T) already had his total station set up and so I observed his measurement points that he measured while Officer #3572 of the Bend Police Department held the prism. I completed a field sketch of the evidence on scene and it is included with this report. I personally observed all measurements that Trooper (T) took and later entered those measurements into a scale diagram using an ARAS 360 diagramming program.

After measuring the scene, Trooper (T) supplied me with the data card from his data collector and I downloaded the raw data file into my department laptop computer. I then returned to my office and completed the attached scale diagram of the scene. This diagram is a 2 dimensional overhead for a "birds-eye" view of the scene and the relationship of all pieces of evidence that the Oregon State Police Crime Lab Personnel collected and documented.

END OF REPORT.

REPORTING OFFICER

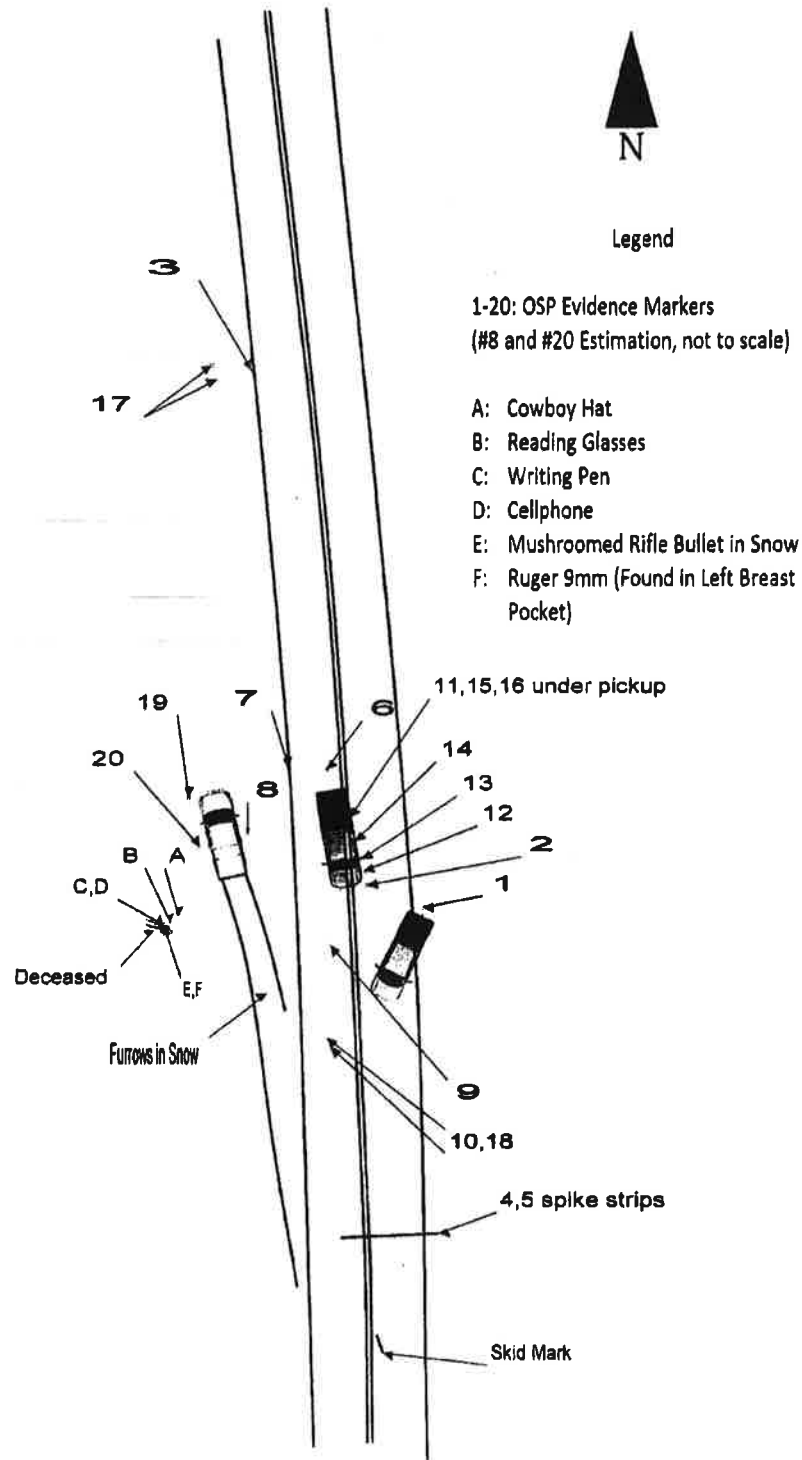
DATE

02/04/2016

REVIEWED BY

2/18/2016 16:45

Deschutes County S.O.		Case Name	Officer Involved Shooting
Drawn By	DCSO 17	Case Number	16-24250
Date Drawn	February 2, 2016	Incident Date	January 26, 2016
Scale	1" = 35'	Location	Hwy 395 Harney County





6-Enthalpin

4

40 mm (losing)

2.

③ 40 mm

... (Caring)

10 1/2" x 10" (10" x 10")

1

Conc.

2/25/20

2. in 5.2

337

26. 11. 19

5012

3/2

3/9/2016 -

07/3/2010 -

C. Pen

D) - Catiphone

A - Cowboy hat

knife on belt buckle

Modern Ballet

Fire Ruler 9 mm handgun
left chest pocket

Sumner 1944

BMC 2300

State - Arizona

④ - station
Rd, J.K. Nayal

**DESCHUTES COUNTY SHERIFF'S OFFICE**

CASE# 2016-00024205

CASE SUPPLEMENT REPORT 763333 West Highway 20
Bend, OR 97701CONNECTED # 1
CONNECTED # 2
CONNECTED # 3

EVENT	DATE/TIME OF THIS REPORT
	1/26/2016 7:18 PM
TITLE / DESCRIPTION	
DCSO DFL Analysis	

DISTRIBUTION			
<input type="checkbox"/> KARLY'S LAW	<input type="checkbox"/> DA	<input type="checkbox"/> DHS	<input type="checkbox"/> JUSTICE COURT
<input type="checkbox"/> MDT	<input type="checkbox"/> JUVENILE	<input type="checkbox"/> KIDS CENTER	<input type="checkbox"/> CIRCUIT COURT
<input type="checkbox"/> USE of FORCE	<input type="checkbox"/> DMV	<input type="checkbox"/> DETECTIVES	<input type="checkbox"/> MENTAL HEALTH
<input type="checkbox"/> PURSUIT	<input type="checkbox"/> OLCC	<input type="checkbox"/> ME	<input type="checkbox"/> ENVIRONMENTAL HEALTH
<input type="checkbox"/> K-9	Other:		

OFFENSES	CTS	STATUTE/DESCRIPTION	ATTEMPT/COMMIT

CT	SUBJECT TYPE		NAME (LAST, FIRST, MIDDLE SUFFIX)				PRIMARY PHONE	
	ADDRESS (STREET, CITY, STATE, ZIP)						PHONE #2	
	DOB	AGE or AGE RANGE	SEX	RACE	HEIGHT or RANGE	WEIGHT or RANGE	HAIR	EYE
	DL NUMBER/STATE			SSN	ALIAS (LAST, FIRST, MIDDLE)			
	EMPLOYER NAME AND ADDRESS					EMPLOYER PHONE NUMBER		

SUBJECT	SUBJECT TYPE		NAME (LAST, FIRST, MIDDLE SUFFIX)				PRIMARY PHONE	
	ADDRESS (STREET, CITY, STATE, ZIP)						PHONE #2	
	DOB	AGE or AGE RANGE	SEX	RACE	HEIGHT or RANGE	WEIGHT or RANGE	HAIR	EYE
	DL NUMBER/STATE			SSN	ALIAS (LAST, FIRST, MIDDLE)			
	EMPLOYER NAME AND ADDRESS					EMPLOYER PHONE NUMBER		

SUBJECT	SUBJECT TYPE		NAME (LAST, FIRST, MIDDLE SUFFIX)				PRIMARY PHONE	
	ADDRESS (STREET, CITY, STATE, ZIP)						PHONE #2	
	DOB	AGE or AGE RANGE	SEX	RACE	HEIGHT or RANGE	WEIGHT or RANGE	HAIR	EYE
	DL NUMBER/STATE			SSN	ALIAS (LAST, FIRST, MIDDLE)			
	EMPLOYER NAME AND ADDRESS					EMPLOYER PHONE NUMBER		

REPORTING OFFICER	DATE	REVIEWED BY	
DCSO 8	02/18/2016	DCSO 11	2/18/2016 13:36



DESCHUTES COUNTY SHERIFF'S OFFICE

CASE SUPPLEMENT REPORT

83333 West Highway 20

Bend, OR 97701

CASE# 2016-00024205

NARRATIVE

On 01/26/2016 the Deschutes County Sheriff's Office Detective Division requested the analysis of Digital evidence regarding this investigation. The analysis on items; [REDACTED] [REDACTED] [REDACTED] and [REDACTED] was conducted by Forensic Examiners from the DCSO Digital Forensics Lab and the full report is attached.

End of report.

REPORTING OFFICER

DCSOB

DATE

02/18/2016

REVIEWED BY

2/18/2016 13:36

DCSO Case Supplement 2016-00024205 Page 2 OF 2

DCSO-DFL

BEND

DCSO Case #: 16-24205

PAGE: 1

Deschutes County Sheriff's Office Digital Forensics Lab

Submitting Agency: Deschutes County Sheriff's Office
Agency Case #: 16-24205
Case Agent: Deschutes County Major Crime Team

REPORT

On 01/26/2016 Detectives from the Deschutes County Sheriff's Office submitted the below described digital evidence for forensic examination related to an ongoing investigation. Detectives made a request for analysis and provided the search authority for this investigation. The search authority is a search warrant signed by a Harney County Circuit Court on January 27th, 2016 authorizing the seizure and analysis of many items including digital evidence (for further information see the Search Warrant and affidavit). After taking possession of the items below and due to the time constraints for the analysis I requested the assistance of another law enforcement forensic examiner. Two of the phones; specifically items [REDACTED] were provided to the other law enforcement forensic examiner for analysis. The following is a list of items which I documented and analyzed; RB14, [REDACTED], and [REDACTED]. Two additional items were provided to me on 02/08/2016 for analysis by Detectives from the Deschutes County Sheriff's Office reference the same investigation; [REDACTED] and [REDACTED].

[REDACTED] hold the following certifications; Certified Forensic Computer Examiner (CFCE) and Certified Cellebrite Physical Analyst (CCPA). I have hundreds of hours of training in the examination of digital evidence and the investigation of computer related crimes. I have received this training from the following, including but not limited to; the International Association of Computer Investigative Specialists, the National Computer Forensics Institute, the National White Collar Crime Center, Volatility Foundation, Guidance Software, Sumuri LLC., Cellebrite Inc., the International Data Forensic Solutions Center, the National Center for Missing and Exploited Children, the National District Attorney's Association, the University of Tennessee, TLO, the Internet Crimes Against Children (ICAC) task forces, and the Office of Juvenile Justice and Delinquency Prevention.

REQUEST

Detectives requested that I search the submitted digital evidence for the following, in summary:

1. Any and all images and/or videos of the traffic stop, subsequent pursuit and/or the use of force.
2. Any and all communications on 01/26/2016.
3. Any and all information related to the intentions of the parties involved in the traffic stop, pursuit, and/or the use of force.

Examiner: LE Forensic Examiner	DPSST # XXXXX	Approved By:	Date of Report: February 17, 2016
CONFIDENTIAL This case has been released pursuant to ORS Guidelines and is property of the DCSO-DFL. Subsequent distribution of information contained herein is restricted by ORS Guidelines and applicable Federal Law. DESCHUTES COUNTY SHERIFF'S OFFICE DIGITAL FORENSICS LAB 7/21/01			

DCSO-DFL

END

DCSO Case #: 16-24205

PAGE: 2

Deschutes County Sheriff's Office Digital Forensics Lab

SYNOPSIS

Data contained on the submitted digital evidence was examined in accordance with the request and search warrant provided by DCSO Detectives. Findings include, but are not limited to the following:

1. Item [REDACTED] – Samsung [REDACTED]-B311V cellular telephone
 - a. I located an accurate representation of what was contained on the cellular telephone, at which point the extraction was validated and a full report was provided to the DCSO Detective Division for review.
2. Item [REDACTED] – Sanyo E2100 Camera with 64 GB Micro SD Card
 - a. I located a video file containing video footage and audio of the traffic stop, pursuit and subsequent uses of force.
 - b. I also located many other images and videos which were exported for review by Detectives with the Deschutes County Sheriff's Office to determine relevancy in this investigation.
3. Item [REDACTED] – Samsung SM-G360V cellular telephone with 64GB Micro SD Card
 - a. I located an accurate representation of what was contained on the cellular telephone, at which point the extraction was validated and a full report was provided to the DCSO Detective Division for review. A full report of the contents of the 64GB Micro SD card was also created for the DCSO Detective Division.
4. Item [REDACTED] – Samsung SM-G360V cellular telephone
 - a. I located an accurate representation of what was contained on the cellular telephone, at which point the extraction was validated and a full report was provided to the DCSO Detective Division for review.
5. Item [REDACTED] – Samsung GT-I8190 cellular telephone
 - a. I located an accurate representation of what is typically seen on Android cellular telephones, at which point a full report was provided to the DCSO Detective Division for review.
6. Item [REDACTED] – SanDisk Sansa portable media player
 - a. Nothing of evidentiary value was located. The media player contained music only.

IMAGING

Examination was conducted on the following submitted digital evidence:

Upon receipt of the evidence items I began by documenting the physical evidence. Photographs were taken of the condition of the devices prior to examination.

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3END

DCSO Case #: 16-24205

PAGE: 3

Deschutes County Sheriff's Office Digital Forensics Lab

Agency Case Number		Examined by Me	Description	Additional Media contained within
16-24205		X	Samsung SM-B311V Cellular Telephone	None
16-24205		X	Sanyo VPC-E2100 Camera	64GB SanDisk Ultra PLUS Micro SD Card
16-24205			Kyocera Cellular Telephone analyzed by other LE forensic examiner	Unknown
16-24205			Motorola Cellular Telephone analyzed by other LE forensic examiner	Unknown
16-24205		X	Samsung SM-G360V Cellular Telephone	64GB Micro SD
16-24205		X	Samsung SM-G360V Cellular Telephone	None
16-24205		X	Samsung GT-I8190 Cellular Telephone	None
16-24205		X	SanDisk Sansa portable media player	None

After documenting the physical condition and characteristics of the evidence I created exact representations of the digital media contained within items [REDACTED] and R [REDACTED] by creating forensic image files. I utilized **X-Ways Forensic Imager** and **Access Data's Forensic ToolKit Imager** to acquire and create the forensic image files of the 64 GB micro SD cards. The end product of the imaging process were two raw forensic image files; "16-24205 [REDACTED] Micro SD from R [REDACTED].001" and "16-24205 34GB Micro SD removed from [REDACTED].001". I utilized hash values to determine that the image files were an exact representation of the original digital media.

For information relating to the examination of the mobile devices refer to the examination section of this report.

EXAMINATION

The examination on the above listed item(s) of evidence was analyzed using the following forensic software;

- **X-Ways Software Technology AG X-Ways Forensics 18.0 SR-2**
- **Access Data's Forensic ToolKit Imager Version 3.1.4.6**
- **Cellebrite UFED Physical Analyzer Version 4.5.1.14**

Item [REDACTED] Samsung SM-B311V Cellular Telephone:

SYNOPSIS

1. Item [REDACTED] - Samsung SM-B311V cellular telephone
 - a. I located an accurate representation of what was contained on the cellular telephone, at which point the extraction was validated and a full report was provided to the DCSO Detective Division for review.

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PHONE DETAILS

Upon receipt of the evidence I began by documenting it. Photographs were taken of the condition of the Samsung SM-B311V prior to examination.

Make: Samsung
Model: SM-B311V
Carrier: Verizon
MEID: A0000048F4F512
Media Card: None

I began processing the Samsung [REDACTED]-B311V by checking the *Cellebrite UFED Touch* for compatibility. I powered the phone on in a faraday box and enabled airplane mode. I was able to perform a physical extraction with the *UFED Touch*. The extraction file was then loaded into *UFED Physical Analyzer* to parse information. When I loaded the extraction into the *UFED Physical Analyzer* I located an accurate representation of what was located on the cellular telephone. For this reason the physical extraction was the only extraction performed. At this point I validated the data provided by the *UFED Touch* and *Physical Analyzer*. I utilized the *UFED Physical Analyzer* tools to change the Time Zone information to display PST/PDT. Also I utilized the dates and times paired with the data to compare several messages and call logs with what the *UFED Physical Analyzer* was reporting and the logical data on the cellular telephone. All items I compared, verified the *UFED Physical Analyzer* was reporting the correct dates and times paired with the correct data set.

After validating the data parsed by *UFED Physical Analyzer* I created a full report for the DCSO Detective division to review for items of evidentiary value.

Item [REDACTED] – Sanyo E2100 Camera with 64GB Micro SD Card:**SYNOPSIS**

1. Item [REDACTED] – Sanyo E2100 Camera with 64 GB Micro SD Card
 - a. I located a video file containing video and audio footage of the traffic stop, pursuit and subsequent uses of force.
 - b. I also located many other images and videos which were exported for review by Detectives with the Deschutes County Sheriff's Office to determine relevancy in this investigation.

CAMERA DETAILS

Upon receipt of the evidence I began by documenting it. Photographs were taken of the condition of the Sanyo E2100 prior to examination.

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END

DCSO Case #: 16-24205

PAGE: 5

Deschutes County Sheriff's Office Digital Forensics Lab

Make: Sanyo
Model: E2100
S/N: 11091011182
Media Card: 64 GB SanDisk Ultra PLUS Micro SD

After creating the forensic image file of the 64 GB SanDisk Ultra PLUS Micro SD card I attempted to create a forensic image file of the internal memory from the Sanyo camera. Due to the fact that I was unable to locate a proprietary data cable to connect with the Sanyo camera, I contacted DCSO Detectives to manually review it's contents. During my analysis of the 64 GB Micro SD card the DCSO Detectives manually reviewed the contents of the internal memory from the Sanyo camera. After their review, they informed me that there were no images which had relevance in this investigation.

During the examination of the 64 GB Micro SD I searched the evidence for multimedia/video files I believe to have relevance in this investigation. Multimedia files are files that utilize a combination of audio, video, graphic image, and animated content. These files are typically referred to as video files because of the length and diversity of the content. Multimedia/video files come in many standard formats to include, but are not limited to; Flash Video, MPEG, AVI, WMV, MOV and 3GP. The listed file types comprise a diverse group of multimedia/video files including those utilized on the Internet, files created by cellular telephones, and the standards for Microsoft and Apple products.

I located and exported all of the video files including one specifically identified as having relevance to this investigation.

Name: **SANY5242.AVI**
Ext: AVI
Path: \DCIM\100SANPH
Size: 694 MB
1st sector: 101,388,800
Play Duration: 12:17 min

The above listed video file contained video and audio footage of the traffic stop, pursuit and subsequent uses of force. The camera was held by two females, primarily the female seated on the passenger side in the back seat of the four door pickup during the incident. The additional video files were exported for later review by DCSO Detectives to determine if any additional videos had relevance in this investigation.

I also searched the described digital evidence for graphic image files I believe to be relevant to this investigation. Graphic image files come in various standard formats, however they are all common in that they store data capable of being displayed as grid of pixels which creates an image. Some of the most common graphic image file formats include but are not limited to; JPEG, GIF, BMP, PNG, TIFF, ART, and Thumb files. The listed files comprise a diverse group of images including images taken with digital cameras, images typically used by Internet and on-line services, and files utilized by the Operating System of a computer.

Examiner: LE Forensic Examiner	DPSST # XXXXX	Approved By:	Date of Report: February 17, 2016
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Deschutes County Sheriff's Office Digital Forensics Lab

I located images which appear to be taken the same day as the traffic stop, pursuit and use of force and others taken within close proximity (relative to date). I exported all of the image files for review by DCSO Detectives to determine if any have relevance in this investigation.

Item [REDACTED] – Samsung SM-G360V Phone with 64GB Micro SD Card:

SYNOPSIS

1. Item [REDACTED] – Samsung SM-G360V cellular telephone with 64GB Micro SD Card
 - a. I located an accurate representation of what was contained on the cellular telephone, at which point the extraction was validated and a full report was provided to the DCSO Detective Division for review. A full report of the contents of the 64GB Micro SD card was also created for the DCSO Detective Division.

PHONE DETAILS

Upon receipt of the evidence I began by documenting it. Photographs were taken of the condition of the Samsung SM-G360V prior to examination.

Make:	Samsung
Model:	SM-G360V
Carrier:	Verizon
IMEI:	990005903977008
Media Card:	64GB Micro SD Card

I began processing the Samsung [REDACTED]-G360V by checking the *Cellebrite UFED Touch* for compatibility. I powered the phone on in a faraday box and noted that airplane mode was already enabled. I was able to perform a physical extraction with the *UFED Touch*. The extraction file was then loaded into *UFED Physical Analyzer* to parse information. When I loaded the extraction into the *UFED Physical Analyzer* I located an accurate representation of what was located on the cellular telephone. For this reason the physical extraction was the only extraction performed. At this point I validated the data provided by the *UFED Touch* and *Physical Analyzer*. I utilized the *UFED Physical Analyzer* tools to change the Time Zone information to display PST/PDT. Also I utilized the dates and times paired with the data to compare several messages and call logs with what the *UFED Physical Analyzer* was reporting and the logical data on the cellular telephone. All items I compared, verified the *UFED Physical Analyzer* was reporting the correct dates and times paired with the correct data set.

I also loaded the forensic image file of the 64GB Micro SD card into the *UFED Physical Analyzer* so that it could parse out the data located on this removable media. Once it completed and after validating the data located on the phone I created full reports for the DCSO Detective division to review for items of evidentiary value.

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DCSO-DFL

3END

DCSO Case #: 16-24205

PAGE: 7

Deschutes County Sheriff's Office Digital Forensics Lab

Item [REDACTED] – Samsung SM-G360V Phone:

SYNOPSIS

1. Item [REDACTED] – Samsung SM-G360V cellular telephone
 - a. I located an accurate representation of what was contained on the cellular telephone, at which point the extraction was validated and a full report was provided to the DCSO Detective Division for review.

PHONE DETAILS

Upon receipt of the evidence I began by documenting it. Photographs were taken of the condition of the Samsung SM-G360V prior to examination. As soon as the phone was removed from its packaging I noted that the phone was actively communicating with the cellular network. The phone was then unlocked and airplane mode was enabled.

Make: Samsung
Model: SM-G360V
Carrier: Verizon
IMEI: 990004833215019
Media Card: None

I began processing the Samsung SM-G360V by attempting to perform a physical extraction with the *UFED Touch*. The physical extraction failed several times at which point I attempted a file system extraction. After several attempts at the file system extraction failed I attempted a logical extraction. All extractions I attempted with a physical micro USB cable failed. It appeared that the data/charging port for the phone was damaged, as the phone would charge, but would intermittently disconnect during data transfer. At this point I utilized Bluetooth to perform a logical extraction of the data on the phone. This extraction file was then loaded into *UFED Physical Analyzer* to parse information. When I loaded the extraction into the *UFED Physical Analyzer* I located a limited, but accurate representation of what was located on the cellular telephone. After the data was parsed I validated the data extracted with Bluetooth prior to performing any additional analysis.

Due to the limited nature of the Bluetooth logical extraction it was determined that additional data should be retrieved by getting a full physical extraction from the phone. Since the phone's data/charging port was damaged I informed the DCSO Detectives that I could remove the phone's internal memory chip from the phone's board and retrieve the data, but it would render the phone unusable. I received permission from the DCSO Detectives Division to remove the memory chip from the phone. At this point I completely removed the memory chip and created a forensic image file of the chip. Then utilizing *UFED Physical Analyzer* I was able parse standard Samsung Android phone data from the forensic image. I located an accurate representation of what was located on the phone. Then utilizing the logical extraction I validated the data parsed from the forensic image file and I utilized the *UFED Physical Analyzer* tools to change the Time Zone information to display PST/PDT.

Examiner: LE Forensic Examiner	DPSST # XXXXXX	Approved By:	Date of Report: February 17, 2016
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DCSO-DFL

3END

DCSO Case #: 16-24205

PAGE: 8

Jeschutes County Sheriff's Office Digital Forensics Lab

After validating the data parsed by *UFED Physical Analyzer* I created a full report for the DCSO Detective division to review for items of evidentiary value.

Item [REDACTED] - Samsung GT-I8190 Cellular Telephone:

SYNOPSIS

1. Item [REDACTED] – Samsung GT-I8190 cellular telephone
 - a. I located an accurate representation of what is typically seen on Android cellular telephones, at which point a full report was provided to the DCSO Detective Division for review.

PHONE DETAILS

Upon receipt of the evidence I began by documenting it. Photographs were taken of the condition of the Samsung GT-I8190 prior to examination.

Make:	Samsung
Model:	GT-I8190
Carrier:	Trafone
IMEI:	356507055953404
Media Card:	None

I began processing the Samsung GT-I8190 by checking the *Cellebrite UFED Touch* for compatibility. I powered the phone on in a faraday box and confirmed that it was received in airplane mode. I was able to perform a physical extraction with the *UFED Touch*. The extraction file was then loaded into *UFED Physical Analyzer* to parse information. When I loaded the extraction into the *UFED Physical Analyzer* I located an accurate representation of what is typically seen on Android cellular telephones. For this reason the physical extraction was the only extraction performed. At this point I attempted to validate the data provided by the *UFED Touch* and *Physical Analyzer*, however the phone was passcode locked and the passcode was not parsed by *UFED Physical Analyzer*. I utilized the *UFED Physical Analyzer* tools to change the Time Zone information to display PST/PDT.

At this point I created a full report for the DCSO Detective division to review for items of evidentiary value.

Item [REDACTED] – SanDisk Sansa portable media player:

Examiner: LE Forensic Examiner	DPSST # XXXXX	Approved By:	Date of Report: February 17, 2016
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DCSO-DFL

END

DCSO Case #: 16-24205

PAGE: 9

Deschutes County Sheriff's Office Digital Forensics Lab

SYNOPSIS

1. Item [REDACTED] - SanDisk Sansa portable media player
 - b. Nothing of evidentiary value was located. The media player contained music only.

PHONE DETAILS

Upon receipt of the evidence I began by documenting it. Photographs were taken of the condition of the SanDisk Sansa prior to examination.

Make: SanDisk
Model: Sansa

I began processing the SanDisk Sansa by powering the device on and natively reviewing it's capabilities and contents. I found that the device had music loaded and was capable of creating voice recordings, but none were present. No further analysis of this device was conducted, per communication with the DCSO Detective Division.

CONCLUSION:

At this time, no further examination has been conducted, but if requests are submitted in the future, they will be documented on supplemental reports. For information related to the relevance to this investigation see DCSO Detective Supplements for further information. The image files, analysis files and all reports are archived and are being maintained at the Deschutes County Sheriff's Office Digital Forensics Lab.

END OF REPORT

Examiner: LE Forensic Examiner	DPSST # XXXXX	Approved By:	Date of Report: February 17, 2016
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DESCHUTES COUNTY SHERIFF'S OFFICE DIGITAL FORENSICS LAB 7/21/01			

**DESCHUTES COUNTY SHERIFF'S OFFICE**

CASE# 2016-00024205

CASE SUPPLEMENT REPORT 10

63333 West Highway 20

Bend, OR 97701

CONNECTED # 1

CONNECTED # 2

CONNECTED # 3

EVENT	DATE/TIME OF THIS REPORT 1/26/2016 7:18 PM
	TITLE / DESCRIPTION Search/Forensic processing of Finicum's Dodge truck and mechanical inspection

DISTRIBUTION			
<input type="checkbox"/> KARLY's LAW	<input type="checkbox"/> DA	<input type="checkbox"/> DHS	<input type="checkbox"/> JUSTICE COURT
<input type="checkbox"/> MDT	<input type="checkbox"/> JUVENILE	<input type="checkbox"/> KIDS CENTER	<input type="checkbox"/> CIRCUIT COURT
<input type="checkbox"/> USE of FORCE	<input type="checkbox"/> DMV	<input type="checkbox"/> DETECTIVES	<input type="checkbox"/> MENTAL HEALTH
<input type="checkbox"/> PURSUIT	<input type="checkbox"/> OLCC	<input type="checkbox"/> ME	<input type="checkbox"/> ENVIRONMENTAL HEALTH
<input type="checkbox"/> K-9	Other:		

OFFENSES	CTS	STATUTE/DESCRIPTION	ATTEMPT/COMMIT

CT	SUBJECT TYPE Contacted		NAME (LAST, FIRST, MIDDLE SUFFIX) Consolidated Towing,				PRIMARY PHONE Business	
	ADDRESS (STREET, CITY, STATE, ZIP) 1000 9TH ST Bend, OR 97702				PHONE #2			
	DOB	AGE or AGE RANGE	SEX	RACE	HEIGHT or RANGE	WEIGHT or RANGE	HAIR	EYE
				Unknown	Unknown			
	DL NUMBER/STATE		SSN		ALIAS (LAST, FIRST, MIDDLE)			
EMPLOYER NAME AND ADDRESS				EMPLOYER PHONE NUMBER				

SUBJECT	SUBJECT TYPE		NAME (LAST, FIRST, MIDDLE SUFFIX)				PRIMARY PHONE	
	ADDRESS (STREET, CITY, STATE, ZIP)				PHONE #2			
	DOB	AGE or AGE RANGE	SEX	RACE	HEIGHT or RANGE	WEIGHT or RANGE	HAIR	EYE
	DL NUMBER/STATE		SSN		ALIAS (LAST, FIRST, MIDDLE)			
EMPLOYER NAME AND ADDRESS				EMPLOYER PHONE NUMBER				

SUBJECT	SUBJECT TYPE		NAME (LAST, FIRST, MIDDLE SUFFIX)				PRIMARY PHONE	
	ADDRESS (STREET, CITY, STATE, ZIP)				PHONE #2			
	DOB	AGE or AGE RANGE	SEX	RACE	HEIGHT or RANGE	WEIGHT or RANGE	HAIR	EYE
	DL NUMBER/STATE		SSN		ALIAS (LAST, FIRST, MIDDLE)			
EMPLOYER NAME AND ADDRESS				EMPLOYER PHONE NUMBER				

REPORT OFFICER DCSO 3	DATE 2/18/2016	REVIEWED BY DCSO 11	2/18/2016 15:22
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DESCHUTES COUNTY SHERIFF'S OFFICE

CASE SUPPLEMENT REPORT

83333 West Highway 20

Bend, OR 97701

CASE# 2016-00024205

NARRATIVE

ATTACHMENTS:

Copy of Search Warrant Inventory of Finicum's truck (2 pages)

NARRATIVE:

On 01/28/2016, at approximately 3:00pm, I was assisted by DCSO 6 in executing a search warrant on a white 2005 Dodge Ram 2500 Heavy Duty truck bearing Arizona license plate BMC2300. This vehicle was located in a secured bay of the Oregon State Crime Lab, located at 20355 Poe Sholes Rd in Bend. I was also assisted in this process by three Forensic Scientist of the Oregon State Crime Lab (AA, BB and CC). The search at this location was completed the following day at approximately 9:47am, and I was assisted by DCSO 4.

This process was photographed and detailed measurements were taken to verify the position of bullets that had struck the truck. The truck was searched completely and all property was gone through. Refer to the attached two page printed document for details of items [REDACTED] through [REDACTED] that were seized. The truck was left secured in the bay at the Oregon State Police Crime Lab at this time.

02/01/2016, at approximately 9:30am, I met again at the Oregon State Police Crime Lab bay in order to have the truck towed from this facility to 63360 Britta St in Bend for a scheduled mechanical inspection to be performed by an ASE (Automotive Service Excellence) Certified mechanic DCSO 12.. Prior to the truck being towed by Consolidated Towing of Bend, it was further examined by Forensic Scientists of the Oregon State Police Crime Lab. During this process an off duty Officer 3 was allowed access to the bay by one to the forensic scientists. Officer 3 asked if he/she could view and photograph the bullet strikes on the truck. I allowed this and watched to confirm Officer 3 did not move, alter or manipulate the vehicle in any way. Officer 3 told us that at the time Finicum exited the truck at the scene he/she thought the driver's side windows were intact.

I monitored the truck being towed and unloaded at 63360 Britta St, where it was driven into a service bay at that location to be inspected. I witnessed the inspection and the eventual test drive of the involved truck. The mileage on the truck of the time of the test drive was noted on odometer "B" as 36148.4 and the ending mileage was noted as 36148.7. This test drive was completed between the times of 11:33am and 11:41am on 02/01/2016. The truck was left parked at 63360 Britta #4 in Bend with the alarm activated.

I later returned with other detectives (DCSO 5, 6 and 11) from the Deschutes County Sheriff's Office and another search of the interior of the truck was completed. This search was specifically to look through broken glass and debris for bullet fragments. As a part of this search the left rear door panel was removed and the cavity/vold in the door was searched. During this process and the extensive search of the interior, no bullet fragments were located. I boxed the interior contents and left these items within the boxes in the backseat of the vehicle. The truck was left secured in the evidence bay with the alarm

OFFICER

DATE

REVIEWED BY

2/18/2016

2/18/2016 15:22

**DESCHUTES COUNTY SHERIFF'S OFFICE****CASE SUPPLEMENT REPORT**

63333 West Highway 20

Bend, OR 97701

CASE# 2016-00024205

NARRATIVE (Continuation)

activated.

On 02/02/2016, at approximately 7:00am, I returned to 63360 Britta St #4 in Bend and found the facility to be secure and alarmed. I accessed the service bay and contacted an ASE Certified mechanic (DCSO 16) to have the left rear door panel of the truck reattached to the vehicle. I took several closing photographs of the truck, including one to document the placement of a copy of the two involved search warrants and inventory receipts for seized property. I then left the facility after activating the alarm.

End of supplemental report.

REPORTING OFFICER

DATE

2/18/2016

REVIEWED BY

2/18/2016 15:22

16. 24205 1/2

Case Number	Description	Date Received
2016-00024205	Professional's sheath in car, located in rear of truck by [REDACTED]	01/28/2016
2016-00024205	Misc ammunition from green cam backpack by [REDACTED]	01/28/2016
2016-00024205	Center area of Green Voodoo backpack containing misc ammo, magazines (2), gear plugs by [REDACTED]	01/28/2016
2016-00024205	Novatel Wireless Dongle from black Targus Back Pack in bed of truck by [REDACTED]	01/28/2016

2016-00024205	Black Targus brand backpack with papers and business card [REDACTED]	01/28/2016
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Case Number	Description
2016-00024205	Blue Paper on right rear passenger
2016-00024205	Blue Sponge impact cap right rear passenger seat
2016-00024205	Gray canister cap right rear floor

2016-00024205	Gray canister cap front passenger door
2016-00024205	Gray canister cap left rear passenger seat
2016-00024205	Samsung cell phone from STM-11 Victoria Sharp's purse
2016-00024205	Victoria Sharp's purse and contents left rear passenger floor

Case Number	Description
2016-00024205	Gray canister cap top center of dashboard
2016-00024205	Gray canister cap front passenger floor
2016-00024205	Gray canister cap front passenger floor
2016-00024205	Gray canister cap front passenger floor

Case Number	Description	Date Received
2016-00024205	Tea or Coffee mug on dashboard passenger side	01/28/2016
2016-00024205	Misc paperwork including weapons list and attendee list from dashboard	01/28/2016
2016-00024205	Went round .223 magazine partially full from blanket on dashboard accessible in fold	01/28/2016
2016-00024205	One Gray canister cap and Blue sponge impact round front passenger seat	01/28/2016

16-24205 2/2

Case Number	Description
2016-00024205	one \$1.00 bill and one \$10.00 bill from driver's door
2016-00024205	caseing found in cup holder lower front console
2016-00024205	gray canister cap on driver's seat

Case Number	Description
2016-00024205	
2016-00024205	envelope with metal fragment from bullet hole T-4
2016-00024205	Envelope with copper jacket fragment found on battery in engine compartment

**DESCHUTES COUNTY SHERIFF'S OFFICE**

CASE# 2016-00024205

CASE SUPPLEMENT REPORT 12

83333 West Highway 20

Bend, OR 97701

CONNECTED #1

CONNECTED #2

CONNECTED #3

EVENT	DATE/TIME OF THIS REPORT 1/26/2016 7:18 PM
	TITLE / DESCRIPTION Interview of Officer 4.

DISTRIBUTION			
<input type="checkbox"/> KARLY's LAW	<input type="checkbox"/> DA	<input type="checkbox"/> DHS	<input type="checkbox"/> JUSTICE COURT
<input type="checkbox"/> MDT	<input type="checkbox"/> JUVENILE	<input type="checkbox"/> KIDS CENTER	<input type="checkbox"/> CIRCUIT COURT
<input type="checkbox"/> USE of FORCE	<input type="checkbox"/> DMV	<input type="checkbox"/> DETECTIVES	<input type="checkbox"/> MENTAL HEALTH
<input type="checkbox"/> PURSUIT	<input type="checkbox"/> OLCC	<input type="checkbox"/> ME	<input type="checkbox"/> ENVIRONMENTAL HEALTH
<input type="checkbox"/> K-9	Other: Harney County DA		

OFFENSES	CTS	STATUTE/DESCRIPTION	ATTEMPT/COMMIT

SUBJECT	SUBJECT TYPE		NAME (LAST, FIRST, MIDDLE SUFFIX)				PRIMARY PHONE	
	ADDRESS (STREET, CITY, STATE, ZIP)						PHONE #2	
	DOB	AGE or AGE RANGE	SEX	RACE	HEIGHT or RANGE	WEIGHT or RANGE	HAIR	EYE
	DL NUMBER/STATE			SSN		ALIAS (LAST, FIRST, MIDDLE)		
	EMPLOYER NAME AND ADDRESS				EMPLOYER PHONE NUMBER			

SUBJECT	SUBJECT TYPE		NAME (LAST, FIRST, MIDDLE SUFFIX)				PRIMARY PHONE	
	ADDRESS (STREET, CITY, STATE, ZIP)						PHONE #2	
	DOB	AGE or AGE RANGE	SEX	RACE	HEIGHT or RANGE	WEIGHT or RANGE	HAIR	EYE
	DL NUMBER/STATE			SSN		ALIAS (LAST, FIRST, MIDDLE)		
	EMPLOYER NAME AND ADDRESS				EMPLOYER PHONE NUMBER			

SUBJECT	SUBJECT TYPE		NAME (LAST, FIRST, MIDDLE SUFFIX)				PRIMARY PHONE	
	ADDRESS (STREET, CITY, STATE, ZIP)						PHONE #2	
	DOB	AGE or AGE RANGE	SEX	RACE	HEIGHT or RANGE	WEIGHT or RANGE	HAIR	EYE
	DL NUMBER/STATE			SSN		ALIAS (LAST, FIRST, MIDDLE)		
	EMPLOYER NAME AND ADDRESS				EMPLOYER PHONE NUMBER			

OFFICER DCSO 4	DATE 02/18/2016	REVIEWED BY DCSO 11	2/18/2016 14:30
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**DESCHUTES COUNTY SHERIFF'S OFFICE****CASE SUPPLEMENT REPORT**63333 West Highway 20
Bend, OR 97701

CASE# 2016-00024205

NARRATIVE**ATTACHMENTS:**

1) Transcription of Officer 4 interview (44 pages)

NARRATIVE:

At approximately 2000 hours, I conducted a digitally recorded interview of Officer 4 at the Deschutes County Sheriff's Office. Assisting me with this interview was Officer 3538, and present for the interview was Officer 18 and Officer 16. A transcription of this interview is attached to this supplemental report. I reviewed this transcription and know it to be accurate. I later downloaded this digitally recorded interview into evidence via DIMS.

END OF SUPPLEMENTAL REPORT

REPORTING OFFICER

DCSO 4

DATE

02/18/2016

REVIEWED BY

DCSO 11

2/18/2016 14:30

(FILE G1 T35260)

DCSO 4: Ok, we're on recording. This is DCSO 4 with the Deschutes County Sheriff's Office, it's 29th of January, 2016 and it's about four minutes to eight in the evening. Um, we're at the Deschutes County Sheriff's Office. With me is Officer 3538, um, with Officer 4.

Officer 18: Officer 18.

Officer 16: Officer 16.

DCSO 4: Ok, um, so, I'm speaking here with Officer 4, um . . . basically we're here because of an incident that happened over in Harney County a few days ago, um, and I just wanna get kinda some background with you as far as your experience with law enforcement first of all.

OFFICER 4: Ok.

DCSO 4: How-how long have you been employed in law enforcement?

OFFICER 4: [REDACTED]

DCSO 4: [REDACTED]

OFFICER 4: [REDACTED]

DCSO 4: [REDACTED]

OFFICER 4: [REDACTED]

DCSO 4: [REDACTED]

OFFICER 4: [REDACTED]

DCSO 4: [REDACTED]

OFFICER 4: [REDACTED]

DCSO 4: [REDACTED]

OFFICER 4: [REDACTED]

DCSO 4: [REDACTED]

OFFICER 4: I am.

DCSO [REDACTED]

OFFICER 4: [REDACTED]

DCSO 4: [REDACTED]
[REDACTED]

OFFICER 4: [REDACTED]

DCSO 4: [REDACTED]

OFFICER 4: [REDACTED]

DCSO 4: [REDACTED]
[REDACTED]

OFFICER 4: [REDACTED]
[REDACTED]

DCSO 4: Ok. [REDACTED]

OFFICER 4: [REDACTED]

DCSO 4: [REDACTED]

OFFICER 4: [REDACTED]
[REDACTED]

DCSO 4: Ok.

OFFICER 4: [REDACTED]

DCSO 4: [REDACTED]

OFFICER 4: [REDACTED]
[REDACTED]

DCSO 4: Ok. . . And when did you-you first go out to Harney County?

OFFICER 4: Uh . .

DCSO 4: The-the most recent time, I guess, I don't know if there's more.

OFFICER 4: Um, I don't know, are ya talkin' the most recent, or all together involvement in the whole?-

DCSO 4: -Yeah, for this incident, I guess-

OFFICER 4: -occupation?-

DCSO 4: -yeah, when was the first time you went out for this occupation?

OFFICER 4: Uh, first time for the . . basically the start of the occupation was whenever they first initially had their first rally down there, um, that started off on the Safeway, I don't recall the exact date of it without lookin' at my notebook, but whenever it was the first initial rally they had down there.

DCSO 4: Ok. Was-was it the one at the very beginning of January?

OFFICER 4: It was.

DCSO 4: Or before that?

OFFICER 4: Naugh, yeah, it was-

DCSO 4: -so it-

OFFICER 4: -on the very beginning of January.

DCSO 4: Ok. .

OFFICER 4: Uh, so I guess it woulda been on the 2nd?

DCSO 4: Ok.

OFFICER 4: Yeah, yeah, if memory serves.

DCSO 4: Ok. The beginning of January.

OFFICER 4: Yeah.

DCSO 4: Ok. Um, so-so what was your-your mission when you go out there the first time?

OFFICER 4: So, basically, the first time, um, it wasn't . . anything that was even be known ta anybody else as far as. . we're just basically there for, ah . . just. . more or less, like maybe like a officer or a citizen rescue, ah, if somethin'-somethin' bad had happened due to the armed. . uh, basically armed protestors that were down there.

DCSO 4: Ok. So-so how long were you out there that time?

OFFICER 4: Uh, see, we . . . got down there probably 'round, I dunno, ah, about mid-morning probably? early morning, an then we're down there until about mid-afternoon about 4:00, probably.

DCSO 4: Ok.

OFFICER 4: And had information that once their march had actually taken place and they actually went up to the courthouse, um, and made their move all the way back, um, course were watchin' us on a live feed through YouTube, the Pete Santilli channel.

DCSO 4: Ok.

OFFICER 4: Um, so anyway, watchin' on a live feed, they come back to Safeway and there's a little bit of commotion goin' on, group separates at that point, uh, they take off. Half the group leaves, half the group stays at Safeway and then shortly after that we get word that they have actually uh, broken into and occupied a federal building out there.

DCSO 4: Ok.

OFFICER 4: We didn't know if . . . had any permission, exactly which one it was or anything, so . . .

DCSO 4: Ok. So, did you-you stay in Harney County?-

OFFICER 4: -No-

DCSO 4: -or did you guys leave?-

OFFICER 4: -at that point, um, there was, uh, basically at that, yeah, that point, we-we actually left because there was . . . word that there was nobody in the building or uh, wasn't a danger, really per se to immediate threat or anything like that to somebody, so at that point we, we left.

DCSO 4: Ok.

OFFICER 4: And came back to Bend.

DCSO 4: Ok. So, when-when was the next time you went back to Harney County?

OFFICER 4: Um . . . my date-my internal clock's kinda screwed up right now, I'd have to look at my phone just to see the exact date, but it was, um, beginning of the week.

DCSO 4: Of the-

OFFICER 4: Beginning of this-this week.

DCSO 4: -this-

OFFICER 4: -current week.

DCSO 4: Ok. Ok. Alright. . . an what was your mission, I guess, this last time?

OFFICER 4: Uh, so . . . at this last time that we'd, uh, most recent time that we went down there for this initial. . . part of the start of the week, it was consisted of basically . . uh, we're gonna do, um, a high-risk stop on, uh, individuals that were gonna be leavin' the refuge.

DCSO 4: Ok. . . . So, uh, just, approximately, were you there for several days before . . the-that-that mission happened, or was it pretty quick when you get here?

OFFICER 4: No, we got down there the same day that the initial . . uh, stop occurred.

DCSO 4: Ok.

OFFICER 4: So. . like I said, I'd have to look at my notebook ta actually recall the exact-

DCSO 4: -ok-ok-

OFFICER 4: -exact date, like I said my internal clocks kinda screwed up right now, so . .

DCSO 4: But, the-the same-?

OFFICER 4: -yeah, it was-it was-

DCSO 4: -daylight period of the-the mission?

OFFICER 4: -it was the same, yeah, it was the same exact day-

DCSO 4: -ok-

OFFICER 4: -as-as that-the stop occurred.

DCSO 4: Ok. Um . . so, what-what, how did you did-you-you got here-I-we went out there . . um, couple days ago . .

OFFICER 4: -um-hum-

DCSO 4: -so, I-I went to the CP there that they'd-

OFFICER 4: -right-

DCSO 4: -on the hill, the CP then went out ta the scene, so I've been kinda in the area.

OFFICER 4: Um-hum.

DCSO 4: Um, where did you guys go for like a-I assume you had a briefing or somethin'.

OFFICER 4: Yeah. Some of-started, uh, once-once we all met up here in Bend, uh, caravanned down to the command post, which described where it's at, kinda middle a town. Up by the courthouse is a old high school, I believe or junlor high, uh, where the FBI had their command post set up. Uh, once we got there, met with uh, uh, team leaders that were gonna be involved with planning this and uh, basically came up with a plan on what we were gonna do [REDACTED]

[REDACTED]

DCSO 4: I don't think so.

OFFICER 4: [REDACTED]

DCSO 4: Um-hum.

OFFICER 4: [REDACTED]

DCSO 4: Ok. So they gave you that information at the time of the brlefing-

OFFICER 4: -at-at the time of the briefing, and-

DCSO 4: -ok-

OFFICER 4: -during the initial, uh, planning how this was gonna . . occur.

DCSO 4: Ok.

OFFICER 4: So, um . . like I said, once that happened, 'course, ya know, prior knowledge of-tryin' ta keep up on all the thing down there, watchin' YouTube and readin' the news-

DCSO 4: Uh-hum-

OFFICER 4: -I mean. . several things, uh . . ya know an, seein' 'em basically armed, uh, at certain times on YouTube videos, uh, ya know, I know that uh, seen several videos out there where, ya know, at least with LaVoy Finicum, carries a, like a six-shooter with, a six shot, or some sort of revolver on him, on his, uh, on his side an then also several times with wearing it on a shoulder holster, like a tan shoulder holster.

DCSO 4: Ok. And that was just from your personal perusal of the internet and-

OFFICER 4: -that, no-it wasn't anything that, uh, uh, ya know there was talk of, ever-uh, other people that had seen that as well.

DCSO 4: Ok.

OFFICER 4: But, yeah, that was my, uh, my own knowledge just by keepin' up on current events and what's happened down there.

DCSO 4: Ok. So, who-who was in charge of the operation? Who's running the show?

OFFICER 4: So, basically, it, uh, it was FBI's, uh, information, we were just basically there to kind of, uh, assist with helpin' 'em, how it was planned and how, uh, we were gonna be, uh, conducting, and determine who the traffic stop on, uh, then ta take those people into custody. An had infor-basically knowledge that they had, um . . uh . . an active, uh, arrest warrant for 'em-

DCSO 4: -Um-hum-

OFFICER 4: -not warrant, but uh . . um . . information that they could be detained.

DCSO 4: Ok. So, what was the-the FBI was like. . . giving the briefing on it ta you guys? . . um, or, I guess did your team leaders work with their team leaders ta-?

OFFICER 4: -right-

DCSO 4: - accept the teams?

OFFICER 4: -combination of the OS-OSP leaders, um, they're on-on scene at the command post along with FBI, um, their information officers, team leaders that were gonna be assisting with the traffic stop, uh, just kinda round tablin' ideas on basically how this was gonna be planned out and different, uh, uh, basically different, uh, ways we were gonna do this, er, if somethin' had happened.

DCSO 4: Ok. So, are ya able ta talk to me about what the-the final plan was? Like who was in which vehicle, an . . like contingencies? Stuff like that?

OFFICER 4: Yeah, so, um consisted of, basically, FBI was gonna be supplementin' uh, some of uh, their team members along with, um, our team members, um, had 'em kinda

broke up to where we have communication between . . between everybody. Uh, initial plan after, uh . . basically, we were gonna be trying to actually stop two vehicles which was consisted of a white Dodge pickup that we, uh, would belong to uh, Finicum and then also a, uh . . it was called an orange-orange Jeep but, it ended up kinda bein' more tanish-orange weird color. Um, so basically, it-their original plan was to try an conduct a traffic stop on 'em and hopefully-hope that, uh, basically both vehicles would actually stop, uh, near proximity to each other . . um, and if that was the case, we had, honestly we had it planned out to where certain people would be positioned in certain places, um, an ya know, wanna go into like detail of how-?

DCSO 4: -well I mean if-if that was planned out, wa-was it planned out to the final detail as to exactly which vehicle would be where, an . .

OFFICER 4: -right, so we had um . . an initial-we had two OSP pickups and a, uh, OSP van that were, uh, involved with as far as OSP vehicles were gonna be, um . . in the initial kind of traffic stop, uh, and then obviously other ones came-came in at a point later on, but, um . . first ones basically had it planned where, uh, we called it the root beer pickup is what it is but it was basically just kinda a maroon root beer colored Dodge pickup, um, it was gonna be actually the lead vehicle and uh, would basically take the initial lead followed by a gray Dodge pickup we have, and then a green van behind-behind that, uh, initial plan was that hopes that, uh, that first-first, uh, pickup would be able to, a, just [REDACTED] it has a better light package, hopes that uh, basically once the lights went on, they'd be-vehicles would actually be travelin' enough close proximity to each other that both of 'em would actually end up stoppin', um, at that point, we'd kinda try ta conduct a felony stop where, uh, the vehicles would kinda be separated at the point on-on the roadway, um, to where the first root beer pickup would be-take the whatever trail vehicle, first trail vehicle was and then, uh, that gray Dodge pickup, which I was actually drivin' would then pull in, hopefully with enough room on the roadway actually come up near it, ta actually try an get an angle on the far-

DCSO 4: -um-um-hum-

OFFICER 4: - whatever far vehicle was in front, um, an then basically the green van would be behind that, it's just more or less, uh . . kinda supplemental help an as well as hopes of taking custodies in and place them in that vehicle, uh, kinda the second contingency was that if we had one, uh, once the lights went on, that if we had one vehicle stop that the root beer pickup would stay with that first vehicle that stopped and if we had a second one that-the second one would continue on and I would, uh, basically drive the gray pickup around and then catch up to that an that either depending on what-what had happened, as if it-it stopped, ya know, farther down the road or if it continued on, uh, it was just kinda be-kinda playin' by ear at that point-

DCSO 4: -um-hum-

OFFICER 4: -and then follow behind me would be that green van, uh . . . so that was basically, kinda about the two-two con--tingencies that we had for the takedown, uh, an then, supplemented with a roadblock further down the-down the road, uh, if for some reason is if the vehicles actually did, ya know, take off and we had actual pursuit followed by a set of, uh, spike strips that would be deployed ahead of the roadblock.

DCSO 4: Ok. So all three vehicles were the-were OSP vehicles?

OFFICER 4: Right and then behind that were. . . . I can't recall the exact count of vehicles but, um, FBI vehicles behind that and then they would be supplemen-uh, assisting with whatever we needed to be done.

DCSO 4: Ok. So-so ho-how is the-the mixture? Were there FBI . . operators mixed in with your vehicles? Or were they in their own? Ho-how'd that work?

OFFICER 4: No, so they're-yeah-we had 'em, uh, OSP mixed up with FBI, so . . uh, basically, we had a . . . uh, startin' off with a-the root beer truck, believe we had one FBI agent in there and then in my pickup I had myself, another, uh, OSP troop an then, uh, a FBI guy sittin' behind me on the driver's side.

DCSO 4: Ok.

OFFICER 4: Uh, green van had another couple mix of OSP personnel in it as well as a FBI canine-

DCSO 4: -ok-

OFFICER 4: -in it. An then . . that was basically it for OSP mixture of FBI people . . except for what took place down on the roadblock.

DCSO 4: Ok. So were-you know what the plan was down at the-the roadblock? With the mixture of people with their-

OFFICER 4: -yeah, there were, um, I know there's at least two OSP people down there . . uh . . believe two. Not sure if there was more or not, but I at least know of two for sure, um, and then there was a, uh, supplemented by a handful of FBI guys and vehicles down there.

DCSO 4: Ok.

OFFICER 4: I don't know the exact count.

DCSO 4: Ok. Wha-so were you-were you familiar with the FBI operators? Or you just-you-you met them that day an?-

OFFICER 4: -yeah, it was pretty much, uh, that-that day. An uh-

DCSO 4: -ok-

OFFICER 4: I'd, uh, actually met a couple of 'em during a brief, um . . the week prior . . to it, but nothin' materialized on goin' down there-

DCSO 4: -ok-

OFFICER 4: -uh, no.

DCSO 4: Ok. So did you know any of 'em by first name? Anything like that?

OFFICER 4: uh, know one . . that was-was ridin' with me.

DCSO 4: Ok.

OFFICER 4: Um, other'n that, I mean, an it-it was hard ta tell if they actually give their real names or not.

DCSO 4: Yeah.

OFFICER 4: So. .

DCSO 4: Yeah. .

OFFICER 4: So, (inaudible) ya know-

DCSO 4: -yeah-

OFFICER 4: -(inaudible) so, uh, ya know, I don't know if they're usin'-u-is their real name or not, so it's hard to say.

DCSO 4: Say their first name with a smirk on their face?

OFFICER 4: Yeah.

DCSO 4: So you guys . . . ok . . um, an what about coms? Was there a plan for communications?

OFFICER 4: Yeah, so that-that was basically why the . . ya know the mixture of everybody, um, FBI mixed up with OSP so that . . have, uh, communication back and forth between all the vehicles plus, um, so that everybody up ahead-if somethin' did to go to the roadblock or anything like that, a pursuit happened, everybody would know it, uh, and there wasn't any delay of communication back-

DCSO 4: -ok-

OFFICER 4: -and forth.

DCSO 4: So-so you guys knew ahead of time you were gonna be using your communication system?

OFFICER 4: So FBI had their own channel an we had our own channel.

DCSO 4: Ok . . . ok. . . um . . . how 'bout the-that section of-of highway there? I guess it sounds like they kinda knew. . . basically where they were going to be going?

OFFICER 4: Right, so the-the the had word during the initial brief that morning, uh, that basically the-the reason why they were-had left the refuge, basically was because they were actually intending-supposed to be going to some sort of uh, rally?, um, up in John Day, yeah, some-and . . . um, so basically that was-that was the reason why they had left an-an information then-they were, uh, sup-sup--posed to be meetin' with the Sheriff up there as well-of Grant County. So, um, section of highway was scouted ahead of time, uh, just due to . . . tryin' to stage vehicles, uh, find a place where we could actually stage vehicles off the roadway, uh, an where, ya know, either their scouts or people doing counter surveillance wouldn't-wouldn't find us, uh, it was also chosen because there was a less . . . the least amount of cell coverage, I think fer-

DCSO 4: -um-hum-

OFFICER 4: -kinda in that near-near vicinity of where everything happened.

DCSO 4: Ok.

OFFICER 4: Uh, the hopes was that . . . um, basically, had pick an-ya know-chose this kinda areas is just due-poor reception so that, you know, once the stop did occur, they weren't actually able to, ya know, reach out to other people an communicate exactly where they were an actually call for reinforcements or anything like that to come help them.

DCSO 4: Ok. So, was that scouted out . . . by OSP or FBI or both teams?

OFFICER 4: Uh, I think it was by-it-was-it was a mix of both of OSP an FBI, I-I wasn't in-

DCSO 4: -ok-

OFFICER 4: -on-on the scout of it, so-

DCSO 4: -ok. So. . . so what happened? What-what was the-what time did you like leave from the CP, with who, an where'd ya go?

OFFICER 4: Yeah, so basicly we staggered, um . . . we staggered our, uh . . . initial . . . information we got is that they were supposed ta be leavin' the refuge around 3, er

3:30ish . . uh, in the afternoon, that's when they were gonna depart from there an actually be in route to John Day..um, so we had a kinda of a, um, staggered, um, basically a staggered . . departure from the CP there-

DCSO 4: -um-hum-

OFFICER 4: -and that's just due to counter surveillance, tryin' ta keep it low key . . um . . so, I think we left my-my vehicle with another OSP, uh, and FBI agent, we left around 2:00 and then, uh, we're supposed to be goin' up to a . . uh, snow park area off the 20-20 Road, I believe, is where it was.

DCSO 4: An did they enter the snow park?

OFFICER 4: Uh. . it's actually just right passed, uh, Idlewood Campground, uh, which is maybe about a quart-I think a quarter mile-half mile . . passed that is a, uh, there's a Forest Service road and the 28-20 Road that goes up there an then there's this parking area that where we . . staged at.

DCSO 4: Ok. So. . . I'm-I'm assuming you guys stage all in order, up there, h-h-how did that work?

OFFICER 4: Well-like-yeah, like I said, due to the-ya know, the different departure time, once everybody got up there . . um, we were gettin' updated information of, I believe the FBI had a plane in the air is what it was, so we're getting' kinda real time information on when they were leavin' the refuge, what vehicle order, um, there-there's that-actually, um, supposed to be another rancher involved. I think I, uh, missed that part on the initial, uh, statement I told you about the brief but-

DCSO 4: -ok-

OFFICER 4: -uh, som-some sort well, uh, maroon . . SUV, I believe, uh, some sort of a rancher that was supposed to leave either gonna be either ten minutes ahead of it or ten minutes behind it.

DCSO 4: Ok.

OFFICER 4: One of the two . . so, um, an they had no idea who was-how many people were in that vehicle er, or who it was exactly . . uh, so like I said, once we got there to the, uh, kinda snow park area, um, staged, once time got a little bit closer an once they actually started gettin', uh, close to 'em, obviously got vehicles in order, uh, put on all of our gear and, uh, basically waited until they-they got closer. Once we, uh, once they started gettin' a little bit closer we actually caravanned down . . near the edge of the highway, uh, off the 28-20 Road and 395 junction, uh, basically just waited there until vehicles approached . . [REDACTED]

[REDACTED]

DCSO 4: -hum-

OFFICER 4: -we went down there . . uh, I got down there, gettin' updated information basically that, uh, white Dodge pickup was in front followed behind maybe couple hundred yards behind this Jeep . . . so, as, uh, like I said, we'd been gettin', uh, continued updates exactly, uh, where the vehicles were. Eventually . . um, you could see a white Dodge come around the corner with a canopy on it and then shortly after that the Jeep that was following behind it [REDACTED]

[REDACTED]

DCSO 4: Ok.

OFFICER 4: Uh, so once they passed by, the root beer pickup pulled out onto the highway, uh, by myself, the green van and other FBI vehicles behind that, uh, started to try an catch up to 'em an they were travelin' wha-what appeared to be kinda normal highway speed . . um, started catchin' up to 'em. I could see the lights come on eventually after maybe, I don't know, a mile or so, maybe a little bit farther, about a mile, um, see the lights come on on the root beer truck, uh, red and blue lights . . uh, that point. . . you could actually-while we're pullin' actually out onto 395, you could see up ahead actually the Jeep [REDACTED]

[REDACTED]

So, um, you can't really see who was . . how many people were inside, I mean obviously when they drove by you can see occupants inside but-anyway, so as we initially turned out on the highway, you could see actually see up ahead at the Jeep actually-actually started brakin' ahead a time before any lights came on or anything. So, uh, like I said, once-once initial lights actually came on, it seemed like it . . it pulled over pretty quickly, not like an abrupt stop or anything, but . . a, uh, it was stayin' is like, ya know-normal traffic stop.

DCSO 4: Um-hum.

OFFICER 4: Uh, at that point, you could see due to the distance up ahead, we already had ta kinda go into that second initial . . um . . . basically way that we were gonna try an stop these vehicles, so the root beer pickup pulls over, um, the Jeep. I continued around followed by the van behind me an, uh, began trying to catch up to the white

Dodge . . um . . automatically-as soon as the lights came on with the root beer truck, I initiated, um, both front and rear red and blue lights-

DCSO 4: -um-hum-

OFFICER 4: -as well as the wig-wag-

DCSO 4: -ok-

OFFICER 4: -headlights on the pickup, uh, so I went around the, uh . . the root beer truck, began tryin' to catch up to it and startin' to catch up to it now, and once I'm close enough proximity where it can tell . . ya know, obviously already knows with several vehicles that had passed by where our staging area was, I mean, I don't know how he wouldn't know it was police, or FBI, or some sort of law enforcement . . um . . but he'd, uh, didn't stop right away, um, actually at one point, actually, uh, had hit the-hit the siren on there, uh, just for a-a maybe a second or so, turned it off and that's actually what got him to actually start slowin'-slowin' down . . uh, there was a road off to the left, I can-I'm not sure if it was the, uh, 31 Road . . um, or if it was a road-road passed the 31 Road but it was only a left hand turn on-on when you're goin' northbound on 395. So he starts slowin' down and actually looked like he was actually going to actually turn onto the side road. So instead he actually kinda . . he kinda weaves over like he's actually going to turn onto it an then comes back on the highway and then just shortly after it stops right in the middle of the highway . . um . . that point, I get out, um, followed by OSP on my right, um, passenger front and then FBI on the-right behind me on the, um, driver's side. I get out an immediately started givin' him commands, turn off his vehicle, uh, and immediately he responded back that he wasn't gonna do it . . um. .

DCSO 4: Who-who responded?

OFFICER 4: So, I could see clearly through the-who was driving the vehicle, um, that it was LaVoy Finicum, just because of-obviously of-everything in the media, um, and uh . . so, an from this whole thing and I could clearly see that it was-it was Finicum drivin' . . um, in the back, uh, right behind him in the, uh, passenger side, uh, backseat on the driver's side directly behind LaVoy was Ryan Bundy.

DCSO 4: Hum.

OFFICER 4: And, I know this because he actually at one point kinda stuck his head out the window and looked back and then he began, uh, videotaping with a cellphone, uh, so, begin ta give him, again, ya know, several commands, uh, LaVoy kinda poked his head out once (cough) once looked back toward our direction (cough) excuse me, um, looked back our direction and then kind of began certain kind of established back and forth dialog an-an looking in his side mirror back towards us . . um. . gave him several

commands to turn off his vehicle (cough) stated that he wasn't gonna do it and that, uh, that he wanted us to kill him. Said basically stated that, uh, turn off your vehicle, (cough) excuse me I gotta take a drink here.

DCSO 4: You're good. Unless now ya need stop for a second, need more water? coffee anything like that.

OFFICER 4: No, I'm good . . um, so like I said, I told him ta turn off his vehicle, stated he wouldn't going to, um, repetitively and at one point said, "I am not-um-I'm not gonna get out of my vehicle, you're gonna have to shoot me." . . um, I remember him saying that "You're gonna have to shoot me," is what I recall uh, several statements of that back an forth, uh, eventually, he even stated that um, he's gonna go-he's gonna see the Sheriff and that we could come with him, but he said he wasn't-I remember him sayin' he was not going to get out of the vehicle and we'd have to shoot him.

DCSO 4: Ok.

OFFICER 4: Uh, other than that, that was pretty much the extent of like the conversation at one point he stated that there were women in the vehicle, uh, I told him, um, by this time . . . I can't recall exact time, like I mean honestly everything happens quicker out there but, um, after the initial-after he finally did stop, ya know, that some time had went-went by and then I noticed, uh, that uh, Ryan Payne was actually-they were challenging him and he was coming up the passenger side of the vehicle and actually coming back, uh, briefly glancin' over I'm lookin' at him an sees he had his hands up walkin' backwards an followin' instructions, but I could see that he's got a pistol on his hip.

DCSO 4: Um-hum.

OFFICER 4: Um, so he came back, uh, they were dealin' with him, so I kinda took my focus off him an . . refocused back on what was goin' on with the driver's side of the vehicle . . um, (cough) like I said, eventually, LaVoy stated that, ya know, there women in the vehicle, told him, ya know, go ahead basically to send 'em out, uh for his safety he needed to turn off his vehicle and follow the instructions that we were givin' him . . um, again he said, ya know, he stated just continuously stated that he wasn't gonna do-wasn't gonna do that-wasn't gonna get out of his vehicle an turn it off, ya know, an . . like I said, he just continually stated that, "You're gonna have ta kill me."

DCSO 4: You remember any other commands you gave, or identification?-

OFFICER 4: -yeah-

DCSO 4: -stuff like that?

OFFICER 4: So, it-um, obviously after-after the stop and everything like that, stated ya know, it's Oregon State Police, umwhich he didn't really seem like it . . . ah, it really didn't matter to him . . who . . who it was or anything, so . .

DCSO 4: Ok. And what-you mentioned-red and blues in the front and the wig-wags on-

OFFICER 4: -uh-hum-

DCSO 4: -that's the-what-so where are the-the red and blues?

OFFICER 4: They're more or less kinda in-in the center of the vehicle, like a-

DCSO 4: -like in the grill, or?-

OFFICER 4: -like I said-yeah, there's-they're some lights, I think it's-they're kinda up on the brush guard-

DCSO 4: -ok-

OFFICER 4: -um, of the-of the truck.

DCSO 4: Ok . . um, and then you mentioned Ryan Payne getting out . . was someone else giving commands-

OFFICER 4: -ah, yeah-

DCSO 4: -as well?-

OFFICER 4: -they took over the, um, whoever was dealin' with that, uh, my attention was on whatever was occurring on the driver's side.

DCSO 4: Ok.

OFFICER 4: And I could see that he, ya know, he was comin' back but, obviously hear things goin' on that . . .that uh. .

DCSO 4: Ok.

OFFICER 4: . . ya know, it's kinda like he was followin' commands an that they were able to get him into custody.

DCSO 4: Do you remember any of the commands or identification . . they gave? Or someone else gave?

OFFICER 4: I-I don't.

DCSO 4: Ok. . . . umso, ok, so-so then what?

OFFICER 4: Ah, so this . . um . . so after I relayed to a OSP guy that was sittin' next to me that-stated that, ya know, relayed to him that said that LaVoy was saying that he wasn't gonna get out of his vehicle and that we-he wanted, ya know, wanted us to kill him . . um . . and so then I think that got put over-over the radio, which kinda went out to every-everybody that was . . .

DCSO 4: . . ok . . .

OFFICER 4: . . in-in the area that could hear.

DCSO 4: Ok.

OFFICER 4: . . . so after that had happened, um, the plan was to . . uh, to initiate a, gas less lethal, um, into the vehicle . . an so we tried introducin' that into there and that was all being done by . . whoever was on the, uh, passenger side of the vehicle, so like I said, I-I I couldn't look over an see exactly who was doing that or, um, what was occurin' on over there, an-

DCSO 4: -um-hum-

OFFICER 4: -I think it actually kinda . . initially stopped. I think it actually kinda favored a little bit over to-I wasn't directly behind . . I mean I was to a certain extent, but, I kinda over a little bit more favorin' the driver's side, so I don't know what really what occurred on . . I couldn't see anything that was goin' on really the passenger side of the vehicle.

DCSO 4: Ok.

OFFICER 4: Um . . but . . the plan was that, uh, we have a-a multi launcher for shootin' less lethal rounds out of as well as chemical agent out of so that was the plan of . . that we're-we're kinda waitin' for that, uh, piece of equipment to get up to our location and believed it was actually back in the, uh, root beer-root beer truck. I think that's why there was that kinda long delay of . . uh, after they've gotten Payne into custody an that's why, ya know, nobody else was comin' out. It was kinda that . . extended period of . . nothing goin' on-

DCSO 4: -um-hum-

OFFICER 4: -other than-it's that long. . kinda loop of giving commands . .

DCSO 4: -yeah-

OFFICER 4: . . an refusin' 'em . . um . . so . . basically, after that, uh, that-it went on for some time. Eventually, like I said, uh, LaVoy stated he was going to go see the Sheriff and that we come with him if we want but he wasn't gonna get out of the vehicle. It seemed like shortly after that was when you could see the brake lights come off and-

and ya basically knew that he was going to be movin'. . uh, you could hear the engine rev up and it wasn't anything ta, um, wasn't like just a normal acceleration or anything like that, it just-it was more or less tryin' to get outta there in a hurry.

DCSO 4: Ok.

OFFICER 4: Is what it sounded like, ah, just due to the-the way that drivin' a diesel truck, I mean-I drive-I drive a diesel truck, Dodge, similar to what LaVoy does an . . an just due to the RPMs raisin' on the-on the truck an then it took off . . uh, that point, uh, myself, another OSP person was with me and FBI guy that was with me hopped back in the truck, uh, as soon as I knew they were in and secure, that we took off an then, uh, began pursuing after and tryin' ta actually catch up to . . . uh . . . so, obviously I'm, um, tryin' ta go as fast as I can in the truck but it's-it's no patrol car, so . .

DCSO 4: Um-hum.

OFFICER 4: . . ah, it takes a little while, I can still keep him in-in distance, start gainin' a little bit a ground on him, um, but, ya know, I'm still a good couple hundred yards behind him . . uh, and that's at still keepin' a distance-

DCSO 4: -um-hum-

OFFICER 4: -uh, and still observe what's goin' on. He's crossin' over the centerline an takin' like, wantin' the the corners wide, uh . . then, obviously, I know the roadblock is up-up ahead of us, uh, cause they had that information that, um, there-he had now left and was going to be traveling towards them . . um . . the . . I didn't know the exact location of the roadblock, uh, but it was kinda set up around a cor-a little bit of a corner and then a straight stretch after that. So, I was following behind still, um, tryin' ta catch up him, come around the, uh, kinda of a corner and at that point I could see, uh, a brief period of brake lights on LaVoy's pickup and then, uh, the brake lights go off an it appeared that the vehicle accelerated at that point and um, drove-it almost initially looked like it was gonna take and just plow directly into all the vehicles and . . Instead it- it looked like it made a last second decision to kinda go, uh, left and barely missed the spike strips that were-that were put out-

DCSO 4: -um-hum-

OFFICER 4: -uh, in front of all the vehicles, um, barely misses that, tries going around to the left to go through the deep snow an looked like he was tryin' to drive basically around, uh, the roadblock set up there and, uh, truck become stuck in the snow, right after that, I can-I can see all-all this happen but I'm still, uh, a ways behind at this point . . um, I see the spikes up ahead where it's happenin'. Soon as the vehicle comes to a stop, the driver's door comes open and about that point I'm getting-I could see LaVoy

comin' out and at the same time, I see . . movement kinda back up-as I'm watchin' him, I could see movement back up and to the left of, um, LaVoy, that . . an I, uh, could see there was another OSP person back up that-uh, behind him near a tree. And, so by this time, I stopped near the spike strips an get out an basically, uh, get my gun up through the, uh, between the door and the A pillar of the-of the truck, tryin' ta come up on a sights, still see what's goin' on. I could see another OSP person moving to my left, kinda away from Finicum an Finicum seems to be more or less, uh, kinda travelin' kinda at an angle toward that, uh, OSP person who was back up to the left, an-and initially when Finicum comes out, he's got his hands ra-raised in the air but by this time, ya know, I was outta the vehicle and I can actually hear what's goin' on and I can hear him just say ta fuckin' shoot him, is what I recall . . um . . so . . eventually, uh, by the time I get my gun out and kinda up in that direction tryin' ta-kinda quickly observe what's goin' or if people are gonna come out, uh, his hands come down lower and basically, um, looks like he kinda makes a-a real quick um, I'm not sure if he kinda stumbled an tried to catch himself or what, but, uh, I could see what I recall, at least two times, uh, clearly that he made an like initial grab over to, uh . . looked like . . like he-he reachin' for a gun. Like I said, I know that he carries a, uh, a shoulder holstered pistol, um, on him. So, makes a initial grab, almost kinda looks like a-he didn't-didn't quite get it inside of his coat at that point and then almost reached up with uh, his, uh, second hand and was actually was able to get ahold of his coat and what I recall, uh, hold his coat and actually almost kinda get it open and then you could see him clearly reach inside, ya know-that point, I was tryin'-the first initial grab, uh, that he-he made to go inside, I believe he was going for his gun . . uh, and the gun I was actually shooting has a little bit longer safety on it to get to, um, per our policy is, ya know, ya have to be, uh, ya know, basically on-on safety until you've made that decision to shoot. At that point, I made the decision to shoot and was reaching out to get my safety off, uh, an actually had to roll my hand around, it takes a little bit longer to actually get to it . . uh, get my safety off, comin' back up onto, ya know, getting' back into target and see him then, like-like I say, clearly reach in-inside and, I-I believed he was going for his gun at that point, and that's when I heard, uh, a couple shots go off. I don't know exactly how many, but . . I-I mean it was at least a couple . . . um, so once the shots go off, I basically kinda gettin' on my trigger at that point, and but it-by then you could see that he'd been hit and went down pretty quick. So that's when I decided not ta-not shoot, um, stayed there on him fer a little bit, I mean, obviously everything seems like it happens super super fast, but um, ya know, once I could tell he was-he was actually down, uh, so from that point, I saw . . um . . ya know the-the OSP guy that was up off to the left of Finicum, they were in very close proximity to each other and that was the other reason I basically made that decision to shoot just because-just the close proximity to, uh, the other OSP officer that was there, uh, I felt that basically he was in danger, uh, and . . so, after he went down, um, after a minute or

so, nobody had else had came out of the-the vehicle, um, I know other people scrabblin' around all over the place.

Uh, the OSP officer that was up on the snow that came back away from, uh, where his original (inaudible) spot was, I went up and actually met up with him, checked on him, (inaudible) uh, at one point, I don't know why, thought maybe he'd got hit or somethin'. I'm not exactly sure, how, or why I thought it, but . . . I didn't know it at the time, but his, uh, it looked like he grabbed his side and so I actually went up . . . ran up, met up with him, checked on him and asked, "You ok?" he said, "Yeah, I'm fine," uh, we held on, um, basically the whole driver's side of the vehicle and, um, nobody else was gettin' out of that-that point or anything, uh, this went on for, it seemed . . . qui-like it was quick but, ya know, it was a little bit lon-ya know, a couple minutes maybe, of holdin' on-on that side. Remembered a couple FBI guys came up behind us and then came around and then took a little bit higher ground into some trees an-an once that point, we're just do-we were so exposed, myself and the OSP person moved back away, uh, I went back to my original spot on the truck, um, and got back to there to secure cover an then at a good angle on where, uh, if anybody was to come out of the-the driver's side portion of the vehicle, um. . .

Officer 18: Can I ask a quick question?

DCSO 4: Yup.

Officer 18: It-it was-it was a little while ago, but I didn't want to interrupt your thought-

DCSO 4: No, no.

OFFICER 4: -yeah-

Officer 18: -and you said, uh, when he came out you heard him say, "fucking shoot him," so . .

OFFICER 4: No, it-uh, it wasn't . . made clear. . that it-wasn't "fucking shoot him" or anything like that. What I heard was LaVoy repetitively saying, "Shoot me! Shoot me! Fuckin' shoot me!" is what I heard.

DCSO 4: Um-hum

Officer 18:so you went back to the truck.

OFFICER 4: So, after, uh, I kind of . . skipped a little bit, uh, after the . . after Finicum went down, uh, shortly after that, uh, there's some flash-bangs goin' off around the area, um, near Finicum's truck, uh, there's really no response from anybody inside, or anything like that, uh, so after another of the OSP person, FBI guys went up onto the, uh, kinda the higher ground, good piece of cover, we was like, moved back, um, I'm not

exactly sure where . . the other OSP person went, I know they went off on behind some vehicle cover. I went back to the original spot where my truck was and just held cover there until. . uh, basically. . . uh, they were begin, uh, introducing a chemical agent into the car, um, breaking the windows with less lethal rounds, uh, I know-I know they were less lethal rounds just because of being an instructor, I know what they sound like, uh, obviously can see what's happening on the vehicle also, uh, as far as the windows, trying to be broken, uh, I think a couple of 'em maybe mighta bounced off the window, actually just, well at times it's hard to actually . . break vehicle glass with that stuff, it-it's really not designed fer, you know, really breakin' anything.

DCSO 4: Um-hum.

OFFICER 4: But, uh . . anyway, so . . after a couple windows were broken out, uh, then, uh, some chemical agents starts gettin' introduced in the vehicle, um . . . an it seems like it-it had no effect, uh, then some more got introduced in the vehicle, more, a little bit more a little bit later on more kinda rapid, uh, succession there an . . . basically you could see the O-the OC the OC rounds of what we used its, uh, basically blowing out of the vehicle, it's just powder, uh, substance, but, anyways with the other doors bein' open, it just kinda blew it out, so it didn't really seem like it had a real big effect on . . occupants left inside.

DCSO 4: Um-hum.

OFFICER 4: Um . . an . . so, after that happened, um, it seemed like maybe a few minutes had went by, uh, eventually, uh the back driver's side door opened on the vehicle and, uh, Ryan Bundy then starts gettin' out and you can see that if he had a cellphone in his hand, uh, I don't recall which hand, but it was like it was the same cellphone that he was vidoetapin' with during that first initial, uh, first initial stop that they-that they did . . uh, gets out, got his hands in his air, I can see he's got his cellphone, um, an kinda scanned him fer, make sure that it's his cellphone and not a gun or anything, uh, that point, uh, he drops it in the snow. The others are giving him commands and comes back-taken into custody, uh, the next person to get out, um, looked like a younger-a younger female, uh, I don't know her name, uh, but . . . and then uh . . last person to get out of the vehicle was a, uh, middle age blonde haired lady.

DCSO 4: . . . so . . .

OFFICER 4: . . ya know, the first initial time, actually when I went first went up on the snowbank there and met up with the, uh, other OSP guy and check on him, that point there was two an there was couple vehicles that actually, uh, just normal, I don't-I can't remember-it was-think it was a white pickup an another pickup pullin' a horse trailer that actually pulled up and-that's kinda another reason why . . we . . changed our angle so because if they pulled up near the scene, there . .

DCSO 4: . . um . .

W; . .um, so once the, uh, third occupant got out, the-the blonde haired woman, uh, that looked, I don't know who all . . what members it consisted of but, most people went up, cleared the vehicle made sure there was nobody else in it, um, that point, I moved back around once I could see that they were actually, um, kinda takin' down the vehicle and clearing it, I moved from where I was, went over to where everybody else was an at that point, uh, I was directed to go take care of the people that showed up there on scene. So, went back, met with them, uh, got us a quick statement from them. Actually while I was there, uh, identification and contacts.

DCSO 4: So were they to the-the north end?-

OFFICER 4: -so yeah-

DCSO 4: -of the stop?-

OFFICER 4: -they were to the north.

DCSO 4: Ok.

OFFICER 4: Where the . . the scene was.

DCSO 4: and you mentioned your . . your weapons system with this-the safety-what was your . . your weapon?

OFFICER 4: So, uh, I was actually usin' um, it's a HK91, which is a, uh, .308 . . caliber.

DCSO 4: Um-hum. . . . and are you able to tell me who the trooper was, just his first name, that you-up in the snow?

OFFICER 4: Um

Officer 18: Sure.

OFFICER 4: Yeah, It-a Officer 3.

DCSO 4: Ok. Ok. . . and are you able to tell me who the trooper was with you in your-in your rig?

OFFICER 4: Yeah, uh, Officer 2.

DCSO 4: Officer 2? and how 'bout the FBI guy that was in your rig?

OFFICER 4: From what I recall he went by ya know what? I might be thinkin' of a different person. . . from what I recall, his name is Officer 13. I'm not 100%-

DCSO 4: -maybe-maybe Officer 13?

OFFICER 4: Maybe Officer 13.

DCSO 4: Ok. Alright. . . . since I've been on this I'm figurin' out these guys are pretty mysterious.

OFFICER 4: (chuckles), yeah.

DCSO 4: Um . . when you-when you first, um, pulled up at that last stop-

OFFICER 4: -um-hum-

DCSO 4: -when, uh, LaVoy got out of his rig, could you hear any commands being given? Anybody yellin' anything?

OFFICER 4: No, it-I mean-it . . it happened so quick, it didn't seem like-it was just . . because where everybody else was compared to where, um, where his vehicle was an where he got out everybody was kind of-it seemed like . . . kinda away from him except for where Officer 3 was.

DCSO 4: Ok. . . so, um. . .and did that-where you stopped had somethin' to do with the . . the spikes or stop sticks-stop sticks that were out?

OFFICER 4: What-what-now?

DCSO 4: W-w-where you stopped, did it have somethin' to do with the-the spikes-or stop sticks?

OFFICER 4: -yeah, I could-I mean-yeah, I mean-I was-I was close enough to the-to the-the scene at that point to go out an stop, but I mean, I just wanted ta make sure that, ya know, still get . . close enough without avoid-ya know, without runnin' over the spike strips-

DCSO 4: -uh-huh-

OFFICER 4: -so, anyway, obviously I just wanted to get close enough ta-to assist but not be so far back that, ya know, out of . .

DCSO 4: . . yeah . .

OFFICER 4: . . out of play from helpin'.

DCSO 4: So, do you-you saw-you saw the stop sticks-

OFFICER 4: -yeah, I could-

DCSO 4: -or, the spikes-

OFFICER 4: -see the stop sticks-

DCSO 4: -or whatever they were?-

OFFICER 4: -yeah-

DCSO 4: -ok-

OFFICER 4: -I could see the stop sticks up ahead, an I mean that's-

DCSO 4: -ok-

OFFICER 4: - we could (inaudible talk over)

DCSO 4: -so can you kinda-

OFFICER 4: -I knew they were gonna be out . .

DCSO 4: . . yeah. .

OFFICER 4: . . so. .

DCSO 4: And can ya recall how far the-the spikes were from . . I guess the-the vehicles on the hi-in the roadway?

OFFICER 4: Yeah . . it wasn't-it wasn't a . . a . . very far, um . . maybe approximately 20 yards?

DCSO 4: -ok-

OFFICER 4: -it wasn't real far because . . ya know, it had to be . . somewhat close . . uh . . to where-to where it was just because of . . kinda the terrain around there, uh-

DCSO 4: -um-hum-

OFFICER 4: - ya know, normally, obviously you guys are officers know what I'm talking about, but . . ya know, if ya have ta deploy 'em farther down the road, that's-which is ideal, slow the vehicle down but do it-there's no way you could safely do that just because of, uh, the snowbank from the side of the road were, ya know, two plus feet tall, ya know there's-there's no way to deploy 'em an then pull 'em out of the way. . ya know, safely without . .

DCSO 4: Ok. Um, when LaVoy took off from that first traffic stop . .

OFFICER 4: . .um-hum . .

DCSO 4: . . um, an you're, you're gainin' on him or keepin' up with him-

OFFICER 4: -um-hum-

DCSO 4: -can ya kinda estimate how fast LaVoy was drivin'?

OFFICER 4: Yeah, I think I got up pretty close to around . . . well, it was at least over 80 an-

DCSO 4: -you were o-over 80?-

OFFICER 4: -yeah-

DCSO 4: -ok-

OFFICER 4: -I would say he's . . at-at least . . . yeah, close to maybe 80 . . approximately. Ah, maybe a little bit faster, I mean I-I kinda caught him little bit in the curves, uh, but I mean . . it took-it took a while to get caught up to him an I probably even hit close to 90.

DCSO 4: La-LaVoy?

OFFICER 4: Um, me-

DCSO 4: -would-you-ok-

OFFICER 4: -to get caught up to him, so, I mean, like I said, I's-I could tell I was gainin' on him a little bit in-in the corners but an then it seemed like he was definitely travelin' high rate of speed.

DCSO 4: Ok. .

OFFICER 4: Definitely at, ya know, quite a bit faster that what normal highway . . highway speed is.

DCSO 4: Ok.

Officer 16: Just for clarification, though you don't know how fast you were going?-

OFFICER 4: -no. Like I said, it-I mean it was definitely-it was. . it was well above, uh, highway speed.

DCSO 4: Ok.

OFFICER 4: Of 55 miles an hour.

DCSO 4: Um-hum. an you mentioned seein' his brake lights come on and then back off again?-

OFFICER 4: -right, so it seemed kinda like, uh, ya know, once he came around the corner ya can see . . there's no reason for him to act-hit the brakes cuz he's actually out of the corner. . um . . so . . by me seein' the brake lights, I couldn't see the, um . . I couldn't see the roadblock up-up ahead or the spike strips or anything like that at that point cuz he's still kinda of at the top of the-of crest an I'm kinda little bit down along-comin' up behind him and I-I thought at that point that's the roadblock was comin' up just because of . . uh . . which is basically due to how he hit the-ya know-you could see the brakes came on quickly an it wasn't like a gradual, ya know, like you're scrubbin' speed off to go around a corner, it was more or less, uh, kinda like a quick abrupt . . stop or slowing down I should say.

DCSO 4: Ok.

OFFICER 4: And then you could see him come off into that-by that point, I was . . .right up around the corner at the top of the grade, um, kinda comin' down you could see then-you could clearly see that it was the roadblock and then-like I said-ya know-I could see the brake lights come off an actually appeared that . . basically accelerated ta-to try an go around it.

DCSO 4: Ok. Do-In-what ya say-you had you had your lights on-

OFFICER 4: - um-hum-

DCSO 4: -you know if you turned your siren on or anything during that . . section?

OFFICER 4: No, I-I didn't.

DCSO 4: Ok.

OFFICER 4: Uh . .

DCSO 4: And could you see exhaust or, like the vehicle bear down . . like you said you could kinda see accelerating-is like it sped up?

OFFICER 4: No, it looked, yeah, you could see like . . like it . . um. . its slows-you could see like it-it appeared to be slowing down a little bit then brake lights come off an then . . you could see that it-it was gaining speed.

DCSO 4: Ok. I think you mentioned wha-what did you initially think LaVoy was gonna do?

OFFICER 4: Initially . . it appeared just because it-it looked like he was going to basically be kinda travelin' in that, uh . . kinda would be the southbound lane, ya know, looked like he was gonna take and just tryin'-looked like he was gonna take whatever vehicle in that southbound lane an run right into it. So, by then . . . ya know, kinda last second went around the, uh, strip to left of the spikes an . . tried goin' around is what he appeared to be doin'.

DCSO 4: Ok. Ya know, an I don't-I don't know if . . this is your area, or not, an let me know . . um, you mentioned, um . . LaVoy at the-sorry-at the site of the initial traffic stop where LaVoys yellin' at you guys-

OFFICER 4: -um-hum-

DCSO 4: -that he was tellin' you guys he-he'd have ta be shot before he got out of the- the car-

OFFICER 4: -um-hum-

DCSO 4: -or somethin' to that effect an that went out over the radio?

OFFICER 4: Yeah, I re-I re-definitely recall . . advisin' him-Officer 2 who was next to me, um, that . . basically that I said-he-he asked ya know what's he saying cuz he's kinda focusin' on passenger side and I'm focused on the driver, uh, I told him, um, that he's sayin' he's not gonna get out, sayin' we're gonna have ta shoot him, yeah an . . so remember him puttin' that out over the radio.

DCSO 4: Do-do you recall at all if anyone from the roadblock responded. . . copy?-

OFFICER 4: -I-I I don't-I don't know-

DCSO 4: -anything like that?-

OFFICER 4: -if nobody-if anybody, uh, acknowledged it or anything like that-

DCSO 4: -ok-

OFFICER 4: -they're tryin' ta keep the-keep the channel clear, uh, just for what we're puttin' out, um . . so I ended up, I like I said, I'm . . more (inaudible). My attentions on. . . narrowed in on what's kinda occurin' on the driver's side. I mean I can hear stuff outta my peripheral but I don't recall exactly-

DCSO 4: -ok-

OFFICER 4: -ya know, communication back and forth between others or anything like that I mean I remember . . um sayin' that we're-we're gonna wait for the multi launcher ta get up there ta-trying get an put gas into, ya know, or a chemical agent into it, um,

like I said, I remember, um, I remember it being put out over the air but I mean-I don't recall . . . if anybody acknowledged it or anything like that.

DCSO 4: Ok. Um . . . an then sorry-keep jumpin' back an forth here-back to the-the final stop area, um, when LaVoy's out and his hands come down, what-what did you think LaVoy was doing? When his hands were comin' down?

OFFICER 4: My only . . . thinking was that because he'd made statements, what I recall, ya know, over social media, an stuff like that that he was gonna be basically in it till the end, uh, that he wasn't gonna go down without a fight basically, um, the only thing was goin' through my mind was that when his hands went from clear-clearly up here down to here, I wasn't ya know, it wasn't falling down to catch himself an put his hands out on the snow or anything like that it was just. . . it . . . it . . . an exact furtive movement of what I recall him reaching, what I-it appeared to be him reaching for a gun is the only thing I was thinkin'.

DCSO 4: Ok.

OFFICER 4: [REDACTED]

DCSO 4: Ok. Um, now did you-you fire a weapon-

OFFICER 4: -no-

DCSO 4: -at all there? OK.

OFFICER 4: No.

DCSO 4: Are you able to tell me if you know who did fire weapons when you're there?

OFFICER 4: No, I had-I couldn't even tell you because, ah . . . I mean the person I thought shot, didn't, so it's just because of how-I don't know.

DCSO 4: Ok.

OFFICER 4: I mean, alls I recall is . . . couple, a couple shots bein' fired an I couldn't tell ya, I mean . . . ya know, there's so much movement goin' on an . . . everything I had-I had I had no idea who . . . who shot.

DCSO 4: Ok.

OFFICER 4: Or knew . . . at that time.

DCSO 4: Ok. Yeah.

OFFICER 4: Obviously, I knew now, but . .

DCSO 4: . . yeah . .

OFFICER 4: I mean . . during that-during that initial . . uh, when everything happened. .
I-I couldn't even tell you, uh-

DCSO 4: -ok-do you-

OFFICER 4: -what direction it came from or sound er, not sure, like I said, I just recall a couple shots.

DCSO 4: Ok. (inaudible). When you're drivin' up on that final stop, tryin' to keep up with LaVoy-

OFFICER 4: -um-hum-

DCSO 4: -there's probably a lot of noise-road noise-in the-the rig there . .

OFFICER 4: . . yeah, well, I-

DCSO 4: -do you remember hearin' any gunshots or seein' any muzzle flashes, either from LaVoy's vehicle or from the-the roadblock?

OFFICER 4: No.

DCSO 4: Ok.

OFFICER 4: I don't.

DCSO 4: Um, do you remember . . like ladders or anything at the roadblock or who mighta been on ladders or who used ladders?

OFFICER 4: Un-um, I don't. I mean like I said there's . . you could see . . people up ahead near vehicles, you can see red and blue lights on, um . . I could see the spike strips up ahead and as. . ya know, cuz I'm-I kinda divert my attention from-once he went-went into the snow, uh, ya know, an divert my attention . . to that vehicle-to his vehicle, and then while I'm watchin' that I can see a guy-he has behind, uh, basically Officer 3, was up-up that direction an then I don't-I don't-not exactly sure how I could tell it was him, maybe ya know haircut and just kinda style. I knew what he was wearin' ahead of time of what . . basically what he was dressed in so, um, but yeah, I then I see him but then kinda lost my attention on what was happenin' over with the rest of the vehicles and people.

DCSO 4: Ok. Did you-you fire any of the less lethal rounds?

OFFICER 4: No.

DCSO 4: Ok. You know who fired that? OSP or FBI or . . a mix?

OFFICER 4: Um, it was, uh-

Officer 18: Do you-do you have the list? . . with the officer numbers?

DCSO 4: I don't. I don't have the list.

Officer 18: Ok.

DCSO 4: Yeah.

Officer 18: Alright, we'll just use first names then. You know any first names?

OFFICER 4: Yeah.

DCSO 4: You don't-you don't have the list either?

Officer 18: It's alright, I don't have it- (inaudible) can we stop it for a sec?

DCSO 4: Yeah, we ca-

DCSO 4: Uh, so back on . . um, so do you know . . well first of all, was-as far as who was firing less lethal, was FBI involved with that or OSP or both?

OFFICER 4: No, from what I re-uh, recall, the FBI didn't have, uh, they don't have a less lethal capabilities. So we had, uh, two OSP officers that were assigned that duty, uh, and which was, uh, Officer 5 and Officer 7.

DCSO 4: Ok.

OFFICER 4: Um . . . so . . . I don't know exactly who fired how many or . . what, ah. . . ya know what they were shootin' at or anything like that, uh, during the final-final stop, um . . . yeah, I mean, I had-er-I had recalls I think both of 'em were, I'm not positive though. .

DCSO 4: Ok.

OFFICER 4: . . who did, so . . I know that . . . yeah, I know that like I said, once the multi launcher got up there, you can tell just by the amount of . . rounds that the agent puts out quickly-

DCSO 4: -um-hum-

OFFICER 4: -um, that it, ya know, Officer 7 was in charge of that one so . .

DCSO 4: . .so the multi launcher from the . . root beer truck-

OFFICER 4: -right, it-

DCSO 4: -came up to you guys?

OFFICER 4: Well, yeah, it was from, um . . yeah it-in-it finally got up there, uh, an then that's . . yeah they got in on the kind of the tail end of . . . tail end of it.

DCSO 4: Ok.

OFFICER 4: But it-I know there was, ya know, used-used in that.

DCSO 4: So how-how long did you remain at that scene until you departed?

OFFICER 4: . . . uh, it was well into the evening, um

DCSO 4: Was it passed dark or do you know?-

OFFICER 4: Yes, it was well passed dark-

DCSO 4: -ok-

OFFICER 4: -I mean it was-it was . . . remember . . 11:00?-I mean at least . . I'm sure 11:00 . . at night.

DCSO 4: Do you remember, um . . . you mentioned, I guess, what? three people got out of the truck there-

OFFICER 4: -um-hum-

DCSO 4: -at the-at the last stopping point. Do you remember how they were transported from the scene, like in one vehicle or?-

OFFICER 4: -uh . .

DCSO 4: -more than one?

OFFICER 4: I know . . well, four people got out total at the-at the stop that's LaVoy, two females and then Ryan Bundy, um but as far as the two females and Ryan Bundy, I know Ryan Bundy went by ambulance, uh . . to the hospital, apparently, some sort of a . . shoulder cut or, I don't-I'm not sure an I didn't see it or nothin' like that. . . uh, the females were transported I believe by a county, uh, a county unit down to-I'm not sure if they went to the CP or where they went to.

DCSO 4: Like Harney County, or, or a county?

OFFICER 4: Um . . it was-I believe it was Harney County.

DCSO 4: Ok. Maybe both was in one, or was there more than one county rig that transported them?

OFFICER 4: I have no idea, it was a-it was a wh-um, yeah it was white colored vehicle, cop car.

DCSO 4: Ok. . .ok, um, so when you left the scene, who-who all was still there, I guess?

OFFICER 4: Uh, when I left the scene . . . there was detectives and there was supposed to be detectives, uh, and the ME showed up at one point, um and then . . just myself and Officer 5 were left there, um . . I think we were the last two that were involved with the whole incident to actually leave.

DCSO 4: Ok. . . uh, so before you left, um . . did I understand the FBI had their own vehicles there as part of the-the roadblock?

OFFICER 4: Right, so . . .there'd been word that after this whole initial thing had happened, um . . that some-somehow of word had got out that-of-of the incident and everything that took place. There's actually uh, FBI that actually (cough) was there for kinda of a-a security for, um, with the scene uh, of more or less just ah . . security from anybody comin' in from, uh, from the north-

DCSO 4: -um-hum-

OFFICER 4: -apparently up in John Day there was word that . . there were people startin' ta arm themselves and they would come down, so that's the information that had been-that we had got, so they were basically there as more or less as kinda security detail for . . for us.

DCSO 4: Ok.

OFFICER 4: And for everybody that was on scene.

DCSO 4: So did-did you depart the scene in your-your own vehicle, your gray truck that you arrived in?

OFFICER 4: No, so, um, what had happened with the gray truck is after everything had, uh, shooting had taken place and uh, everybody was secure and everything like that, um . . Officer 7 and Officer 2 left in the gray truck . . um, the . . root beer truck left, I don't know if anybody or no, the root beer truck stayed, uh, the root beer truck stayed and the green tr-the green van stayed on scene.

DCSO 4: Ok.

OFFICER 4: So, it's-uh, the only . . . from the three vehicles that were involved in the traffic stop the only one, uh, left was the gray-the gray truck.

DCSO 4: Ok.

OFFICER 4: Um, that was just due to the kinda the officer, uh, involved shooting by the officer taking them away from the scene.

DCSO 4: Ok. And the vehicles that were involved with the actual roadblock, did you see them leave or know who left in-in those vehicle?

W: It seemed like some of 'em got rep-uh . . . I'm not sure if some of them got repositioned or if some of them left, um . . . It seemed like-seemed like they, um, were repositioned on the highway and then one of 'em, um, one of 'em stayed on scene which was a OSP truck.

DCSO 4: -um-hum. . um . .

Officer 16: Just for clarification, so, the FBI vehicles you don't know what happened to 'em, right?

OFFICER 4: Yeah, I don't know exactly what happened to 'em, if-if, I mean, there's so many different same SUVs an pickups in that area-

DCSO 4: -um-hum-

OFFICER 4: -right now that-

DCSO 4: -um-hum-

OFFICER 4: -I have no idea if they left, they were replaced, or if they stayed on scene, same ones stayed on scene or-or what, I don't know.

DCSO 4: Ok. Um, did you happen to take any photographs?

OFFICER 4: I didn't.

DCSO 4: Ok. Do you know anybody else that took photographs?

OFFICER 4: No. I don't.

DCSO 4: Di-did you or do you know about anyone else taking any brass, spent cartridges?

OFFICER 4: No, um, the only . . . casings that I saw were less lethal cases, uh, they're silver aluminum-

DCSO 4: -um-hum-

OFFICER 4: -large 40mm cases an then I remember specifically seeing one spent .308 casing which was in the north, um, and it was on the, I saw it once I went down and made con-contact with those people and then come back, uh, I-I'd observed one, one single piece of .308 brass. It was in the middle-or appeared to be kinda of a north, uh, middle the northbound lane, so in kinda the general . . . area of maybe kinda between (inaudible) and where the gray truck woulda been in the front of the roadblock, I'm not-I can't say exactly where it was but I remember it bein' in the center of the northbound lane.

DCSO 4: Ok.

OFFICER 4: I don't know-I can't tell ya how far it was from the roadblock or how close it was, uh, or . . . or what.

DCSO 4: Do you remember if it was a, like a brass in color or nickel plated, or . . . ?

OFFICER 4: Naugh, it was-it was a . . . freshly, it was a . . . It didn't have a-it wasn't tarnished or anything like that. It was, it looked like a freshly fired casing.

DCSO 4: Ok.

OFFICER 4: Um.

DCSO 4: But yeah-do you recall if it was like a nickel plated piece, or?-

OFFICER 4: (cough) no, it-

DCSO 4: -if it was brass, anything like that?

OFFICER 4: It was a normal colored, uh-

DCSO 4: Ok.

OFFICER 4: Norm-normal-brass, it wasn't nickel plated, uh, casing or anything like that, normal. It didn't appear to be . . . um, scuffed up or anything like that, or wasn't smashed, it was-looked like it was . . . like it'd just been fired and set down on the road.

DCSO 4: Ok.

OFFICER 4: Um . . . there wasn't any scratches on it or like it'd been there for an extended period of time or weathered . . . at all.

DCSO 4: Ok.

Officer 3538: Um, so I just got some clarification-

OFFICER 4: -um-hum-

Officer 3538: -questions that, uh, so . . let's see I think, um, I'll start with the stop, the initial stop.

OFFICER 4: Um-hum.

Officer 3538: You were behind the white Dodge? And giving um, the white Dodge . . commands?

OFFICER 4: Right.

Officer 3538: Was that, uh, just verbal commands or were you on a PA system-

OFFICER 4: -no-

Officer 3538: -or somethin' else?-

OFFICER 4: -it was-yeah-it was, we don't have a PA kit really-

Officer 3538: -ok-

OFFICER 4: -so I had ta be a little bit closer so that-

Officer 3538: -ok-

OFFICER 4: -uh, ya know, they'd able to hear voice commands.

Officer 3538: Ok.

OFFICER 4: The driver's side window was down as well as the passenger side, uh, window also.

Officer 3538: Ok.

OFFICER 4: I-not passenger side but, uh, passenger vehicle on the driver's side, both vehicles were rolled down, cuz, like I said, I's, um, I mean I know that clearly rolled down just because of . . ya know LaVoy stickin' his head out slightly then I could see, ya know, basically lea-leanin' over . .

Officer 3538: . .ok . .

OFFICER 4: - um, an like I said, then Ryan Bundy was videotapin' with his phone, back-ya know pointin' backwards like that.

Officer 3538: Ok. Um . . .

OFFICER 4: But he (cough) I know that he could hear what I was saying-

Officer 3538: -right-

OFFICER 4: just because of the dialog that we had back in the-back and forth so that we had-

Officer 3538: -I was just gonna ask you that, yeah, any-any question in your mind that you-that he couldn't understand what you were sayin?

OFFICER 4: No.

Officer 3538: [REDACTED]

OFFICER 4: Right.

Officer 3538: Um, do you recall, or was it explained what they were armed with?

OFFICER 4: Uh, no. It sounded-uh, like they were all, whatever ya called 'em, they were all armed with, uh, pistols.

Officer 3538: Pistols? ok, um . . and a shoulder holster that you talked about, uh, you'd seen in the YouTube videos, er?-

OFFICER 4: -um-hum-

Officer 3538: -um, ah, now when you-when you-were describin' reachin', is that-is that a shoulder holster where the pistols underneath their armpits or somethin' else, or in the front?

OFFICER 4: Yeah. It looked like it, um, it basically is just kinda on the-on the side not on the center.

Officer 3538: Ok.

OFFICER 4: On the, basically-where the pistol being almost on the side, kinda-side rather on the front like on a chest harness or-

Officer 3538: -ok-

OFFICER 4: -somethin' like that.

Officer 3538: It was not on the . . um, you're kinda gesturing to your left side, is that woulda been like a right hand cross draw?

OFFICER 4: Whatever ya call it-

Officer 3538: -ok-

OFFICER 4: -whatever ya call it-it appeared that . . he was reachin' . . an this is where I recall it was more or less movement with his right hand-

Officer 3538:-ok-

OFFICER 4: - um, an makin' movement toward it like he was grabbin' for a gun.

Officer 3538: Ok-during the actual . . during the actual shooting?

OFFICER 4: Right.

Officer 3538: Ok. Um let's see . . . so when you, um . . . when you got up to where it had crashed into the snow, where the white Dodge had crashed into the snow?-

OFFICER 4: -um-hum-

Officer 3538: -um, and you come to a stop? You might have heard this, I don't remember, how far away you estimate that you were from the white-the white Dodge, your vehicle?

OFFICER 4: Roughly about 40 yards, I think-

Officer 3538: -ok-

OFFICER 4: -35. . .

Officer 3538: -roughly-

OFFICER 4: -any-an between 'bout 30 an . . 30 40 yards somewhere around-right around there.

O: Ok.

OFFICER 4: Kinda hard-I mean, ya know, lookin' back an-an when I was even there on scene, I don't even . . . really-I never paid too much attention, probably about-is-is about . . 30, 40 yards?

Officer 3538: Ok. Um . . you posted at the A pillar.

OFFICER 4: Um-hum.

Officer 3538: Um . . and-I'm not familiar with HK91, it's a .308-did it have an optic on it?

OFFICER 4: Yes. It has a . . . a 2 ta 7-

Officer 3538: -ok-

OFFICER 4: -power scope on it.

Officer 3538: Ok.

OFFICER 4: Like it was close enough that I can see with the naked eye and obviously close enough to hear what he was sayin' uh, but I could see with a naked eye, uh, an that was kinda because I was actually not in my scope the entire time, um . . . so I could actually, ya know, observe everything-what's goin' on, as far as lookin' over the top of the rifle.

Officer 3538: Right.

OFFICER 4: And then I could-the first (inaudible) basically could see-obviously see was his hands and everything that now was the-the reason why I actually went . . . uh, started goin' for my safety and actually . . . uh, tried to get it off an then go into the optic just because I could see-

Officer 3538: -ok-

OFFICER 4: that movement just with my naked eye.

Officer 3538: Ok. An then, wh-wh-when you went in-in the optic-

OFFICER 4: -um-hum-

Officer 3538: -um, describe what you saw then.

OFFICER 4: Yeah, so basically, right as I'm kinda gettin' . . . I-I remember his hand goin' . . . like almost . . . like you basically pulled his coat open, more or less, uh, an then you could definitely see his . . . go inside. At that point, I mean it happened so . . . quick, I'm still tryin' ta get my safety off and-

Officer 3538: -ok-

OFFICER 4: -get in-into the scope about the time that transition period of like-

Officer 3538: -ok-

OFFICER 4: -kinda losin' sight of him an then I hear the shots go off and then as I'm gettin' on-on and with my safety off, he'd basically fallen through-

Officer 3538: -ok-

OFFICER 4: -my scope.

Officer 3538: So when you saw him grab his coat and reach in, that was over the top of your optic and not through your optic?

OFFICER 4: Right.

Officer 3538: Ok . . . um, and . . . Officer 3 was in close proximity to . . . Finicum?

OFFICER 4: Um-hum.

Officer 3538: He said-uh-he was in danger, wha-what were you . . . what-what was he in danger of?

OFFICER 4: Well, Officer 3 was the closest to . . . uh, out of all the officers and agents on scene there?

Officer 3538: -um-hum-

OFFICER 4: -he was the closest in proximity to Finicum and it appeared that basically he-uh-Finicum-knew exactly where he was and it was basically facing his direction, um, an, once they completely squared up to him, as if you and I are talkin' face to face, like, um, squared up enough to know that he-and close enough-that he could see that he definitely knew he was there and then I felt that he was going for his gun to engage Officer 3.

Officer 3538: Ok. . . um (12 seconds pass) How-um, so . . . just kinda the night before, how much sleep did you get the night before . . . this operation?

OFFICER 4: Uh, quite a bit cuDCSO 4: I was actually still at home, so . .

Officer 3538: Ok.

OFFICER 4: Uh, let's see, I think we're . . . um . . . supposed to be at the offices . . at 6 in the mornin'? um . . the day that we went down there, I went to bed probably . . . about 9, so, um, 9 ta . . . I probably got about seven hours I think.

Officer 3538: Ok. Um, as far as tactical experience and training-

OFFICER 4: -um-hum-

Officer 3538: -um, anything before you got hired with the State Police?

OFFICER 4: No.

Officer 3538: Ok. Any military?

OFFICER 4: Nope, just growin' up around guns an hunting, fishing and all that.

Officer 3538: Ok. Ok. I appreciate it.

OFFICER 4: Um-hum.

DCSO 4: I was curious about it, do you-does OSP use lasers at all for designating?

OFFICER 4: Ya-ya know, some u-some of our guys, um, it's just kinda personal preference on if they do or not, um . . .the one-I didn't have one, um, I know Officer 2 doesn't have one . . . and . . . Officer 5 and Officer 7 were on less lethal. . . which . . . yeah, so it's pers-it's personal preference if you have one or not an we do have 'em, some guys have 'em on their guns some don't.

DCSO 4: Did you happen to notice if the FBI guys had lasers or use lasers at all?

OFFICER 4: Yeah, I know they have, uh, lasers on their rifles, um, just because of . . . during that first initial . . . I don't know how many of 'em do, um, just the first initial stop, um, the first time he stopped, I know that . . . the FBI guy that was behind me had came on around-around the door and actually at one point I could see a laser, a red laser down on, uh, ya know, (inaudible) the vehicle back and forth on the-on the driver's side where I was.

DCSO 4: Do you happen to know what color the guys on OSP use? What color laser?

OFFICER 4: Yeah, they're-they're red also.

DCSO 4: All red? Ok. Ok.

OFFICER 4: But, um . . . yeah, I don't-I don't believe anybody from OSP was on my side of the vehicle during that first initial stop because everybody that was in the green van (inaudible) uh, just kinda pullin' over to the right, uh, right behind us, so, I don't know.

DCSO 4: Um-hum-

OFFICER 4: Can't say for sure if anybody came out an came around, I wouldn't think they would just because that was kinda their focus was on that side, um . . .

DCSO 4: Ya know, bein' kinda in a similar field here, the-the gear thing-

OFFICER 4: -um-hum-

DCSO 4: - with the job, did you happen to notice . . . was there uh, what kind of weapons the FBI guys carried? As far as long rifles?

OFFICER 4: Uh, yeah, uh, seemed like they were just from appearance all AR, ya know, usin' AR-15s an pistols.

DCSO 4: Ok. You notice if anyone had, uh, like a .30 caliber AR-10 or anything like that?

OFFICER 4: It didn't-it didn't look like it, I mean they all seemed to be pretty-pretty short and smaller in . . in siDCSO 4:e.

DCSO 4: Ok.

OFFICER 4: (inaudible) closer ta, like a just a normal .223 rifle.

DCSO 4: Ok.

OFFICER 4: And that's just kinda based on magazine . . size.

DCSO 4: Ok.

OFFICER 4: Compared to what a AR-10 is.

DCSO 4: Yeah. All right.

Officer 3538: Um, you had your .308, (inaudible)?-

OFFICER 4: Um-hum.

Officer 3538: -were you carrying a handgun that day also?

OFFICER 4: Yeah, I-handgun.

Officer 16: Can we take a break?

DCSO 4: Yeah.

(end file G1 T35260)

(begin file G1 T35261)

DCSO 4: Alright. Back on recording.

Officer 16: So just to clarify, earlier you said that you came out here twice, and then later on you said a week ago.

OFFICER 4: Um-hum.

Officer 16: Can you please elaborate on that and clarify that?

OFFICER 4: Ok, so, yeah, like I said, um, as far as actually going to Harney County and having any sort of involvement on that anything materializing, I've been down there twice. But, like I said, and clarifying where I said about going down there last week? uh, so initially went down there at beginning of January, well, so that's one time. The second time there was a plan to do something similar to what we recently did this week- it never materialized. We had a briefing here in Bend with nothing but OSP people that would be directly involved with . . the conducting the traffic stop or assisting FBI, um, in any way. After that brief was done, and then the next morning when we met with . . uh, FBI HRT team in Redmond where at that point we found out that basically we're gonna be basically consisting of helping with setting up a roadblock ta not allow anybody to come into their operation center. So, while in route to (inaudible) to fer last week, while in route down there, it got cancelled, so we never even made it down there. So, the second time, actually went into Harney County fer anything involved with this was the beginning of this week on Tuesday.

Officer 16: Ok.

Officer 18: Did anyone ask (inaudible)

Officer 16: Earlier, when you were asked about the-set the vehicles and where you were set up-

OFFICER 4: -um-hum-

Officer 16: -and what the operation or tac plan was going to be . . can you clarify . . to the best of your knowledge, as a team member, what were you there to do?

OFFICER 4: So, from my understanding is that we were there to assist FBI in conducting a traffic stop on . . a vehicle . . or two vehicles, um, basically, is there, uh, during initial briefing, planning more or less is-is what maybe giving input from my perspective on things, but as far as my initial plan or anything like that, uh, it wasn't anything that, uh, came from me or anything like that, it was more or less just as a team member, uh, leading up to the team leaders and everything like that to come up with a solid plan on what-how they wanted it to actually happen, so, it was just more or less I was there as a team member ta . . ya know, kinda put my two cents in.

DCSO 4: Ok.

Officer 16: So, just for clarification, you were not part of the planning team, you were a team member providing input.

OFFICER 4: Correct.

DCSO 4: Ok. And you're referring to your team leaders-Oregon State Police?-

OFFICER 4: -right-

DCSO 4: -or both FBI an?-

OFFICER 4: -uh, both, ya know, FBI, uh, where this took place there's both . . uh, FBI HRT, uh, O-and their team leaders, uh, OSP personnel, such as who would be on a team as well as a team leader, um, and as well, ya know, team leaders for OSP, um, who actually . . . made-made-the-made-the, ya know, final decisions on what-what-how the plan was actually going to occur.

DCSO 4: Ok.

OFFICER 4: On-on everything, (inaudible) just there for-there's other team members in-in the room at the time, um, just basically talkin' back and forth of, ya know, what would be-what would take place if this happened or that happened, different contingencies, but as far as the planning, it was bein' left up to . . um, team . . team leaders.

DCSO 4: Ok.

Officer 16: That's all I got.

DCSO 4: Ok. Is there-is there anything else you think we need to know?

OFFICER 4: . . . oh, I'm sure I left out some stuff.)

DCSO 4: There always is, yeah-

OFFICER 4: -yeah-no, not-not that I can think of.

DCSO 4: Ok. Ok. I'm stopping the recording.

(END OF FILE G1 T35261)

**DESCHUTES COUNTY SHERIFF'S OFFICE**

CASE# 2016-00024205

CASE SUPPLEMENT REPORT 13

83333 West Highway 20

Bend, OR 97701

CONNECTED # 1

CONNECTED # 2

CONNECTED # 3

EVENT	DATE/TIME OF THIS REPORT 1/26/2016 7:18 PM
	TITLE / DESCRIPTION Interview of Officer 7.

DISTRIBUTION			
<input type="checkbox"/> KARLY'S LAW	<input type="checkbox"/> DA	<input type="checkbox"/> DHS	<input type="checkbox"/> JUSTICE COURT
<input type="checkbox"/> MDT	<input type="checkbox"/> JUVENILE	<input type="checkbox"/> KIDS CENTER	<input type="checkbox"/> CIRCUIT COURT
<input type="checkbox"/> USE of FORCE	<input type="checkbox"/> DMV	<input type="checkbox"/> DETECTIVES	<input type="checkbox"/> MENTAL HEALTH
<input type="checkbox"/> PURSUIT	<input type="checkbox"/> OLCC	<input type="checkbox"/> ME	<input type="checkbox"/> ENVIRONMENTAL HEALTH
<input type="checkbox"/> K-9	Other: Harney County DA		

OFFENSES	CTS	STATUTE/DESCRIPTION	ATTEMPT/COMMIT

SUBJECT	SUBJECT TYPE		NAME (LAST, FIRST, MIDDLE SUFFIX)				PRIMARY PHONE	
	ADDRESS (STREET, CITY, STATE, ZIP)						PHONE #2	
	DOB	AGE or AGE RANGE	SEX	RACE	HEIGHT or RANGE	WEIGHT or RANGE	HAIR	EYE
	DL NUMBER/STATE			SSN	ALIAS (LAST, FIRST, MIDDLE)			
	EMPLOYER NAME AND ADDRESS				EMPLOYER PHONE NUMBER			

SUBJECT	SUBJECT TYPE		NAME (LAST, FIRST, MIDDLE SUFFIX)				PRIMARY PHONE	
	ADDRESS (STREET, CITY, STATE, ZIP)						PHONE #2	
	DOB	AGE or AGE RANGE	SEX	RACE	HEIGHT or RANGE	WEIGHT or RANGE	HAIR	EYE
	DL NUMBER/STATE			SSN	ALIAS (LAST, FIRST, MIDDLE)			
	EMPLOYER NAME AND ADDRESS				EMPLOYER PHONE NUMBER			

SUBJECT	SUBJECT TYPE		NAME (LAST, FIRST, MIDDLE SUFFIX)				PRIMARY PHONE	
	ADDRESS (STREET, CITY, STATE, ZIP)						PHONE #2	
	DOB	AGE or AGE RANGE	SEX	RACE	HEIGHT or RANGE	WEIGHT or RANGE	HAIR	EYE
	DL NUMBER/STATE			SSN	ALIAS (LAST, FIRST, MIDDLE)			
	EMPLOYER NAME AND ADDRESS				EMPLOYER PHONE NUMBER			

REPORTING OFFICER DCSO 4	DATE 02/18/2016	REVIEWED BY DCSO 11	2/18/2016 14:30
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DESCHUTES COUNTY SHERIFF'S OFFICE

CASE SUPPLEMENT REPORT

63333 West Highway 20

Bend, OR 97701

CASE# 2016-00024205

NARRATIVE

ATTACHMENTS:

1) Transcription of Officer 7 interview (25 pages)

NARRATIVE:

At approximately 2143 hours, I conducted a digitally recorded interview of Officer 7 at the Deschutes County Sheriff's Office. Assisting me with this interview was Officer 3538, and present for the interview was Officer 18 and Officer 16. A transcription of this interview is attached to this supplemental report. I reviewed this transcription and know it to be accurate. I later downloaded this digitally recorded interview into evidence via DIMS.

END OF SUPPLEMENTAL REPORT

REPORTING OFFICER

DATE

REVIEWED BY

02/18/2016

2/18/2016 14:30

(FILE G1 T35262)

DCSO 4: Ok, we're on recording. I'm DCSO 4 with the Deschutes County Sheriff's Office. It's the 29th of January, 2016 and it's approximately 9:44 in the evening. Ah, we're at the Deschutes County Sheriff's Office. With me is Officer 3538 . . . and, sorry, what's your first name?

OFFICER 7: Officer 7.

DCSO 4: Officer 7? And . .

Officer 18: Officer 18.

Officer 16: Officer 16.

DCSO 4: Ok. . Um, so basically why we're here is we were talking about an incident that occurred over in Harney County a few days ago, uh, I always like to start out with, basically, Officer 7, you're . . experience as a law enforcement officer, um . . how long have you been in law enforcement?

OFFICER 7: [REDACTED]

DCSO 4: [REDACTED]

OFFICER 7: [REDACTED]

DCSO 4: [REDACTED]

OFFICER 7: [REDACTED]
[REDACTED]
[REDACTED]

DCSO 4: [REDACTED]

OFFICER 7: [REDACTED]
[REDACTED]

DCSO 4: Ok. So-so how long have you been with OSP?

OFFICER 7: [REDACTED]

DCSO 4: [REDACTED]
[REDACTED]?

OFFICER 7: [REDACTED]
[REDACTED]

OFFICER 7: [REDACTED]

DCSO 4: [REDACTED] [REDACTED] [REDACTED] [REDACTED]

DCSO 4: - [REDACTED]

DCSO 4: Ok.

DCSO 4: An how long have you been on O-Oregon State Police's Swat Team?

OFFICER 7: [REDACTED]

DCSO 4: [REDACTED]

DCSO 4: Ok. Is there any other kind of tactical training or experience before that, either in law enforcement, another tactical team or military?

OFFICER 7:

DCSO 4 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

OFFICER 7: [REDACTED]

DCSO 4: [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

OFFICER 7: [REDACTED]

OFFICER 7: [REDACTED].

DCSO 4: You've been on? Ok. . . . um, so when did you first come out to Harney County for this . . . I guess, the occupation situation?

OFFICER 7: Uh, this most recent deployment was the first time I've actually made it to Harney County.

DCSO 4: Ok.

OFFICER 7: Uh, we were activated a-a small portion, um, a few days prior, uh, but we were called off in route, shortly after we left Bend.

DCSO 4: Ok. Uh. . so-so when . . when did you go to Harney County this-this one time, this last time I guess?

OFFICER 7: Uh, I wanna s-I believe it was, uh . . . uh, I believe we left . . . Tuesday . . morning?

DCSO 4: Ok.

OFFICER 7: And I don't recall what time. It was in the early morning hours that we went over.

DCSO 4: Ok. What was-what was your mission, fer goin' out to Harney County?

OFFICER 7: Uh, six of us were called up to, um . . . uh, go to Harney County to . . uh, assist the FBI with the situation over there.

DCSO 4: Ok. So-so when you left here, did you know specifically what your mission was gonna be, or did you find out when you got there?

OFFICER 7: Uh-no-we didn't know specifically what-

DCSO 4: -ok-

OFFICER 7: -it was gonna be.

DCSO 4: Ok. So-uh-like I said to the other guys, um, Officer 3538 and I we've been out there, so we've-I've been in the command post there, an out to the . . the . . 395, um, is that where you went? The command post, ta get a briefing, or ta learn what you were there for?

OFFICER 7: Yeah, uh, the first time we were activated-an I-I can't recall what day it was. It-it was a few days prior, um, we were briefed on what our roll . . could possibly be an that was to assist with a-a vehicle stop.

DCSO 4: Ok.

OFFICER 7: So we had rehearsed various scenarios with the vehicle stop, um, however, once we were in route we got called off, the-the first time.

DCSO 4: Um-hum.

OFFICER 7: Um, al-what I recall with the second deployment was, um . . uh . . same team, same general . . overall description of the mission.

DCSO 4: Ok.

OFFICER 7: But there wasn't any . . any talk, uh, there wasn't like a-a long briefing when we deployed the second time. It was basically-

DCSO 4: -ok-

OFFICER 7: -ok, we're activated again an it's for the same role that you guys were briefed a few days ago.

DCSO 4: Ok. So, when you got to the command post, was there some kind of . . operational plan, or someone described exactly what the plan was gonna be . . for that day?

OFFICER 7: Yes, uh, Officer 6 an some of the other team leaders , um . . . uh, they worked on an op-operation plan, um, as far as, uh, uh, a vehicle takedown if it were to happen . . and then uh . . work through various contingencies. . . . and I was present in the room, but I-I didn't hear all of the planning or anything like that.

DCSO 4: Ok. Well, I-I was assuming at one point once the plan was kinda finalized, they'd present that plan to the-the team.

OFFICER 7: Correct.

DCSO 4: S-you remember what the final plan of the team was?

OFFICER 7: I-I don't remember, um, all the . . all the aspects of it. I remember my assignment-

DCSO 4: -um-hum-

OFFICER 7: -um, an-an the overall plan, um, was going to be . . uh. . . stopping, uh, two vehicles, um . . . while they were in route from the refuge, um . . an all I recall being told was-was, uh, they were going to a meeting in Grant County.

DCSO 4: Ok. . . . What was your understanding of who was over all in charge of the mission. Who's in control of the mission?

OFFICER 7: I recall being told that-that we in-in a assisting role for the FBI.

DCSO 4: Did they give you any kind of, um, intelligence . . as far as, um, the targets, I guess, involved, or . . threats, anything like that?

DCSO 4: Ok. . . .so, wha-what was your specific role? What was your . . your part of the mission?

DCSO 4: Ok. So, what vehicle were you-were you driving a vehicle that day?

DCSO 4: Ok. . . . so was it you and two FBI . . operators?-

DCSO 4: -in that vehicle?

DCSO 4: You happen to remember their . . . names?

DCSO 4: Ok.

DCSO 4: Ok.

000417

DCSO 4: Ok . . . and, so what was-what was the mission that he described where it was gonna happen an where did you go? When did you go there?

OFFICER 7: Um, I was . . . I was assigned, uh, to . . . um, be . . . the . . . uh, less lethal person, um, so I had-I was assigned to take our 40 mm multi-launcher and I would be there to provide, uh, less lethal option should it be needed, um . . . the . . . I can't recall the name of-it was a snow park that was the staging area for us, uh, but I can't remember the name of it, um . . . all the-the the vehicles that were gonna be involved in the stop, uh, staged at that location and then we basically, um . . . geared up, made sure everything was ready to go . . . and uh . . . and then we just waited on . . . um . . . information from our command on the location of those two target vehicle we were lookin' for.

DCSO 4: Ok. Uh, do ya remember where your vehicle was, I guess, in the lineup?

OFFICER 7: I . . . I don't recall.

DCSO 4: Ok.

OFFICER 7: For sure.

DCSO 4: You remember how many vehicles were. . . maybe ballpark, I guess?

OFFICER 7: Fer the. . . um . . . fer-as far as the takedown vehicles that were gonna be assigned ta effect the arrest there was four vehicles .

DCSO 4: Oh, ok, ok . . . so-so what happened?

OFFICER 7: Uh, we . . . we staged there, um, I can't -I don't recall for how long, uh, we were given periodic updates of, uh, um . . . approximately how far away the two vehicles were from our location . . . and as they got clo-as the . . . vehicles got closer to our location we moved from the staging area at the snow park, um, down the-the roadway to the main road, up to the main highway.

DCSO 4: Ok.

OFFICER 7: And, um . . . from there we just, uh, waited until both vehicles went by going northbound.

DCSO 4: Ok. And then what happened?

OFFICER 7: Uh, we pulled out, um . . . uh, got in behind the vehicles, um, I recall hearing radio traffic that we were going to effect the stop, um . . . our vehicle an, um, I believe all of 'em, um, activated their red and blue lights, and uh, the . . . Jeep-the closest vehicle to us, um, stopped and, uh, the two agents, myself and Officer 6 and . . . I believe it was Officer 4 in the other vehicle, um stopped with us. I noticed that the white, um . . . I think it

was a Dodge pickup, uh, was a considerable ways up the road, um . . that so the remaining two vehicles with us went around us and continued on, um to effect the arrest of the people in the white truck.

DCSO 4: Ok. So your vehicle stayed with the-the Jeep?

OFFICER 7: Correct.

DCSO 4: Ok. S-wh-what was the other vehicle with-with you guys at the Jeep?

OFFICER 7: I think it was the, uh, one of our-it was our brown Dodge pickup, I believe.

DCSO 4: Ok. . . . alright. So do you remember-

OFFICER 7: -I-

DCSO 4: -where the Dodge was, where your rig was?

OFFICER 7: Yeah, an I-I have a correction with that, uh, in the brown Dodge I believe was Officer 6 and Officer 8, not Officer 6 and Officer 4.

DCSO 4: Officer 6 and Officer 8.

OFFICER 7: Officer 6 and Officer 8.

DCSO 4: Ok. Alright. So'd you remember who was like in the inside position?-

OFFICER 7: -um-hum-

Z; -who was on the outside?

OFFICER 7: Yes, I, uh, we were . . . um . . our vehicle was positioned closest to the northbound shoulder.

DCSO 4: Ok.

OFFICER 7: Um, our brown truck with Officer 6 and Officer 8 was just off to our left, um, kinda near the centerline area.

DCSO 4: Ok. You mentioned . . the red and blue lights, um, do you remember what was in your vehicle? Wh-wha-fer as a far as red and blue law enforcement lights?

OFFICER 7: Yes, it was, uh, it was a small light bar, uh, kinda of a portable light bar with suction cups, um, that-it was the FBI's and they . . . they attached it to the front windshield prior to us .

DCSO 4: Ok. You remember if it was like up high, or . . where is it on the windshield?

OFFICER 7: No, I believe it was, uh, kinda down towards the dash area.

DCSO 4: Ok. Was there anything else like wig wags or, the siren or anything with your rig?

OFFICER 7: Not that I know of. I never-

DCSO 4: -ok-

OFFICER 7: -saw any other lights or heard a siren in that-

DCSO 4: -k-

OFFICER 7: -in that truck. It wasn't one of ours. I wasn't . . . familiar with it.

DCSO 4: Ok. You remember . . . lights on the brown Dodge, or, what kind of lights that had on?

OFFICER 7: Uh, no, I-I didn't really pay attention to it, my-I-my focus stayed on the Jeep and the occupants through the whole thing.

DCSO 4: Ok. So . . . um, you and the brown Dodge, your-your vehicle and the brown Dodge are stopped with the Jeep, so what happened with the Jeep? What was the course of events there?

OFFICER 7: Uh, I recall, I believe it was Officer 6, um, uh, started with commands to the driver, um, um . . . typical felony ca-car stop commands. I had him step out, face away from us, had-keep his hands up, and um, brought him back, uh, in between the two vehicles, uh, towards the front and I didn't really watch but one of those two took him into custody.

DCSO 4: Ok.

OFFICER 7: And I just stayed focused on the passengers in the Jeep.

DCSO 4: Ok. What happened after the driver was in custody.

OFFICER 7: Uh, Officer 6 asked that I take over commands, um, and bring them out the- the, uh, passengers side of the Jeep.

DCSO 4: Ok.

OFFICER 7: Um, which I did. I started, uh, the-with the right rear passenger, which who I recognized as, uh, Ammon Bundy, um, give him commands to exit, keep his hands up, turn away, he followed all the instructions, um, I . . . instructed him to come back, um, uh, to the general-same general location as the first gentleman-the driver, um, in

OFFICER 7: Yes.

DCSO 4: From . . fr-from-from other briefings or internet or news or how-how did you know about the people?

OFFICER 7: Well, um, I knew about, uh, in our initial . . .um, briefing in Bend, um, a lot of the-a lot of the main player's names, um, were in the briefing along with their photos, and then various times of um, watching internet YouTube videos and I-I recognized some of the people whose names were given.

DCSO 4: Ok. So the initial briefing from . . the mission that did not go?

OFFICER 7: Correct.

DCSO 4: Ok. Um, so what did you know about some of the people, as far as weapons that you'd seen, anything as far as them being armed or anything like that?

OFFICER 7: Uh . . . well the . . what I recall specifically fer-fer me was, um, I had seen-I knew that, uh, uh, Finicum had-I had seen him in videos carr-ya know, holding rifles an-and having a . . .handguns, um . . and then . . my recollection is that-that's the one I remember seeing, ya know, like firsthand videos and stuff of-the others were . . . um, just information from the briefing, that these . . these people in this vehicle are, ya know, um are possibly armed with firearms.

DCSO 4: Ok. An do you remember who was briefed to you as far as the white vehicle? Who-who's in the white vehicle?

OFFICER 7: Uh, yes, mostly. I-I know for sure I remember being told that, um, Finicum was in the white vehicle, um and I believe, uh . . . um . . . Ammon's brother, um, Ryan or Brian Bundy, um . . and I recall knowing, uh, from the briefing that Ammon would be in the Jeep, uh, with Buddha, the-the the person I know as Buddha-

DCSO 4: -um-hum-

OFFICER 7: -I don't-I don't know his real name or I can't remember it. . . um and I . . . didn't recognize the name of the driver.

DCSO 4: Ok.

OFFICER 7: An I-I can't even recall the driver's name now.

DCSO 4: Ok. So back to your traffic stop, an movin' the people, um, do you recall if you're able to see the white truck?

OFFICER 7: Yes.

Z: Do you remember h-'bout how far away it was?

OFFICER 7: I-I'm gonna estimate . . . 150 yards . . roughly, um and I-the only reason I recall that is I-I recognized that we had a pretty bad crossfire issue, um I called it out to Officer 8, um . . roughly 150 yards, just a guess.

DCSO 4: Ok. Alright. . . so, you-your team . . got everyone removed from the Jeep.

OFFICER 7: . . .Yes. (inaudible)

DCSO 4: Ok. Did then-then happened? Were people . . taken into custody an . . restrained, or? . .

OFFICER 7: Yes, exactly.

DCSO 4: Was it cleared?

OFFICER 7: Um . . . well . . . two were taken into cu-when the first two were taken into custody around that time, we saw the white truck take off.

DCSO 4: Ok.

OFFICER 7: And continue northbound and both the vehicles that were our vehicles that were with it continued after it. . . um. . . and that was in the interim, I believe . . between the second and the third occupant being taken into custody is when the truck took off.

DCSO 4: Ok. . .so's that between, uh, Ammon and Buddha?

OFFICER 7: Correct.

DCSO 4: Ok. Ok. So, do you remember hearing anything . . uh, either vehicle noises leaving or anything over the radio . . when the white truck left?

OFFICER 7: Yes, I recall something being-coming over the radio, um . . about the white truck taking off, but I-I also saw it-

DCSO 4: -ok-

OFFICER 7: -as it was taking off.

DCSO 4: Ok. So-so so then what happened? Wi-with your . . I guess you have three guys now in-in custody?

OFFICER 7: We-at that time when the white truck takes off we have the first two, uh, the driver and Ammon Bundy. . . um . . . and it was just a short time later, uh . . . let me back up-before the white truck took off, I recall, I believe it was Officer2, asking, uh, for the 40mm.

DCSO 4: Ok.

OFFICER 7: Um, at their location. . . um, I recall s-putting something out over the radio to the fact that we still have one occupant in our vehicle that we had ta . . take into custody first. . . and it was shortly after that, before we had taken the third person into custody, when the white truck took off.

DCSO 4: Ok. Ok.

OFFICER 7: Uh, an then we continued-we got the third person into custody, um, it was, uh . . . a short time later, um, I-there was some radio traffic about, uh, uh, needing the less lethal, um, which I was-

DCSO 4: -that-that's when-the white truck left?

OFFICER 7: Yes-

DCSO 4: -ok-

OFFICER 7: -um, within . . a few minutes, um, and so . . the two agents an I-um, I told them that we needed ta go, that they were requesting, um . . less lethal. The two agents and I got back in our vehicle . . an . . um, continued northbound to the . . secondary-

DCSO 4: -ok-

OFFICER 7: -scene.

DCSO 4: And the-the custodies stayed back with the other vehicle, or?

OFFICER 7: Yes-

DCSO 4: How did that work?

W- there was . . uh, um . . I believe that . . uh, we went first, um, an I-as far as when the brown truck and, uh, left and who the custodies were left with, I don't . . I don't know that.

DCSO 4: Ok.

OFFICER 7: They were left with . . someone behind us.

DCSO 4: Ok. Do you remember any . . kind of radio traffic from the other team? Other than requesting the-the 40mm launcher?

OFFICER 7: That's all I recall hearing.

DCSO 4: Ok. . . so. . . so you an the two FBI agents, they're both up front I'm still assuming.

OFFICER 7: Correct. Yes.

DCSO 4: Ok. . . take off-

OFFICER 7: -um-hum-

DCSO 4: -so wha-what do you see? What happens?

OFFICER 7: Uh, we went up the road . . . uh, I'm gonna guess . . . approximately a half mile, and uh . . . um, came upon a scene, I recall, um, uh, Officer 1's . . . I seen Officer 1's vehicle in the roadway . . . um . . . um . . . Officer 2's vehicle was there . . . um, the gray truck, an I believe one other vehicle, um, that wasn't ours. And I recall seeing the white Dodge, um, off the roadway into, on to the . . . shoulder slash bank where it was . . . stuck in the snow.

DCSO 4: . . . Do-do you remember seeing . . . uh, specific people you knew in certain places? . . . or doing something?

OFFICER 7: -uh-

DCSO 4: -basically, what was goin' on?

OFFICER 7: Initially, I-I I don't recall who was where, uh, there was-there was, um . . . uh, several-a few of our members, several FBI members that I don't know, um, I just remember immediately getting out of the back of the truck . . . and going to . . . uh, one of the gray vehicles that was parked in the roadway and getting behind that vehicle as-to use it as cover.

DCSO 4: Ok. And, so, wha-like-a gray-so-uh-did you see, um, stop sticks, or spikes across the road?

OFFICER 7: I . . . don't recall . . . seeing those.

DCSO 4: Ok, so-so the gray vehicle you went to, was it part of the . . . the roadblock . . . vehicles? . . . or . . . part of the vehicles that . . . were with, I guess, the-the . . . takedown teams?

OFFICER 7: . . . Uh, ul-initially, I don't know . . . um, um, I recall two vehicles being faced south.

DCSO 4: Ok.

OFFICER 7: Generally . . . um, I recall Officer 2's vehicle, uh, I believe it was still-it was still facing north, uh, but I can't recall exactly where in the roadway . . . um, and I just remember . . . going immediately to . . . I believe it was ta the . . . gray, one of the gray pickups facing southbound.

DCSO 4: Ok.

OFFICER 7: It was already, um . . . a few, uh, members, I-I don't know if it was HRT or us, um, there was a few members already behind that vehicle usin' it as cover and that's where I went directly to.

DCSO 4: Ok . . . so, when you got there to this gray vehicle, you recall . . . um, any gunshots or less lethal being fired or commands being given, anything like that?

OFFICER 7: I heard-I heard a lot of . . . um, I didn't hear any gunshots, um, there was multiple people, um, yelling commands at the truck. I can't tell you who was yelling what though.

DCSO 4: Ok.

OFFICER 7: Uh . . . and as far as, um, . . . less lethal, I . . . I believe when I got there, the right front passenger window, um, was broken and I assumed by . . . one of the other member's 40mms.

DCSO 4: Ok. . . . so-so what happened . . . next?

OFFICER 7: Uh, I recall seeing, uh, an individual that I recognized as being Mr. Finicum, um, he was lying, um, in the snow, uh, generally to the rear of his vehicle . . . uh . . . I recall . . . uh, Officer 6 arriving shortly thereafter and I recall Officer 6 asking one of the FBI agents . . . uh, something to the effect of . . . what's the status, or something to that effect, referring ta Mr. Finicum, an I recall the FBI agent stating something to effect of he's down hard, which . . . we all-er I interpreted as he had been shot.

DCSO 4: Ok. so what-what happened next?

OFFICER 7: Uh, there was, um . . . I-I was being told-I-an I don't-I can't recall by who, one of-I believe-one of the agents near me, um . . . there was still people . . . in the vehicle not coming out.

DCSO 4: Um-hum.

OFFICER 7: Um . . . one of the agents . . . I don't recall the verbage he used, but he . . . asked me ta put, um . . . 40mm . . . uh, less lethal rounds, um, into . . . the vehicle . . . I . . . uh, made eye contact with Officer 6, um . . . and, uh . . . verbally-I don't . . . remember what

words exactly I used or he used but I . . um, got verbal confirmation from him that I was ok to do that.

DCSO 4: Ok.

OFFICER 7: Um, and I then, uh, targeted the . . . the area where the dash meets the front windshield and I believe I fired six rounds into the . . . dash slash windshield area through the broken . . right front window.

DCSO 4: Ok. Is that the . . right front passenger window?

OFFICER 7: Correct.

DCSO 4: Ok. . . now is that-are all those 40mm?

OFFICER 7: Yes.

DCSO 4: You remember what-what kind of . . less lethal-what kind of munition it is?

OFFICER 7: Yeah, those, um, were 40mm, um, they're, uh, direct fire non-lethal rounds, these particular ones were filled, um, with, uh, OC powder.

DCSO 4: And w-what do those look like? Can you describe those rounds?

OFFICER 7: Uh, yeah, they-they have a-an aluminum casing, um . . uh, there's a . . kind of a black, it-um, the collar area and then these particular rounds the um . . the cartridge itself and the-the tip are all painted orange.

DCSO 4: Do-do you recall firing any of the-I guess the blue sponge rounds-impact rounds at all?

OFFICER 7: I-initially, I did not.

DCSO 4: Ok.

OFFICER 7: Uh . . I may have, um, fired . . blue-we call 'em blue tips, um, same cartridge but no OC powder, later.

DCSO 4: Ok.

OFFICER 7: But initially, I . . I'm certain the first six were all the orange tips.

DCSO 4: Ok. All the same . . spot, the dash . . windshield?-

OFFICER 7: -correct-

DCSO 4: -ok-

OFFICER 7: -yeah.

DCSO 4: Ok. Did that have any effect? What happened with that?

OFFICER 7: I-I I don't know what effect it had initially on, uh . . on the people inside, um, the in-intent was just to introduce that powder into the cab, um, and try an get them to . . come out.

DCSO 4: Ok, um, an-an I think you mentioned . . . someone was giving commands, or people were giving commands . . um, do you remember what the commands were? Any specifically, or generally?

OFFICER 7: I-I recall, um . . the general commands I kept hearing were, ya know, let me see your hands, step out of the vehicle, uh, but I can't tell ya who was saying it or . . what-I mean it was being yelled by multiple people all around me.

DCSO 4: Ok. You remember any . . .anybody using any diversion devices? . . . like flashbangs or?

OFFICER 7: I . . I don't recall . . I don't recall diversions bein' used when I was there.

DCSO 4: Ok.

OFFICER 7: Or-by the time I got there.

DCSO 4: Ok. So-so what happened after, you fired, six rounds OC? (inaudible)?

OFFICER 7: Um . . I recall, uh . . I believe it was Ryan Bundy, um, he exited-the vehicle . . uh, an FBI agent to my left took over commands, um, and he was, um, ordered to keep his hands up an-an or-or ta come over towards our location, um, at that vehicle, which he did. He complied and he was taken into custody then.

DCSO 4: Ok. Then. . .then what happened?

OFFICER 7: Um . . .there was-there was delay, uh, I believe-I had-I had reloaded, I didn't, uh, ejected the empty casings from the multi launcher, um, I believe I put six more orange tips in, uh, there was a delay, uh, where no one had . . . no one was coming out of the truck, um, I recall putting . . uh, firing more rounds into the same location, uh, the front dash slash wind-front window area but I don't recall how many rounds I fired on that second . . . um, deployment.

DCSO 4: Ok.

OFFICER 7: Uh, shortly after that, uh . . I recall one of the females, uh, coming out, um, I-I believe it was the same FBI agent next to me . . um, that was giving the commands, um, I-I believe it was the younger female, um, she was taken into custody, put behind

me somewhere, um, and then shortly after that, um, the older female came out of the truck, uh, an I don't recall who was giving her commands if it was the same FBI agent or not.

DCSO 4: Ok. . . . so-so where are all. . where the-the custodies? Where the two females and male-where they're being kept?

OFFICER 7: They were . . generally behind me, um, towards the-towards the shoulder of the road-

DCSO 4: -ok-

OFFICER 7: -behind me, but I-I don't know . . I can't remember exactly where.

DCSO 4: They're not in a vehicle, or outside somewhere?

OFFICER 7: No, I recall them being put on the ground, uh-

DCSO 4: -ok-

OFFICER 7: -we-they were moved behind the vehicle, um . . but I don't recall exactly where, but they were put on the ground. I just-I just recall glancing back and seeing them seated behind me.

DCSO 4: Ok. Ok, so after three are outta the vehicle, what-what happened next? Or is four-sorry-including . . Finicum.

OFFICER 7: Uh, the next thing I remember is, um . . . I was requested, uh . . . or I was asked if I could, um, port the right rear window, so that, uh, we'd be able ta see if there was anyone-any passengers left, um, in the-in the ba-in the backseat of the truck that weren't comin' out.

DCSO 4: Ok.

OFFICER 7: Which I did.

DCSO 4: Ok.

OFFICER 7: -uh-

DCSO 4: -what-what did you use to do that?

OFFICER 7: Uh, I fired two more rounds . . um, from the multi launcher, um, at that point, uh, I-I was out of the orange tips so I had . . . borrowed . . uh, or I had taken some extra rounds from Officer 5, um, and it was a mix of blue an orange tips . . an I-so I don't

recall, I-I don't know if it was blue or orange tips that I fired into the right rear window, but it was one of the two.

DCSO 4: Ok.

OFFICER 7: Because they were mixed.

DCSO 4: Or coulda been one and the other, maybe? One of each, or?-

OFFICER 7: -It coulda been-

DCSO 4: -can ya-ok-

OFFICER 7: -yeah, yeah-

DCSO 4: -in the . . just two? or about two?

OFFICER 7: I recall firing only two rounds into the right rear window.

DCSO 4: Ok.

OFFICER 7: Just enough to break the glass out so we could see in it.

DCSO 4: Ok. So-so wha-what next?

OFFICER 7: Um, I . . I didn't-I don't-didn't see anyone else in the backseat, um . . I recall . . two people, um, one of 'em I know wasn't one of our guys, I think it was an FBI, the second one I don't recall, I just . . kinda saw it outta my peripheral, um, I just recall two going up with a shield . . um, and clearing the passenger compartment, um . . and then . . roughly around that same time I recall seeing, uh, one of the agents break out the rear canopy window with a sledge.

DCSO 4: Ok. So agents being FBI, or?

OFFICER 7: Correct.

DCSO 4: Ok. Was anybody else firing less lethal rounds that you know of?

OFFICER 7: Not that I recall while I was there.

DCSO 4: Ok.

OFFICER 7: Um . . n-now that it coulda been possible while I was reloading, um, after I fired my initial six, uh, but . . I don't recall hearing any other 40 rounds fired. That doesn't mean they weren't but I don't recall hearin' that.

DCSO 4: Ok . . um, so . . at least your initial rounds, did they-as far as you know all go inside?-

OFFICER 7: -yes-

DCSO 4: -the vehicle? You know if any hit . . like the outside or the mirrors or anything like that?

OFFICER 7: I don't believe so. I believe-

DCSO 4: -ok-

OFFICER 7: -they all went . . I could see them, um, bursting . . on, ya know, on top of the dash area.

DCSO 4: Ok.

OFFICER 7: I believe all six went in.

DCSO 4: Ok. . .um, so it sounds like they-they cleared the interior . . or the passenger compartment of the vehicle?

OFFICER 7: Yes.

DCSO 4: Ok. Wh-what happened then?

OFFICER 7: Uh, I-I just recall seeing, uh, two people, um, go up, I believe it was on the driver's side with, uh, one would've-was runnin' the shield, um . . uh, an-but I don't-I don't remember who exactly it was, um, they had-they cleared the passenger compartment, and then the . . the agent, uh, with the sledge, uh, broke out the rear window-

DCSO 4: -um-hum

OFFICER 7: -of the canopy and checked the bed area.

DCSO 4: Ok. So, did someone . . call out it's all clear, er?

OFFICER 7: I don't recall what was called out. I know that, um, whatever it was, it lead me to believe that the vehicle was clear.

DCSO 4: Ok.

OFFICER 7: But I don't recall what was actually said.

DCSO 4: Ok. You remember anything happening next?

OFFICER 7: Uh, the only thing I-I recall seeing, uh . . . I-I can't tell ya exactly how long afterwards, um, from the last custody an when they cleared the car, um . . . the next thing I recall-I recall seeing . . . um, some-what looked like some, uh . . . some officers working on Mr. Finicum.

DCSO 4: Um-hum.

OFFICER 7: Uh, providing aid, uh . . . and that's really about all I recall as far as the scene itself, um . . . shortly thereafter, I was . . . uh . . . asked to-we-uh, Officer 6 had told me that there was . . . um, motorists, uh, southbound motorists that were stopped, um . . . approximately a couple hundred yards north of our location, uh, he handed me a notebook and instructed Officer 4 and I to go . . . uh . . . identify those people and get any witness statements if they had observed anything.

DCSO 4: Ok. . . . So, how long did you remain at th-that scene?

OFFICER 7: I don't recall exactly how long, um . . . I . . . I interviewed the first veh-the occupants of the first vehicle, um . . . I . . . when . . . when that was done, I recall going back, um . . . at what point I was told . . . that . . . Officer 2, uh, was one of our shooters, one of the officers that had-that had shot, um and requested to, um, just stay with him as his buddy officer, which I did and then, uh, later I was asked to secure his rifle, which I did.

DCSO 4: Ok.

OFFICER 7: And . . . I-I I don't know long it was we remained on scene, um . . . it was a while, uh, I had some contact with, uh . . . Officer Y, um, and I was instructed to drive Officer 2 . . . uh, ultimately back, um, to Bend . . . uh, Officer Y, Officer 2 an I got into . . . Officer 2's truck, and I believe we stopped at the command post . . . and, um, Officer Y was dropped off and I ultimately drove Officer 2 . . . back here . . . to Bend.

DCSO 4: Ok. So when you say you secured . . . Officer 2's rifle, wh-where'd ya secure his rifle?

OFFICER 7: Um, I removed the magazine, uh, ejected the round that was chambered at the time, um, locked the bolt to the rear, rendered it safe. The rifle was put, I believe I laid it on the back floorboard . . . um, the magazine I put on the seat and the round that was chambered that I ejected I put in my right front pocket.

DCSO 4: Ok.

OFFICER 7: Um, but as far as securing it, that's as far as I went.

DCSO 4: Ok. An, wh-what kinda rifle . . . is that?

OFFICER 7: It's a . . . an-it-it's an AR10 platform, um, .308 caliber rifle.

DCSO 4: Ok . . . An those both-the-the rounds in the rifle just came back here with you guys to Bend?

OFFICER 7: Correct.

DCSO 4: Ok. And then I'm assume-those got handed over to somebody?

OFFICER 7: I-I I turned those over to Detectives, um, here.

DCSO 4: Ok. Ok. . . alright. . . was it, um, an-an like ya said its hard ta keep track of how long you're out there, was it st-was it still light out, or dark out when you guys left?

OFFICER 7: I recall it being . . . I recall it getting dark . . . um . . . I recall having to use the headlights-

DCSO 4: -ok-

OFFICER 7: -on the truck-

DCSO 4: -ok-

OFFICER 7: -um, but I can't tell ya exactly how long I was there.

DCSO 4: Alright. Do you remember . . . any other vehicles leaving . . . before you left, or even with you, maybe?

OFFICER 7: . . . Not that I recall.

DCSO 4: Ok.

OFFICER 7: Ther-there may have been other vehicles that left behind us, or before us, but I don't know who they were.

DCSO 4: Ok. Did you-you have other weapons with you, other than the 40 . . . mm launcher?

OFFICER 7: Yes.

DCSO 4: What did you have with you-your weapons?

OFFICER 7: I . . . I had, uh, an AR15, um . . .there was-was issued to me . . . um, a Smith an Wesson M&P that was in a holster on my hip . . . and . . . I believe those were the only firearms I had.

DCSO 4: Ok. Did you fire any weapon other than the . . . 40mm one?

OFFICER 7: No.

DCSO 4: Ok. Do you know anybody else that fired a weapon there?

OFFICER 7: Yes.

DCSO 4: And are ya able to tell me who else you know fired a weapon there?

OFFICER 7: I-I was just told, uh, approximately the same time I was told that Officer 2, uh, was one of the involved officers that fired. I was also told that Officer 1 was one of the-the officers-

DCSO 4: -ok-

OFFICER 7: -that had fired.

DCSO 4: Was it at the scene, you learned that?-

OFFICER 7: -yes-

DCSO 4: -ok-

OFFICER 7: -yeah-

DCSO 4: -ok. . an, um, while you're there at the scene, did you happen to see any kind of spent brass or cartridge casings . . anywhere at the scene, in the snow, on the road?

OFFICER 7: No.

DCSO 4: Ok. Did you happen to notice anybody . . picking anything up? . . . um, anything . . like brass?

OFFICER 7: No, I don't recall really-

DCSO 4: -ok-

OFFICER 7: -seein' anything like that.

DCSO 4: Ok. . . Officer 3538?

Officer 3538: I just have a couple follow up questions, Officer 7.

OFFICER 7: No problem.

Officer 3538: So, how about rest the night before? um . . talk about that.

OFFICER 7: UhI-I ca-don't recall exactly how much. I mean, I did sleep, um, I'm gonna s-I know it was at least . . . uh. . . at least four hours, five hours.

Officer 3538: Ok. So you felt rested for . . this operation?

OFFICER 7: Yes.

Officer 3538: Ok.

OFFICER 7: Yeah.

Officer 3538: Uh, an you've been a-in law enforcement . . working [REDACTED] [REDACTED]

[REDACTED] You've done-

OFFICER 7: -correct-

Officer 3538: -I'm assuming a lot of traffic stops.

OFFICER 7: Yes.

Officer 3538: Um . . . an . . tell me about any additional safety concerns that you have . . um, when there's known armed people in a vehicle that you're stopping.

OFFICER 7: . . . as . . well-

Officer 3538: -are there any additional safety concerns?

OFFICER 7: Yeah-well yes, um, know number one is, um, to-that we try an maintain a position of cover, um, just in case anyone . . does shoot at us from the vehicle or while they're coming out of the vehicle.

Officer 3538: Ok.

OFFICER 7: Um . . . and the only other . . if-the only concern-or my job basically that day was if . . if we were presented with any other, um, resistance, uh, that did not warrant deadly force that-that was my job was with the 40mm.

Officer 3538: Ok. Ok. So were you on primarily with the-the multi launcher?

OFFICER 7: Correct.

Officer 3538: Ok.

OFFICER 7: Yes.

Officer 3538: Got it. So that was your primary weapon?

OFFICER 7: Yes, my rif-

Officer 3538: -your assigned role?-

OFFICER 7: -my AR15 stayed on the seat.

Officer 3538: Copy that. Ok. Ok. I think that . . . I think that's all I had.

DCSO 4: Anything else. . you think we need to know, or any questions you guys want elaboration on?

Officer 16: I've got a couple clarifying questions.

DCSO 4: Do you wanna break? Are you good?

Officer 16: No, I'm good.

DCSO 4: Ok.

Officer 16: Um, you said earlier that . . . you had intel that the white truck occupants were armed, but the Jeep . . you don't recall.

OFFICER 7: Correct.

Officer 16: Is it possible . . that you had intel, ok? more . . individuals in that Jeep could have been armed?

OFFICER 7: It's-yeah-it's total-completely possible. I just don't-I don't specifically recall that, but I do recall that about . . the white . . truck.

Officer 16: Ok. And you said without incident, in the Jeep. Was anyone found to have a weapon on him?

OFFICER 7: Yes, um . . . the only person that I . . observed with a weapon-what I recall was the driver, uh, I recall seein-I believe he had a pistol on his right . . hip, on-in his hip area, um, the-the other two passengers . . whether they were armed or not, I don't know, um, but I don't recall seeing . . firearms on those two.

Officer 16: Ok, then one last clarifying question. When you arrived to the actual shooting's location, you said you saw Officer 2's vehicle there and you saw a gray truck. Are those two specific vehicles, or is that the same vehicle?

OFFICER 7: Two specific. A-those are the two that-that I know of. I-I recall . . um . . . two gray trucks that are assigned to our team being there. There was another vehicle that I don't know, it's not one of ours.

Officer 16: Ok. That's all I have.

DCSO 4: Ok. Officer 3538?

Officer 3538: No.

DCSO 4: We're good? Stopping the recording.

(END OF FILE GI T35262)

**DESCHUTES COUNTY SHERIFF'S OFFICE**

CASE# 2016-00024205

CASE SUPPLEMENT REPORT 14

63333 West Highway 20

Bend, OR 97701

CONNECTED # 1

CONNECTED # 2

CONNECTED # 3

EVENT	DATE/TIME OF THIS REPORT 1/26/2016 7:18 PM
	TITLE / DESCRIPTION Interview of Officer 5.

DISTRIBUTION			
<input type="checkbox"/> KARLY'S LAW	<input type="checkbox"/> DA	<input type="checkbox"/> DHS	<input type="checkbox"/> JUSTICE COURT
<input type="checkbox"/> MDT	<input type="checkbox"/> JUVENILE	<input type="checkbox"/> KIDS CENTER	<input type="checkbox"/> CIRCUIT COURT
<input type="checkbox"/> USE OF FORCE	<input type="checkbox"/> DMV	<input type="checkbox"/> DETECTIVES	<input type="checkbox"/> MENTAL HEALTH
<input type="checkbox"/> PURSUIT	<input type="checkbox"/> OLCC	<input type="checkbox"/> ME	<input type="checkbox"/> ENVIRONMENTAL HEALTH
<input type="checkbox"/> K-9	Other: Harney County DA		

OFFENSES	CTB	STATUTE/DESCRIPTION	ATTEMPT/COMMIT

SUBJECT	SUBJECT TYPE		NAME (LAST, FIRST, MIDDLE SUFFIX)				PRIMARY PHONE	
	ADDRESS (STREET, CITY, STATE, ZIP)						PHONE #2	
	DOB	AGE or AGE RANGE	SEX	RACE	HEIGHT or RANGE	WEIGHT or RANGE	HAIR	EYE
	DL NUMBER/STATE			SSN	ALIAS (LAST, FIRST, MIDDLE)			
	EMPLOYER NAME AND ADDRESS					EMPLOYER PHONE NUMBER		

SUBJECT	SUBJECT TYPE		NAME (LAST, FIRST, MIDDLE SUFFIX)				PRIMARY PHONE	
	ADDRESS (STREET, CITY, STATE, ZIP)						PHONE #2	
	DOB	AGE or AGE RANGE	SEX	RACE	HEIGHT or RANGE	WEIGHT or RANGE	HAIR	EYE
	DL NUMBER/STATE			SSN	ALIAS (LAST, FIRST, MIDDLE)			
	EMPLOYER NAME AND ADDRESS					EMPLOYER PHONE NUMBER		

SUBJECT	SUBJECT TYPE		NAME (LAST, FIRST, MIDDLE SUFFIX)				PRIMARY PHONE	
	ADDRESS (STREET, CITY, STATE, ZIP)						PHONE #2	
	DOB	AGE or AGE RANGE	SEX	RACE	HEIGHT or RANGE	WEIGHT or RANGE	HAIR	EYE
	DL NUMBER/STATE			SSN	ALIAS (LAST, FIRST, MIDDLE)			
	EMPLOYER NAME AND ADDRESS					EMPLOYER PHONE NUMBER		

REPORTING OFFICER DCSO 4	DATE 02/18/2016	REVIEWED BY DCSO 11	2/18/2016 14:30
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**DESCHUTES COUNTY SHERIFF'S OFFICE****CASE SUPPLEMENT REPORT**

63333 West Highway 20

Bend, OR 97701

CASE# 2016-00024205

NARRATIVE**ATTACHMENTS:**

1) Transcription of Officer 5 Interview (25 pages)

NARRATIVE:

At approximately 2242 hours, I conducted a digitally recorded interview of Officer 5 at the Deschutes County Sheriff's Office. Assisting me with this interview was Officer 3538, and present for the interview was Officer 18 and Officer 16. A transcription of this interview has been attached to this report. I reviewed this transcription and know it to be accurate. I later downloaded this digitally recorded interview into evidence via DIMS.

END OF SUPPLEMENTAL REPORT

REPORTING OFFICER

DCSO 4

DATE

02/18/2016

REVIEWED BY

DCSO 11

2/18/2016 14:30

(FILE G1 T35263)

DCSO 4: Ok, we're on recording. I'm DCSO 4 with the Deschutes County Sheriff's Office. It's the 29th of January, 2016 and it's approximately . . . uh . . . 10:43 in the evening. We're at the Deschutes County Sheriff's Office. I am with Officer 3538 and Officer 5 and . .

Officer 18: Officer 18.

Officer 16: Officer 16.

DCSO 4: Ok. I never remember those two, so I just have you guys, say 'em . . . um, so reason we're here, um, is because there's an incident happened out in Harney County here recently, um, but before we get into anything like that, I'll just get kinda your-your background as far as law enforcement. So, how long have you been in law enforcement?

OFFICER 5: [REDACTED]

DCSO 4: Ok, and who were you initially employed by?

OFFICER 5: [REDACTED]

DCSO 4: Ok [REDACTED]

OFFICER 5: [REDACTED]

DCSO 4: [REDACTED]

OFFICER 5: [REDACTED]

DCSO 4: Ok.

OFFICER 5: [REDACTED]

DCSO 4: [REDACTED]

OFFICER 5: [REDACTED]

DCSO 4: [REDACTED]

OFFICER 5: [REDACTED]

DCSO 4: [REDACTED]

OFFICER 5: [REDACTED]

DCSO 4: [REDACTED]

OFFICER 5: [REDACTED]

DCSO 4: Ok.

OFFICER 5: [REDACTED]

DCSO 4: Ok.

OFFICER 5: [REDACTED]

DCSO 4: Ok, um . . . currently, wha-what is your job? What is your position on the SWAT Team?

OFFICER 5: I'm a member of the entry team, uh, have recently completed, uh, Explosive Breacher Training and the Range Master for the entry.

DCSO 4: Ok . . . by Range Master, I'm assuming you mean firearms training?

OFFICER 5: Correct.

DCSO 4: Like pistol, rifle . . .

OFFICER 5: Correct.

DCSO 4: . . . an . . . ok . . . um, so what is your-your experience with the-the latest Harney County occupation? Uh, like how many times have you been out there for that, or . . . at all, I guess.

OFFICER 5: I-this last week has been my first actual . . . deployment all the way over to Burns . . . uh, the week before, we were briefed briefly at the, uh . . . Bend patrol office on the events that led to the occupation of the refuge, uh, how a group . . . as-as I recall had branched off from the original, uh, pickets that were related to the Hammonds going back to prison . . . and um . . . the group that had split off was separate from that Hammond incident, uh, we were briefed that we may be used to supplement an FBI . . . task force that would be taking care of the-cleaning up the refuge occupants. Nothing happened and then this week, like I said, we actually got sent.

DCSO 4: Ok, uh, so as far as you knew going out there this week, wha-what was your mission, out there this week?

OFFICER 5: Our mission for this week as I recall was to supplement an FBI task force to take off, uh, a certain amount of targets that were coming from the refuge, being involved with that occupation as they were traveling to another location up in, uh, the John Day area.

DCSO 4: [REDACTED]

OFFICER 5: No.

DCSO 4: Ok. . . . So, you came out ta Harney County this week . . . where'd ya go, what-what happened? Did ya have a briefing, or . . . planning session, anything like that?

OFFICER 5: Y-yeah when we were sent on, I believe it was Tuesday morning, uh, we met here at ou-the Bend office, across the street from here, uh, traveled to . . . Burns and met at the-there was junior high there on A Avenue and that's where the-the command post is for other there, all the tactical things, uh, goin' on.

DCSO 4: Ok.

OFFICER 5: We're linked up with our, uh, counterparts . . . for the traffic stop that was gonna go down on the, ya know, individuals that were gonna be traveling from Burns to John Day, uh from there, just prepared gear. We were told where it was gonna hopefully happen, ya know, have the tactical plan, um, got vehicle assignments and personnel assignments for each vehicles and then just started . . . getting ready.

DCSO 4: Ok. So, as far as you know, who was overall in charge of the operation? Who was in control, of the operation?

OFFICER 5: Individual, or organization?

DCSO 4: Organization.

OFFICER 5: FBI.

DCSO 4: Ok. . . . and what was the . . . like I-I would call it an operational plan, or, tactical plan, wh-what was presented to you as the-tactical or operational plans?

OFFICER 5: That specific incident to my recollection was . . . three vehicles, uh, for us, and that was, uh, two trucks and a van that were Oregon State Police vehicles would be assigned personnel, uh, mixed conglomerate of-of our units and FBI units. Again, we

were supplementing, so they were the main force. There was two or three of them per vehicle an one, maybe two of us per vehicle as far as I remember. And they had, I believe two of theirs-their vehicles-

DCSO 4: -um-hum-

OFFICER 5: -for trail vehicles to supplement if needed more bodies along with a, uh, Suburban that they had-they, I mean the FBI-had, uh, as for a medical ambulance in case something happened, uh, the-the trail vehicle if they were needed to be called up for any incident with, uh, injuries.

DCSO 4: Ok, so as far as the-the tactical plan or briefing you were given, were you told about specifically, like who the targets were? Any threats the target-targets may pose for you?

OFFICER 5: What I remember about the briefing is, there was, uh, Ammon Bundy, one of the main instigators in this occupation at the refuge, his brother Ryan Bundy, um, I-I don't recall this guy's name of La-LaVoy.

DCSO 4: Ok.

OFFICER 5: Finicum-Finicum, yeah . .

DCSO 4: Ok.

OFFICER 5: Um . . . there was somebody by the nickname that I have heard him called Buddha and a last name of Payne. Those are the names that stick out for the briefing and all were reported to have been armed.

DCSO 4: Ok. Do you recall if they specifically mentioned what type of weapons they might have?

OFFICER 5: I remember them throughout this whole incident to have been armed with, ya know, both firearms, uh, ranging from pistols to long rifles of-of different sorts, uh, they-they were known to carry both.

DCSO 4: Ok. So, did you know independently of this briefing . . from internet . . or media about the-anything about these, these specific people?

OFFICER 5: Yes.

DCSO 4: Did you know anything about . . them being . . armed, outside the briefing? Like had you seen them on the media or anything with guns?

OFFICER 5: Yes. There was the-the Finicum character. He's got a posting, at least one on YouTube that I remember, they call him the-the tarp man, I believe is what it was.

DCSO 4: Um-hum

OFFICER 5: Where he was outside the courthouse or outside the CP, in a lawn chair, under a blue tarp, with a rifle.

DCSO 4: Ok. Alright. Do you remember him or any of the others specifically armed? Like in the media?

OFFICER 5: Other than that incident, no.

DCSO 4: Ok.

OFFICER 5: I don't really watch Facebook or any of that stuff. I know my wife does, that's how I know about that incident-

DCSO 4: -ok-

OFFICER 5: - that I was talking about.

DCSO 4: Ok. She's your source!

(laughter)

OFFICER 5: She is my inside source, right?

DCSO 4: Ok.

OFFICER 5: Ha-ha!

DCSO 4: Um, so-so what happened? What was your-your position or job at this specific operation?

OFFICER 5: So during the brief, I-I was told I would be driving the green van. That was one of our, uh, vehicles that we brought for this operation. I would be assigned to drive three FBI, uh, HRT members. Two of them were gonna be main shooters with long guns and the third was their K-9 unit.

DCSO 4: -um-hum-

OFFICER 5: And I don't recall his name.

DCSO 4: Do you happen to remember the-the other two?

OFFICER 5: Officer V and Officer 20.

DCSO 4: Officer V and Officer 20? . . and just real quick, I, um, are any of your vehicles you're taking there, is there any kind of ballistic protection, armor? In your vehicles?

OFFICER 5: They were, uh, supplemented with light body armor, uh, just what we would carry in our, like patrol vests.

DCSO 4: Ok.

OFFICER 5: And doubled up and we had 'em taped in the door panels and . . I think that was it in the van.

DCSO 4: Ok.

OFFICER 5: I don't know about the others.

DCSO 4: Was that normal, or was that for this operation?

OFFICER 5: Just for this operation-

DCSO 4: -ok-

OFFICER 5: -yeah, it's what we could come up with on the fly, with the vehicles that we had.

DCSO 4: Ok.

OFFICER 5: So, we're trying to stay low key.

DCSO 4: Ok. So wh-so why . . why did you use . . that armor for this operation?

OFFICER 5: Because these individuals that we were going to go take down on the traffic stop were known to carry guns and they had been very vocal as far as what I've been told of using the guns, specifically against the federal government or employees or law enforcement.

DCSO 4: Ok. Ok. . . . So, so what happened with this operation?

OFFICER 5: We were told they were gonna be traveling from Burns, uh, from the refuge in route to John Day to meet with, uh, residents in Grant County, uh, to rally support for what they were doing on the Malheur Refuge. We had a location picked out on Highway 395 between the two towns where, uh, we were told the FBI had them monitored, uh, with, uh, an aerial unit, so they were watching them, an as they got close we would be off, uh, a road 20-28-it led-it leads to a little snow park up there off a 395, uh, it's out of sight enough to where any vehicles traveling from Burns to John Day won't see it until last minute.

DCSO 4: Um-hum-

OFFICER 5:



DCSO 4: Ok.

OFFICER 5: If that makes sense.

DCSO 4: Yeah.

OFFICER 5:



DCSO 4: -ok-

OFFICER 5: -truck he was driving.

DCSO 4: So, does your green van have any kind of, uh, law enforcement identification?
Lights, siren things like that?

OFFICER 5: It does-it has a light package and, uh, they were activated, I did turn them
on.

DCSO 4: Ok, you have-or you seen any other vehicles with lights activated?

OFFICER 5: The second truck that was with ours, uh, in front of us that has, uh, uh, pretty well . .uh, illuminated light package on it-

DCSO 4: -ok-

OFFICER 5: -It's a-it's a unmarked pickup but when the lights are turned on, it's-it's very apparent it's law enforcement.

DCSO 4: Ok. Wh-did you have a siren or did you hear anybody else usin' a siren?

OFFICER 5: I don't recall.

DCSO 4: Ok, um, so what happened with your traffic stop, I guess with the white truck?

OFFICER 5: So when . . the white truck ultimately . . .driven by Finicum did stop, he was in the middle of the road, so splitting both, um, eastbound and westbound lanes of 395 at the 31 junction. The 31 only goes to the north, it's the intersection. The truck for our team was in the oncoming lane, so I had to pull the green van to our normal . . eastbound lane of travel to flank and upon stopping, I could hear somebody from our gray truck giving commands of, ya know, stop the truck, turn it off, this is the Oregon State Police, ya know, you're being-you gonna have ta come out-just giving commands- of some sort. I stepped out of the driver's seat as the two FBI with long guns step out of the sliding passenger side door of the van, to take a position of cover off of the front quarter panel of the van. I am between the gray truck and our van with, uh, 40 less lethal, it's a single . . launcher and my . . . teammate, Officer 2. He was on the passenger side of the gray truck.

DCSO 4: Ok. . . . ok. . . so-so then what happened?

OFFICER 5: Commands were being given, uh, because of the . . . potential for these individuals to be armed an-and dangerous, towards-especially law enforcement-uh, we were given orders that if-if commands were not obeyed promptly, that, uh, we were to initiate a gas plan which was to launch 40 less lethal into the vehicle. This vehicle has a canopy on it, so it's gonna be very ineffective. . . uh, as I recall . . orders are being given, were-were being, uh, ya know, authority is being announced properly an identified by, I think it was the driver, I think it was Officer 4 from the gray truck. Th-the passenger's window of-of Finicum's truck comes down, and an individual puts hands out, looks back an immediately-he says something-I don't know what he says but he goes back in . . knowing that these individuals are armed, I did not want a gun to come out, so I shot a single 40, uh, OC round at the canopy window directly behind the cab of the truck an-and this is again-this is after a course of announcements have been made, this isn't immediate, this is a span of . . a few minutes have passed.

DCSO 4: Um-hum.

OFFICER 5: That prompts a reaction from whoever was in the passenger seat of this truck, because shortly after that happened, he does say, "I am gonna come out." He-he comes back out an he says, "I do have a gun on my right hip," and the FBI agents that were with me, I believe, acknowledge him an say, "That's ok, just don't reach for it." He obeys commands, he comes out, shuts the door behind him and they are able to take him into custody.

DCSO 4: Ok . . . um . . . during this time, uh, this is goin' on, do you recall anybody in the white truck . . . say anything? Did ya hear anybody talking, yelling . . . from the white truck?

OFFICER 5: I recall hearing yelling-I don't know what was being said-

DCSO 4: -ok-

OFFICER 5: -It was from-it woulda been the driver's side of the white truck-

DCSO 4: -um-hum-

OFFICER 5: -an that's far enough away at this point for me-I can't hear what he's saying . . . at that point.

DCSO 4: Ok . . . alright. So-so then what happened?

OFFICER 5: Excuse me-so . . . the individual that was in the front right passenger seat is taken into custody. Commands are continually being given, um, I remember specifically he was told-Finicum was told to turn the truck off, and I do recall him saying, "I'm not gonna turn the truck off." I remember him asking it-at-one point during commands, "Who are you?" uh, an that's how I know for sure that we were identified properly as the Oregon State Police, because the response was, "We are the Oregon State Police," and, again told to turn the truck off, he says, "I'm not gonna do that," and I hear him rev the engine-actually hear him revving the engine. I see the passenger's window is still down, and, uh, Officer 2 was asking for . . . th-there's another 40 that we had on scene. It's a multi launcher-mine was just a single launcher, so there's eight . . . potential rounds in this multi launcher that can be launched in a pretty rapid progression, um, that was with another member back at the original traffic stop. So, Officer 2 requests that . . . plus a shield, which we had in the van. So, I grab the shield-I went to the back of the van, put my single launcher 40 back on the-the driver's floorboard, grabbed the shield, move up, in the meantime, I can hear the response from the request to get the multi launcher that it was gonna be a while because they still had one person to take into custody at their vehicle, but it was gonna happen pretty soon an we'll move everybody up to help you. So, I move up into place and I prepare with the shield for that to happen. Again, I notice

that the window is down, so I-I say, well, I can step up and just put as many as I can with the single . . . and somebody else can use the shield. We were stretched pretty thin because, as I said, the FBI agents was takin' the passenger into custody, uh, I believe we only had a couple more-we had Officer 2, myself and Officer 4, and I'm not sure how many FBI was in the gray truck. We were spread thin at that point, so . . . the-the plan was to wait . . . for the multi to come up, then I would be the shield man. While this discussion was going on, the white truck takes off on us. So, we have to hastily get back into our vehicles and pursue, leaving one FBI agent with, uh, the person that had come outta the . . . passenger seat of the white truck. So, now the-the chase is on. White truck in the lead. Our gray truck and then the . . . gray van-er the green van.

DCSO 4: Um-k. So-so you with the green van and the FBI has one custody.

OFFICER 5: Yeah-

DCSO 4: -k-

OFFICER 5: -they leave one there, so then I have one of them, now, in the van with me with a long gun, and their K-9 unit.

DCSO 4: Ok. So, custody is left behind-

OFFICER 5: -yes, with-

DCSO 4: -ok-

OFFICER 5: -with one-one detaining him.

DCSO 4: Ok . . . um . . . when you shot the one OC round?

OFFICER 5: Um-hum.

DCSO 4: Do you recall what kinda damage, if any damage it'd do?

OFFICER 5: None. It . . . it the-the round . . . we were at such . . . a-an angle that it hit the canopy and he flinched so that it-it it caused the effect I was looking for-

DCSO 4: -um-

OFFICER 5: -and he goes back in and there was a pause and he does say, "Ok, I'm comin' out." It didn't go in the truck, it bounced off-so if you're looking at an extended cab truck . . . and it's got a canopy on it, it was the second window back, so it's the furthest back.

DCSO 4: Ok.

OFFICER 5: An it just ricocheted and it was mostly round so it just-it burst-

DCSO 4: So the furthest window back on the canopy?

OFFICER 5: Yes.

DCSO 4: Ok.

OFFICER 5: Yup.

DCSO 4: Ok. . . ok . . and the window that was left open? Was that-wha-wha-which window was that up in the passenger compartment?

OFFICER 5: The front passenger window.

DCSO 4: Ok.

OFFICER 5: Yeah.

DCSO 4: Ok. Ok, so they take off?

OFFICER 5: So the truck takes off, and it . . is . . my speed in the green van was obviously . . much slower than the trucks because I had a van with unsecured occupants. I looked down at one point and we were doing 60, and that was about as fast as I wanted to go with the occupants that I had. . and they were pulling away, an I could see the white truck even pulling away from our gray truck, so he was traveling at a high rate of speed and I'm not quite sure the passage of-of distance, but it was a few miles. We knew our team had a roadblock set up ahead . . in case this type of incident happened, so they had what I knew to be spikes across the highway and trucks blocking . . um, ya know, both lanes of travel, so it was gonna be impassable.

DCSO 4: Um-hum.

OFFICER 5: At one-at some point, so he was gonna have ta stop.

DCSO 4: Ok . . uh, so did you ever lose sight of the vehicles?

OFFICER 5: The white vehicle, yes. The gray truck-I don't think I ever lost sight of it, but it was-it was far enough ahead that I, ya know, I knew we were gonna be tail-end Charlie in this thing-when it-when they reached the roadblock.

DCSO 4: Ok. You remember anything else about the white truck's driving?

OFFICER 5: Uh, I know he was not . . . staying in one lane. I think he was-he was using both . . both lanes of the highway, cuz he was travelin' at a high rate of speed and that section of the highway does have some S curves in it.

DCSO 4: Ok.

OFFICER 5: Ya know, they're not . . they're not super sharp but they're . . they're enough where he was going, ya know, not fog marker ta fog marker but apparently stayin' in the middle of the highway.

DCSO 4: Ok . . um . . so-so wh-what next?

OFFICER 5: So I hear . . ya know, radio traffic letting the roadblock know he's comin' your way. I hear the roadblock acknowledge . . and they get to the roadblock and, uh, as we in the green van . . start approaching, I see the gray truck has stopped. I see the roadblock. I see the white truck that was . . had been driven by Finicum . . excuse me- it's off-uh, the . . the north side of the highway in the snowbank, an we knew going into this, excuse me, that both sides of the highway would have . . two to three feet of snow, just from the weather they'd been getting over there. So, it was wedged, I mean you could see it had gone up, and had angled . . uh, to the-to the passenger side of the truck, so the passenger's side doors were almost up halfway in the snowbank, so, kinda the truck was tilted onto the passenger's side a little bit, as he went off the road in avoidance of spike strips that had been set. Uh, I could see where he ended up was . . . pretty close to one of the trucks set as a blocking truck, uh, it was one of the FBI vehicles, I'd say . . ten feet from it.

DCSO 4: Ok.

OFFICER 5: An then as you work your way across the highway, there was, uh, one of our vehicles an then another FBI truck, if I recall correctly. As-as we are finally pulling up, I hear one of the FBI agents say "He's shooting! He's shooting!" I look up an I see an individual out of the white truck with his hands kinda out to the sides, and one of our . . uh . . . I think it was Officer 3, one of our SWAT units-OSP was in-in the timber kinda coming out, so as I hear he's shooting, he's shooting, I look up and it looked to me like this individual was being challenged by Officer 3. So, then I look back down, I have to stop the truck to let the FBI guys out, park, I say, "Go, go, go!" I grab my 40 . . and as I'm stepping out, I see. . uh, at the vehicle-what's called a nine banger-FBI said in the brief that they would have these-it's basically a flashbang, uh, a noise sound diversionary device that has . . nine, like really bright little firecrackers-they said if something like this would occur, they would be throwing them, just to let us know, hey, man that's not gonna be rapid succession of gun fire, that's gonna be our nine bangers. So I see them going off, and now I am closing distance to go up to our vehicles. I remember there was-there was two FBI vehicles in the roadblock with ours in the middle. I'm working my way out to that point, so I could start fortifying if I needed to, uh, Finicum's vehicle. Doing, so, I see Finicum falling to the ground, so I'm thinking he's complying with commands. I get up to our

vehicle with, uh, some FBI units and one of our, uh, SWAT units named Officer 1. The FBI is, uh, asking for a 40mm to open the window because the-the passenger's window in the front had been closed at this point. It is not tinted. The back passenger compartment window is tinted and is also closed, so we cannot see in the truck. So, they're asking for authority to open those windows up. So I step up, it's loaded with an orange tip, which is an OC round, it's a harder round, but will . . . basically burst into an OC powder . . . when it hits, but we use 'em to break windows cuz they are a little bit harder initially.

DCSO 4: Um.

OFFICER 5: I shot that back window with four of those and it did not break.

DCSO 4: Um.

OFFICER 5: So, now I am out, cuz I only had five of those going into this. So, I have to go back to the van . . . I have a bag in the van that has more 40 rounds. As I'm doing so . . . uh, if you'll recall back at the original traffic stop, they had the 40 multi launcher. They are done with their-their stop at this point and now they have come up to our location to supplement us. As I'm going back to my green van to get more 40 rounds, the individual named Officer 7 who had the multi launcher is now on scene. We pass each other, and as I'm grabbing rounds, I hear him being able to utilize his a-an-there's-there's some sort of . . . uh . . . I don't know . . . exclamation that ok, the window's now open, so his-his worked. I'm back from the van with more rounds and I transition to the front of-er to the back of, ya know, our cover van-or-our-our our cover truck, which would put me with the front passenger window that was originally down on our stop an-an was now up.

DCSO 4: Ok. Yeah.

OFFICER 5: I port that window, which works-this time, because it wasn't tinted, I'm-I'm thinking. So now both windows have been, uh, opened up with 40 less lethal rounds . . . and commands are being given by the units there, the FBI is givin' commands, I-not quite sure what it is, they're telling individuals to come out. This goes on for a while . . . and the first individual to come out was Ryan, uh, Bundy. When he comes out . . . I'll need to back up-so after I port the front, uh, passenger's window, the rest of the rounds that I had, I helped Officer 7 reload his multi launcher. It was a more effective tool, so now my 40 is done, we have no more rounds. I put it down and now I'm ready to help take custodies. So that-now, uh, Ryan Bundy is the first one to come out . . . and he's complying, his hands are up an when he comes back, I handcuff him with one of the FBI agent and then when he's handcuffed, uh, I sit him up an just maintain control of him, watch as they pull out . . . two females. I think the first was a younger female around 18 years of age, if I recall, what she told . . . one of the agents, and the second one was . . .

40s or 50s? If I had to guess. I recall her name was Shawna, uh, and I don't recall what the-the younger gal's name was.

DCSO 4: Um-hum.

OFFICER 5: As this is going on, I see . . uh, FBI agents at an individual that had fallen, which was ultimately Mr. Finicum, uh, it looks to me at this point like they are rendering aid of some sort, or checking on his . . person, uh, we take the rest of the two gals into custody, uh, and I-basically babysat Mr. Bundy. As time progresses, the scene is being secure-more units are arriving. Mr. Bundy makes a statement-he's talking to the girls at this point-he says something like, "I was hit," and I thought he was making a reference to me hitting him or somebody hitting him while we were handcuffing him, which was not the case, so I asked him, "Whaddya mean ya got hit?" and he looks at me he says, "Well, when you guys were shooting, I think I got hit in the shoulder but I don't see any blood so I think I'm ok." Uh, at this point, I look at his right shoulder, which is what he indicated to me was the shoulder that got hit and there was a small hole in his shirt. I asked Mr. Bundy if I could cut it open with a knife to see, uh, when I did, there was a small hole that went through, uh, his outer-looks like a-a thin kinda cowboy style button up shirt. He had a thick, uh, just a cotton sweatshirt under that, and under that a tee shirt. So, there was hole that goes all the way through those items and when I got through that, I could see some blood on his shoulder, so I open it up and there was a hole that to me looked like . . could be a bullet hole, but there was no exit wound and it was only-I mean you would tell under the skin the wound only went in about an inch and a half. So, it-it was something, it-it coulda been some fragmentation or it coulda been a bullet, I wasn't sure. I let him know, yup you were hurt. I let Officer 1 know and he passed it on and one of the SWAT medics for the FBI was able to give him aid, um, I helped . . I think secure . . the girls. I remember them putting a bandage on his shoulder and then from that point they took Mr. Ryan Bundy to the-I wanna say the Suburban ambulance, I'm not quite sure on that, and then I-they babysat the girls till they took them-

DCSO 4: -ok-

OFFICER 5: -into custody.

DCSO 4: So do you remember anyone . . or anyone, hearing any commands given to . . Mr. Finicum?

OFFICER 5: I don't. No, we were . . like I said, we were pulling up . . moments after . . the off the road crash had happened, the gray truck had arrived. It looked to me like he has-ok, he's-he's being dealt with, so my attention is stop the van safely so these guys can get out, grab the 40 and as all that is progressing, those nine banger flashbangs are

going off, and I'm moving forward with the 40, just glancing over an he's, ya know, not standing, he's in the snow. I'm thinking he's being pruned out to be taken into custody.

DCSO 4: Ok.

OFFICER 5: I didn't really know what was goin' on, but he was-he was being dealt with-my focus is the truck.

DCSO 4: Ok. Do-do you remember . . any of Mr. Finicum's movements, or . . . gesticulations with his hands?-

OFFICER 5: -no-

DCSO 4: -anything else?-

OFFICER 5: -just initially . . he was out with his hands kind of out but again, that was just a quick glance just to see what-

DCSO 4: (inaudible)

OFFICER 5: -what was ahead of me-

DCSO 4: -um-hum-

OFFICER 5: -as I'm stopping the van. It wasn't . . uh, it was quick-it was a quick cursory glance.

DCSO 4: Ok.

OFFICER 5: Uh, but knowing that Officer 3 was there and there were other units, he was not a concern of mine.

DCSO 4: Ok.

OFFICER 5: I didn't have to focus on him, so, that's why I said, I didn't really . . pay much attention.

DCSO 4: Um . . did you notice, um . . or can you estimate how far Mr. Finicum was away from Officer 3?

OFFICER 5: Not very far. He was probably . . by my best guesstimate-ten yards, fifteen yards?

DCSO 4: Ok.

OFFICER 5: An-ag-I'm, I'm quite a ways back as I'm approaching this stop location for the green van but . . they were very close.

DCSO 4: Ok.

OFFICER 5: For my comfort. . with Officer 3 not having any cover and these people were supposedly armed . . It-it was a weird feeling, but with his hands out, it-that's what made me think he was complying with whatever . . was going on.

DCSO 4: Ok.

OFFICER 5: And again, that's probably a-a- tenth of a second glance for me to place, put it in to park and get out.

DCSO 4: Do you remember. . I guess, the next closest . . operator, whether FBI or OSP to Mr. Finicum?

OFFICER 5: I don't.

DCSO 4: Ok. Did you notice if there was somebody-

OFFICER 5: -yes-

DCSO 4: -addressing him?-

OFFICER 5: -yes-

DCSO 4: -or-(inaudible overtalk)

OFFICER 5: -yes, there-there-there were other people around, but I don't-I don't recall where they were exactly. I don't know who it was.

DCSO 4: Ok. Do you recall hearing any gunshots?

OFFICER 5: No.

DCSO 4: Ok.

OFFICER 5: The-the loud noises I heard were the-what I interpreted as the nine bangs goin' off.

DCSO 4: Ok, um-

OFFICER 5: -yeah, the only indication that somebody was shooting was the FBI agents saying he's shooting, he's shooting. I didn't know who . .

DCSO 4: Ok.

OFFICER 5: . . ya know . . I didn't know who he was referring to.

DCSO 4: Ok. And that was either Officer V, or . . Officer 20, or-

OFFICER 5: -whoever was left. I don't know who stayed with the custody that came outta the traffic stop an I-I don't know who got in with me.

DCSO 4: Ok.

OFFICER 5: I just know that I had one and the K-9 and one remained behind.

DCSO 4: Ok. Ok. Do you remember seeing the-the stop sticks or the spikes across the road?

OFFICER 5: . . . not really.

DCSO 4: Ok, um . . .how long-I'm sorry-go ahead.

OFFICER 5: I know they were there cuz when-when we were done . . there was one of the spikes from the stop sticks in the roadway.

DCSO 4: Ok.

OFFICER 5: So, they-they were there and they had been removed-I'm assuming by somebody so we wouldn't run them over when we onto the scene. I don't know when that happened.

DCSO 4: Ok. Do you remember from seeing this-this spike or from the plan-the tactical plan-whose spikes those were?

OFFICER 5: No.

DCSO 4: Ok. I-I mean as far as . . OSP or FBI, I don't mean-

OFFICER 5: -I don't know-

DCSO 4: -personally who-

OFFICER 5: -yeah. I don't know, I'm assuming they were ours, I don't think the FBI brought spike strips with 'em.

DCSO 4: Ok.

OFFICER 5: Yeah.

DCSO 4: An-wha-what kinda spike strips does OSP?-

OFFICER 5: -they're called Stop Sticks.

DCSO 4: Ok, alright.

OFFICER 5: They're a three section, I wanna say about four-three or four feet each section. So triangular shape in like a black sleeve and inside there's (inaudible). . . tire popping spikes.

DCSO 4: Ok.

OFFICER 5: The best way I-

DCSO 4: -you guys ever use, like the-the accordion style ones?-

OFFICER 5: -no-

DCSO 4: -that-

OFFICER 5: -not anymore.

DCSO 4: Or the ones that roll out across the-

OFFICER 5: -no-

DCSO 4: -you don't use those sticks? Ok, um . . so . . I know that the passage of time can be difficult . . in those kinda situations. Do you recall how long you remained at that scene?

OFFICER 5: A-what could be difficult?

DCSO 4: The passage of time-

OFFICER 5: -oh, ok-

DCSO 4: -kinda estimating it.

OFFICER 5: How long from when . . we got . . to the ultimate scene?

DCSO 4: Yeah, how long were you there?

OFFICER 5: A long time! (laughs) I don't know how long. After everything had calmed down, um, I was . . one of the last . . to ultimately leave, so I ended up after all the custodies were . . taken away by the FBI . . uh, I remained as scene security. . uh, it was a long time-I don't remember how long exactly-hours.

DCSO 4: Do you recall, um . . vehicles departing, like FBI vehicles or OSP vehicles departing the scene?

OFFICER 5: Over the course of the evening, uh, vehicles were moved, backed up, um . . I-I wanna rec-or I think . . as we're pulling up, that some vehicles may have been backed up, exposure-wise, they-they backed 'em outta the way, just in case gunfire

happened, because when he went off the road initially, like I said, there was one of the FBI trucks-he-they were very, very, very close to each other, so it would've been . . it coulda been very dangerous if somebody had opened fire from his truck. There was no armament in those vehicles as far as a ballistic barrier, so . . I think they got moved out of the way at that point but I'm not sure.

DCSO 4: Ok. An did you . . w-you close enough, um, in your van-sorry-rewinding here-to actually see . . the white truck leave the roadway, or was it stopped in the snow when you-

OFFICER 5: -it was already stopped. When we came around that last corner, you could tell it-it had gone off the road but I never saw it physically leave the road-

DCSO 4: -ok-

OFFICER 5: -um-in real time, no. It was already done and stopped and he was-already come out-

DCSO 4: -ok-

OFFICER 5: -when we came around that last corner.

DCSO 4: Um . . . I think we-we covered it. So, you had your . . your 40mm single launcher . .

OFFICER 5: Yes.

DCSO 4: I'm assuming you had your pistol.

OFFICER 5: Yes.

DCSO 4: . . In there-ya-you had a long rifle with you at all?

OFFICER 5: No. Mine was s-secured in the van. Because I was the driver, I wanted to focus on driving-

DCSO 4: -ok-

OFFICER 5: -an then I have the 40 for my . . my role . . once everything was stopped and the shooters for the FBI were out of the van, then I could grab the 40 or the shield.

DCSO 4: Ok.

OFFICER 5: Ya know, for whatever role they needed me to do with those two items-and have a pistol if needed.

DCSO 4: Ok. It sounds like you fired . . five-maybe five rounds, maybe-

OFFICER 5: -five-

DCSO 4: -of-about of OC?

OFFICER 5: I wanna say approximately five, because that's what I was loaded with in my dump pouch and in the tube and then when I went back for my bag of extra rounds, there was only one more orange round and then . . . I don't know how many other blue tips. I never shot any of the blue tips, though, that was what I gave to Officer 7 for his multi launcher to restock.

DCSO 4: Ok, um, so basically five total of the whole episode?-

OFFICER 5: -I believe so-

DCSO 4: -the one at the first traffic stop, then maybe four more, about?

OFFICER 5: Between four and five more.

DCSO 4: Ok, uh did you fire any other weapons?-

OFFICER 5: -no-

DCSO 4: -while you were there? Ok, um, did you see anybody else fire . . something other than a less lethal . . weapon?

OFFICER 5: I did not.

DCSO 4: Um . . Did you happen to see any . . brass, spent cartridges, at the scene, on the ground, anywhere?

OFFICER 5: I did. Around the . . where the FBI trucks were roadblocked and our truck where the roadblock for the eastbound, uh, there were at least two rifle casing that I saw, at some point.

DCSO 4: So, wh-where those in relation to the, I guess, the roadblock vehicles?

OFFICER 5: Towards the front, so they were-they were parked blocking east, both lanes of travel, but-but facing west, all three of them, so it-it was in the front, uh-

DCSO 4: -ok-

OFFICER 5: -I believe it when I was running back to get, you know, restock for my 40, I saw a piece of brass and then during the course of events, there was another one that I saw, which I knew was separate.

DCSO 4: Ok.

OFFICER 5: I knew it was separate. So there was at least two rifle casings. (inaudible)

DCSO 4: Do you remember-sorry-

OFFICER 5: -that's ok.

DCSO 4: Do you remember anything specifically about . . them? Like brass or nickel-plated? It's caliber?

OFFICER 5: Copper colored, rifle casing.

DCSO 4: Ok.

OFFICER 5: Casings.

DCSO 4: Uh, did you happen to see . . anybody, um, picking anything up? Like, specifically, the rifle brass, or-

OFFICER 5: -no-

DCSO 4: -anything else from the scene.

OFFICER 5: No.

DCSO 4: Ok, um . . Officer 3538?

Officer 3538: Uh, just real quick, sorry about-

DCSO 4: -no worries-

Officer 3538: -so just some clarifying stuff. .um, so the rifle casings . . do you remember what caliber they were?

OFFICER 5: No.

Officer 3538: Ok.

OFFICER 5: I just knew they were rifle-

Officer 3538: -ok-

OFFICER 5: -not pistol.

Officer 3538: Just long gun casings?

OFFICER 5: Yeah.

Officer 3538: Ok, um . . . the . . . custodies at the shooting scene.

OFFICER 5: Um-hum.

Officer 3538: You helped with the custodies? Shawna, 18 year old female ish-18-ish and Ryan come out?

OFFICER 5: Yes.

Officer 3538: Um, you talked about the one statement that Ryan made.

OFFICER 5: Um-hum.

Officer 3538: Di-any-did you hear any other statements that, um . . . that they made?

OFFICER 5: Ya know, with-with us-

Officer 3538: -whose us?-

OFFICER 5: -I mean, us, I mean the State Police . . . didn't really say anything, um, they were . . . borderline . . . some antagonist comments by 'em to the FBI guys, it was-was it-pertaining to . . . uh, I think he said what country is this? or . . . oh, they were patting him down, they were checking him before-placing him somewhere. I think he had a little pocket Constitution book, and . . . he mentioned, hey, ya might wanna read that. Just comments like that. Nothing aimed at-at the State employees at all.

Officer 3538: Ok.

OFFICER 5: It-uh-FBI, mainly. But nothing more than that, just those comments like that.

Officer 3538: Alright . . . um, radio traffic. From the initial stop, um-

OFFICER 5: -from the initial stop of our stop on the white truck, or the whole thing completely?

Officer 3538: The whole thing completely-

OFFICER 5: -um-hum-

Officer 3538: -what kind of radio traffic was goin' on?

OFFICER 5: I don't recall.

Officer 3538: Ok.

OFFICER 5: Yeah, minimal because we knew that vehicle that was the first one to stop so it would've been the back of their two vehicles. We-we knew it was going to stop, um, I remember as we pulled out behind them, uh, somebody mentioned, uh, ya know,

"execute traffic stop." This was a distance of . . maybe a quarter to a half a mile after we turned onto the highway. I hear, "Ok, initiating stop," and that's when their lights come on.

Officer 3538: Ok.

OFFICER 5: So we all turned our lights on. He stopped and then the white truck kept going, so that's when our two vehicles pulled out of that scene to go and stop Finicum's white truck.

Officer 3538: Ok. um, describe the traffic, uh, the radio traffic from the-once the white truck . . started, uh, takin' off an fleeing.

OFFICER 5: So-

Officer 3538: Um, the radio traffic from there on?

OFFICER 5: After it stopped-

Officer 3538: -um-hum-

OFFICER 5: -we have the custody out and he takes off, uh, I-don't recall much, just "He's coming your way." Specifically it's somebody from the gray truck talking to the roadblock-

Officer 3538: -ok-

OFFICER 5: -"Hey, he's headed your way." And then there was an acknowledgement, "copy" or something like that.

Officer 3538: Ok, an you guys were dealin' with the custody that was . . . comin' back?-(inaudible overtalk)

OFFICER 5: -he had already been taken into custody-

Officer 3538: -got it-

OFFICER 5: - He was already at the back behind the green van-

Officer 3538: -ok-

OFFICER 5: -with and FBI agent with him, so when the white truck took off, I-I turned around and I grabbed the shield and I said, "He's taking off." The FBI agent with the custody acknowledged and everybody else piled into the van and we were trailing the gray truck.

Officer 3538: Ok, and then what channel was OSP on?

OFFICER 5: We were using Tactical 2 Secure, it's our-our tac channel that can't be monitored.

Officer 3538: Ok.

OFFICER 5: So, it's all-it's basically a walkie-talkie at that point for us.

Officer 3538: Ok . . .and no comms with FBI?

OFFICER 5: No, but they had comms with themselves-

Officer 3538: -ok-

OFFICER 5: -and with us pairing up the vehicles, that's how we kept comms with each other.

Officer 3538: Right. Ok, um, how about rest the day before?

OFFICER 5: Rest?

Officer 3538: Rest. The-how much sleep did you-

OFFICER 5: -oh-

Officer 3538: -get the night before this (inaudible)?-

OFFICER 5: -uh, I'd say five to six hours.

Officer 3538: Ok.

OFFICER 5: Is what I got.

Officer 3538: Did you feel well-well rested for the mission?

OFFICER 5: That's an average night's sleep for me.

Officer 3538: Ok.

OFFICER 5: Sure.

Officer 3538: Ok. . . that's all I got.

DCSO 4: Is there any questions you want elaborated?

Officer 16: I just have one. Um, when the white truck came to a stop, driven by Finicum, was the direction he was facing-was he-was he . . what direction was he facing?

OFFICER 5: East on . . his body or the truck?

Officer 16: Truck.

OFFICER 5: East, towards John Day off of . . the 395 road.

Officer 16: Ok, is it possible that it could be north?

OFFICER 5: It could be. I'm not sure what the highway is. As-as I know it, um . . . 395 runs east-west, is what I think but there's an S curve it coulda been-

Officer 16: -ok-

OFFICER 5: -north-south at that point.

Officer 16: Ok. Ok. That's all I have.

DCSO 4: Anything else you think . . we need to know?

OFFICER 5: No, I don't think so.

DCSO 4: Ok. I'm stopping the recording.

(END OF FILE G1 T35263)

**DESCHUTES COUNTY SHERIFF'S OFFICE**

CASE# 2016-00024205

CASE SUPPLEMENT REPORT 15

83333 West Highway 20

Bend, OR 97701

CONNECTED #1

CONNECTED #2

CONNECTED #3

EVENT

DATE/TIME OF THIS REPORT

1/26/2016 7:18 PM

TITLE / DESCRIPTION

Interview Ofc. #8, Interview Ofc. #8

DISTRIBUTION

☐ KARLY'S LAW☐ MDT☐ USE of FORCE☐ PURSUIT☐ K-9☐ DA☐ JUVENILE☐ DMV☐ OLCC

Other:

☐ DHS☐ KIDS CENTER☐ DETECTIVES☐ ME☐ JUSTICE COURT☐ CIRCUIT COURT☐ MENTAL HEALTH☐ ENVIRONMENTAL HEALTH

OFFENSES

C78

STATUTE/DESCRIPTION

ATTEMPT/COMMIT

SUBJECT

SUBJECT TYPE

NAME (LAST, FIRST, MIDDLE SUFFIX)

PRIMARY PHONE

ADDRESS (STREET, CITY, STATE, ZIP)

PHONE #2

DOB

AGE or AGE RANGE

SEX

RACE

HEIGHT or RANGE

WEIGHT or RANGE

HAIR

EYE

DL NUMBER/STATE

SSN

ALIAS (LAST, FIRST, MIDDLE)

EMPLOYER NAME AND ADDRESS

EMPLOYER PHONE NUMBER

SUBJECT

SUBJECT TYPE

NAME (LAST, FIRST, MIDDLE SUFFIX)

PRIMARY PHONE

ADDRESS (STREET, CITY, STATE, ZIP)

PHONE #2

DOB

AGE or AGE RANGE

SEX

RACE

HEIGHT or RANGE

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ALIAS (LAST, FIRST, MIDDLE)

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WEIGHT or RANGE

HAIR

EYE

DL NUMBER/STATE

SSN

ALIAS (LAST, FIRST, MIDDLE)

EMPLOYER NAME AND ADDRESS

EMPLOYER PHONE NUMBER

REPORTING OFFICER

DCSO 5.

DATE

2/22/2016

REVIEWED BY

DCSO T

/22/2016 14:50



DESCHUTES COUNTY SHERIFF'S OFFICE

CASE SUPPLEMENT REPORT

83333 West Highway 20

Bend, OR 97701

CASE# 2016-00024205

NARRATIVE

Report Date: 01/29/16

Report By: [REDACTED]

Attachment:

Interview Transcript (Ofc. #6)

Interview Transcript (Ofc. #8)

Evidence:

Recorded Interview Ofc. # 6 (DIMS / 2300 1/29/16)

Recorded Interview Ofc. # 8 (DIMS / 2300 1/29/16)

Additional Information:

Narrative:

On 01/29/16 at approximately 1700 hours, Ofc. # 3867 and I interviewed Ofc. # 6 with his OA Representative present. This interview was audibly recorded and Ofc. # 6 and his OA Representative (#16) were advised of such prior to starting the interview.

At approximately 2116 hours, this interview was concluded. Refer to full recorded interview for details and statements made that are attached to this case.

On 01/29/16 at approximately 2135 hours, Ofc. # 3867 from the Bend Police Department and I interviewed Ofc. #8 with his OA Representative (#16) present. This interview was audibly recorded and Ofc. # 8 and his OA Representative (#16) were advised of such prior to starting the interview.

At approximately 2230 hours, this interview was concluded. Refer to full recorded interview for details and statements made that are attached to this case.

After the interview at approximately 2300 hours, I down loaded the recorded interviews into the DIMS Evidence System at the Sheriff's Office.

I was provided with a transcript of the two listed above interviews. I reviewed these transcripts of the recording and found them to be an accurate account of the interviews.

End of report.

REPORTING OFFICER

DATE

2/22/2016

REVIEWED BY

2/22/2016 14:50

DESCHUTES MAJOR INCIDENT TEAM

CASE # 16-20205, FINICUM, ROBERT LAVOY

INTERVIEW WITH OSP TROOPER (#6)

RECORDING (DP-2)

DATE: 01/29/2016, 2000 HOURS

AT: DESCHUTES COUNTY SHERIFF'S OFFICE

BY: BEND POLICE DEPARTMENT OFFICER (#3867)

DCSO DETECTIVE (#DCSO 5)

ALSO PRESENT: OSP OA REP (#16)

NARRATIVE:

(DCSO 5): OK. We are recording.

(#3867): OK. We're on the record. Uhh, it is, uh, January 29, 2016, approximately 2000 hours. We're at the Deschutes County Sheriff's Office. Uh, this is Detective #3867 with the Bend Police Department, part of the, uh, Deschutes County Major Crimes Team. Uh, is also sitting in the room with me are is Detective (DCSO 5) with the Deschutes County Sheriff's Office, and, um, Officer (#6). Um, and the, uh, also additionally in the room is the, uh, (#16). (cough)

(#3867): OK. For the purpose of this recording, um, I'm be referring to, uh, (#6) as (#6) throughout the recording.

(#3867): Uh, (#6), um, can you give me just kind of basic background of your, uh, tr experience with the, uh, your agency? Um, and uh, what your role is, uh, I who you work for, what your role is, um, (cough) and then kind of just go through chronologically to the best of your ability, uh, what your role was in Harney County, um, in that, um, refuge takeover that we're obviously familiar with. Uh, what you did, what you witnessed, and um, just to the best your detail. I understand you haven't mu had much sleep, uh, in the past, uh, couple of days...

(#6): Uh-hum

(#3867): so, uh, obviously some of the things you're gonna be saying are to the best of your knowledge and approximations. Um, go ahead if you would.

(#6):

Uh, for the incident in question, uh, earlier that morning we had driven to Burns and, uh, had a briefing with the FBI and their team, uh, specific to a vehicle stop of some of the players involved in this take over. Uh, we got a kind of intelligence briefing, a situational awareness briefing, and then we, with FBI's leadership, the leadership of my team, and the involved people, uh, discussed the plan, contingencies, and then, uh, listed those plans on like a white board, a chalk board, drew them out, uh, and that took about an hour, an hour or two to take care of.

(#3867): Where s, who was some of the, uh, the main, uh, people involved in that, that, that uh, you understood, uh, in terms of militia members, um, and and what were, what was your understanding about them and what they had?

(#6): Uh, our prime (unknown) uh, was uh Ammon Bundy,

(#3867): Ok

(#6): Uh, was believed to be there. Uh, was it LaVoy Finer, that's his name, right? ok. Uh, Mr. Payne I think was supposed to be kind of (unknown) but they weren't just, you know, that was just a general idea going into a debate or perhaps going from the refuge to a meeting in Grant County.

(#3867): OK. And and was there any talk of uh weapons or any type of...

(#6): Uh, prior to we've been you know, as this is progressed, we've been given some briefings and some intelligence, both official and unofficial media, about some of the people. Uh, of concern, primarily, was Mr. Payne, uh, based on his rhetoric and our understanding of his role within the take over as primarily, uh... I remember being told that he had some prior military experience and was running or, for lack of better, a training officer, the operational leader of their, I think they called it The Strike Force, or something ridiculous like that. Uh, and being in charge of training o of their tactical and firearms training, so th he was of particular concern and, uh, it's pretty clear of of his rhetoric as the, you know, hothead, for lack of better term. And then, uh, LaVoy, uh, obviously was involved, uh, with the take over an and with the statements that he wasn't going to jail and and things like that. So...

(#3867): Um, (cough), and was your what were you told or advised at any briefing that these people, like I said, would be armed, uh, with a, uh, weapons or firearms, or other?

(#6): Specifically... and and generally we just assume that. You know, everytime I've seen these subjects or some of these subjects on on onTV or in the print media or the internet, they're carrying weapons and, uh...

(#3867): So, you've physically s seen that that they've carried their weapons...

(speaking over each other)

(#6): And, uh, I remember seeing,

(#3867): Right.

(#6): uh, I just forget the gentlemen's name, he went by Budda, uh, or Fluffy Unicorn, I guess something he wanted to be called, uh, seeing an interview where he was wearing a stocking cap with a velcro patch that said, "Major League Sniper", which to me is absolutely ridiculous. But it, to me, that's how he wants people to see him- you know, a dangerous man who is obviously skilled at marksmanship and taking a life. Uh, it's kinda like the guys who wear "Tap Out" shirts. They may not be fighters, but they want people to believe they are and their personal image revolves around that kind of masculinity, so we assume they would be dangerous to us.

(#3867): Uh-hum.

(#6): We felt they wouldn't be, but...

(#3867): That, what kind of weapons, uh, did did they have, I know, said, you saw them obviously on the news and and things like that, but what kind of weapons did you see that, uh,

(#6): I remember..

(#3867): Or were given knowledge of that they had?

(#6): I remember, uh, particularly what struck me was, uh, a LaVoy carried a, uh, a handgun in in in a shoulder holster, which is unusual thing, '80s Miami Vice. Uh, we were briefed primarily about handguns, uh, especially if were in a vehicle stop it's it's sometimes hard to maneuver a a long gun inside a vehicle. You can do it once you've exited the vehicle, but initially here we were worried about handguns, at least in in my point of view, eh, initially. Er, they're, you know, easy to secrete, easy to conceal....

(#3867): OK. So, um, as a member of the, uh, the SWAT Team,

(#6): Uh-huh,

(#3867): Correct? Um, what was what was your team's role in this operation? P
Actually, prior to that, was this, uh, was this a an operation that was planned by uh the Oregon State Police, or was it by the FBI, or what was the..

(#6): We, was a joint training or a planning session, so to speak. Uh, so we had leadership from the FBI's tactical team and my tactical team. Uh, my understanding was that permission to conduct the stop was given from higher up, for bet for lack of better national command authority.

(#3867): OK.

(#6): Uh

(#3867): Wou Would that have been through the FBI chain of command?

(#6): Through the FBI, through their director or the Attorney General in..

(talking over each other)

(#3867): OK. Gotcha.

(#6): And probably highter, I don't know... Uh, but since it was a traffic stop, they wanted our assistance, uh, primarily because their role, that team, is not vehicle based for for lack of better term. Uh, so they include some of our members with their team members to to conduct that traffic stop.

(#3867): OK. So they, so they, they had the Oregon State Police SWAT team there to assist them..

(#6): That is my understanding, yes.

(#3867): In that. OK. Um, OK. Um, so (cough) h how did that, uh, how how did that occur, if you (cough) could explain it? Obviously, there's a, sounds like there's a briefing...

(#6): There was briefing and we had an understanding of their planned route. I guess there's not too many ways to get from the re the refuge to John Day. I'm not from here, so... Uh, so we located possible places where we could conduct that traffic stop. Uh, we had talked initially about maybe doing it in in town. Uh, but that comes with a lot of issues, you know, what with the residences and people walking around. So, uh, we found some places on 395 that were not so much secluded, but there was space where we could put all our vehicles without tipping our hand. Uh a, the problem being for us, if we roll out with seven trucks, you know, that's obviously..

(DCSO 5): People are going to know.

(#6): People are going to know...

(#3867): (Haha)

(#6): And it compromises not only the the operation but our safety as well. So part of the plan went in to where can we put seven trucks, with dudes in, you know, uniforms where we're not going to tip our hand and then possibly compromise the the safety of the operation and people involved.

(DCSO 5): How many briefings did you guys have, uh, before this date, would you say, regarding these individuals and what the operation was out there, and what was going on?

(#6): I can remember being part of at least 2 or 3.

(DCSO 5): And was there multiple agencies involved in that?

(#6): Primarily, the briefings that I attended involved [REDACTED] State Police and the FBI.

(DCSO 5): OK

(#6): And there may have been other people involved, but a lot of people were plain clothes and not displaying identification or..

(DCSO 5): Did they provide you with information as to who may be the main players that are involved in this, uh, this operation that that's being held at the..

(#6): Yes...

(DCSO 5): Refuge?

(#6): There was some, uh, some information to concern that, but it wasn't anything other than that I'd seen on the print media.

(DCSO 5): OK. And they, did they confirm any any of the things that you were seeing on the from the media?

(#6): Yeah, they were of the the the same general narratives.

(DCSO 5): OK.

(#6): Yeah.

(DCSO 5): And that, and that summary is basically these are armed people...

(#6): Armed people and they had made statements, you know, u against the government, but ya more concerning was that they were willing to die for the cause they believed in. Uh, and while some of them, we had heard, are were apparently to local law enforcement, per se, and ther their issues were with federal law enforcement, that they made statements that if they were, if we attempted to arrest them or stop them from this action, that, you know, they would use force to keep us from doing that.

(DCSO 5): OK. These are like protesters basically against law enforcement in general, but more for federal

(#6): More specific toward the federal government and their issues with how they handled certain things.

(DCSO 5): OK. So there's a major concern for people's safety out there.

(#6): An an and , the, for me at the time, the members of on that operation specifically myself.

(#3867): So, g can you just give us a summary of what (cough) what the operation, what the objective was and how how it was supposed to be carried out?

(#6): We were initially told that this group would be travelling from the refuge to John Day in two vehicles. Uh, so, yeah, I the general concept of the operation was to initiate a normal traffic stop on the vehicles, with the hope that the vehicle in trail, for lack of better term, and the lead vehicle would both stop at the same time. And then we'd do, uh, a high risk vehicle stop, you know, uh, calling the people back to us from each vehicle, one at a time, individually. And we'd get the trail vehicle first and then the lead vehicle. Uh, there was some talk, and we had, uh, a plan in place, uh, if they could not hear us in the lead vehicle, once we had that rear vehicle cleared, we'd kind of scoot up a little bit so they could hear us plain voice. And that was the plan for the best case scenario. Uh, the second one was if the trail vehicle stopped but the lead vehicle didn't, and then we had six vehicles, if I recall correctly, in that, you know, our, uh, planned operation, so if the trail vehicle stopped, we would need two vehicles with a police vehicles would stop, and try to effect custody of the other people in there. And if that lead vehicle took off, then the third and fourth vehicle would, uh, try to effect an arrest or a traffic stop on that lead vehicle that had that left.

(DCSO 5):

(#6):

(DCSO 5):

(#6): [REDACTED]

(#3867): OK. And who, uh, (cough) specifically did you believe that possibly the vehicle based upon briefings, ..

(speaking over each other)

(#6): Uh, we told that, uh, both Ammon Bundy and his brother, uh, LaVoy, uh,

(DCSO 5): Finicum?

(#6): Finicum, um yeah, I'm, it, .i... I'm sorry.

(DCSO 5): That's alright.

(#6): The guy they call Budda, uh, and then Mr. Payne were in that vehicle.

(#3867): Oh. (cough) And this, obviously in this recording, Budda is AKA for, ah, most likely, Bryan Cavalier, um, so we're talking about that let's make sure that that's clear. Uh..

(#6): And there was some talk about prior to, after leaving the refuge, these two vehicles had stopped in town and may have even been joined by a third vehicle as they were travelling north. [REDACTED]

(DCSO 5): [REDACTED]

(DCSO 5): OK.

(#6): It may have been based on, you know, back planning, if you got to be here at a certain time, you have to leave there at a certain time. But I do not know.

(#3867): OK. We s, uh, take take a quick break...

(#6): Sure. Thanks.

(#3867): OK. We're back on the record.

(#3867): Um, so, uh, (#6), s sorry uh the interruption there.

(#6): No worries.

(#3867): Um, so just to continue... obviously there was an ops plan,

(#6): Um-hum.

(#3867): and uh, just uh, correct me if I'm wrong, but the understanding was that there was going a high risk or felony, uh, vehicle stop..

(#6): Yes.

(#3867): On those two vehicles. And then he said if the first vehicle yields and the second or the lead does not, uh, that, um, some of the other, uh, vehicles, law enforcement vehicles, would follow that vehicle?

(#6): Yes

(#3867): Is that correct?

(#6): Correct.

(#3867): OK. And then what would happen, to your understanding?

(#6): There were two other contingencies, so to speak, so if, best case for us, with both vehicles stop, everybody comes out, uh, and follows our commands. Uh, second contingency would be if the lead vehicle or the trail vehicle stopped and the lead vehicle does not, and the third would be vice versa, if, uh, the lead vehicle stopped and the trail vehicle took off. Uh..

(#3867): OK.

(#6): But either way, the the plan was kind of the same for, you know, the the two, uh, lead vehicles to take the stop, the primary stop for lack of better term, and the trail vehicles to follow whatever vehicle left the scene.

(#3867): OK. Um, and what was your understanding about, uh, uh, arrest authority for these occupants and these people? Was there, um, that they there were crimes that had been articulated, did they commit? Or

(#6): We were told that there was federal probable cause for arrest of the main players.

(#3867): OK. And that's, uh, you're referring to, uh, ah, Ammon Ammon Bundy,

(#6): Um hum, Ry

(#3867): Ryan Bundy, LaVoy Finicum,

(#6): Uh-hum,

(#3867): Are those, some of the

(#6): Uh-hum,

(#3867): OK. I don't want to put words in your mouth,

(#6): Not Mr. Payne and, and, and there's the primary..

(#3867): Payne as well..

(#6): Uh, I guess the leadership of the occupation.

(#3867): OK.

(#6): So

(#3867): Gotcha. Um, OK, so, uh, given that, that's the operation that you..

(#6): Um

(#3867): Understand. Um, what, ah, what were you tasked with? Uh, what was your equipment like? And then who were you with? Uh, what vehicle, if you could?

(#6): [REDACTED] Uh, so with the vehicles, I was in the lead vehicle and going to initiate the stop for the operation. Uh, with me was a member of the FBI, and then (#8), one of my entry members. Uh, uniform-wise, we were in plain clothes. I think I was wearing some blue Carharts and a brown, like, uh, thermal, uh, with my helmet, with ls multi-cam, uh, multi-cam, uh, body armor with a, uh, a green and white badge, a fabric badge, and on my arm I had a, uh, reflective uh, buh, 4x6, uh, panel that was black with white letters that said, "POLICE".

(DCSO 5): Is this your normal, normal tactical bas basically that you would wear?

(#6): Yes

(DCSO 5): For most operations, you s, that's what pretty much standard?

(#6): Yeah, for more, most of our operations, if we do a lot plain clothes or vehicle-based stuff, we usually wear something lighter. Uh, but given the th the current situation with the possible threats from the rifles, these, these that guys might carry, we decided to wear our normal, uh, normal kit.

(#3867): Ok. Ok. So your, your, uh, equipment is, uh, clearly marked, uh, with "POLICE" or some type of law enforcement marking,

(#6): Yes

(#3867): badge as well?

(#6): Uh-hum.

(#3867): OK, go ahead, continue please.

(#6): Uh, so that's my vehicle is a, uh, 3500 series Dodge diesel pickup. I have a a root beer color, uh, with a, it's unmarked. You know, it looks like a civilian truck until we turn the lights on. It's got a pretty decent light package. The, uh, red and blues are LED and very visible from the front.

(#3867): OK.

(#6): Uh, and then I had another, uh, vehicle with me, uh, with a couple of my guys with, uh, and their job was, basically our less lethal option, our own custody teams, to help, you know, uh, manage all our custodies that we were expecting.

(#3867): Uh, so were, uh, were did you all set up, uh, to prepare for this?

(#6): Uh

(#3867): So about what time, do you think?

(#6): There was a snow park. Uh, I'm not sure the milepost on 395, but it's 15-20 minutes going to town.

(#3867): There's one there called Idlewild. Is it possible, is is that one or nearby?

(#6): I believe it is. I, eyagh, I don't remember the name.

(#3867): OK

(#6): Uh, but myself, uh, the FBI agent and (#8) went out early just to make sure that the park was, uh, navigable, so to speak, you know. We wouldn't get our truck stuck and that it was secluded enough that we could park all the vehicles involved in this operation, uh, without, uh, I guess, tipping our hand. So we went out there around

noonish, and just, uh, sat there until, uh, the rest of the, uh, the personnel brought in the operation arrived.

(DCSO 5): So you guys in in communication back with other people that had further intelligence? Was this radio traffic back and forth?

(#6): Uh, we had both pretty good cell coverage, surprising enough, and also, uh, radio, primarily through the FBI.

(DCSO 5): OK.

(#3867): Um, a and so you said, uh, primarily through the FBI, whi what, uh, radio channel were you all using?

(#6): We were using, uh, our secure tactical channel.

(#3867): OK.

(#6): Uh, which doesn't have a lot of range, which is why we relied primarily on the FBI for their, uh, radio communications.

(#3867): OK. And can you just walk us through, step-by-step, what happened when things started moving?

(#6): Uh, we got the entire operational package at the the snow park. Uh, we were told that the leadership of the occupation was going to leave Burns and then be in our vicinity 3-3:30ish. Uh, so we kitted up, just kind of waited. Uh, then we got updating intelligence about their location, where they were at and where they should and the time that they estimated they'd be, you know past the snow park. Uh, so when they were a couple miles out, we parked pretty close to the road where we were visible to anybody driving by. The initial, not a hiccup, but one that we operational problems that we were presented with was that the lead vehicle and the trailer vehicle were separated by several hundred meters. Uh, whether intentional or not, uh, it made it almost more difficult for us, because um, like I said, out best case scenario was we roll in behind both vehicles. We light our red and blues and everybody stops. The problem here is now, if we light up the trail vehicle, the lead vehicle can't see us. Uh, so, as they rolled by there was a significant space between the two vehicles, more that you'd see, you know, driving probably on...

(#3867): Wha what vehicles rolled by? Uh,...

(talking over each other)

(#6): Uh, the lead vehicle was a, uh, a large white pickup.

(#3867): OK.

(#6): And the trail vehicle was a Jeep that looked orange/green, had a very unique paint job on it.

(#3867): OK.

(#6): Uh, so as it when Jeep passed our location, we turned onto 395, travelled northbound. Eventually caught up with the Jeep, activated my bar, uh, (#8) was driving. I was in the back seat of, left back seat, left rear, with the FBI operator with the right front. Uh, (#8) activated red and blues. We travelled for a short distance and the Jeep stopped. Uh, I couldn't see the white truck. Uh, but once that Jeep stopped, uh, my Sergeant (#2) and his crew continued north and I could see them stopped approximately 200 meters ahead of us. Uh, still kind of whipping last of it, almost out of it.

(#6): So the, uh, Jeep stops. I exit. I give commands of authority. Uh, plan was announce who we are and then have all or order all the occupants in the vehicle put their hands in the air, which they do.

(#3867): So you identified (cough) yourself and your party as...

(#6): The Oregon Oregon State Police.

(#3867): police, Oregon State Police. And you said something to the effect of "everybody exit..."

(#6): It's, it's my standard... "It's the Oregon State Police. Occupants in the vehicle, put your hands in the air".

(#3867): OK.

(#6): And then once they're in the air, uh, the right front passenger, his hands were hard to see, so I just had him put his hands on the uh head liner. And then everything was pretty smooth from there. Uh, called the driver of the Jeep out. Uh, came back. He was placed in custody. He had a 9mm Sig .226 Navy, uh, on his right hip and a second magazine forward on his left hip. Uh, he was taken into custody. Figure out it was Mr. Cavaller.

(#3867): Tu

(#6): Uh, next person caught was Mr. Ammon, uh, Bundy. He came back very cooperative. Uh, was placed in custody without incident. Uh, he was unarmed. And then the last person in our vehicle, uh, was Budda. Uh, and came in, no issues. Went into custody, uh, pretty easily. The hiccup that occurred was prior to Budda coming out

of the th Jeep. Uh, over the radio, uh, (#2) told me that they were going to initiate a gas plan, which means they were introducing, uh, some kind of gas agent into that vehicle because they were, uh, not receiving any compliance. And was, uh, I believe it was chatter to the effect that he is unwilling exit the vehicle. Uh, I looked at, uh, (#7), one of my operators, uh, who had our, it's a rotary less lethal launcher so it's got 6 chambers and fires 6 rounds without being reloaded. And he was my primary less lethal guy. Uh, I looked at him because we had the only less lethal launcher. Uh, more, multiple less lethal launcher, the (#2) had single launchers which aren't, they don't deliver as much product, so to speak. Uh, and I looked to him and he told me, "Hey, if they can wait just a little bit, well I'm almost down here. It'd be easier to just use that platform instead of what they're doing." Uh, called in the radio, said we got, you know, one more to take in custody, he's being, you know, really compliant. Uh, give us a minute to detain him, and then once he's in custody, we can push our whole force package up. Uh, cause one of the issues we were having was, uh, at least members of my team, everybody's on the same radio channel. So now we're conducting two different operations in the same vicinity, uh, there's a potential to step on each other. So it'd be, uh, for commander control much cleaner to have everybody on location. One person in charge running the radio. And so...

(DCSO 5): Uh, could you see both vehicles? So you, you got the Jeep stopped. Could you see the white truck?

(#6): No. I could see the rear lights of all the police vehicles.

(DCSO 5): And, eh, how'd that make you feel? Eh..

(#6): We had a significant cross fire. Uh, to the point where I initially had a path to go weapons up, you know, kind of a a low ready, so to speak. Uh, when you're detaining somebody, uh, I went high port for a while because if I had taken a shot, it'd be directed towards the police officers. Uh, the HRT guys, to my left had maneuvered so they weren't having a cross fire issue. Uh, the HRT operator that was in my truck had actually moved into the woods in the snow in a tree and had negated that. So, uh..

(DCSO 5): So was there another vehicle behind you?

(#6): There was a vehicle to my left.

(DCSO 5): OK.

(#6): Uh, with the HRT unit.

(DCSO 5): OK.

(#6): And then, uh, another one of the FBI trucks behind us, uh, and they were kind of not so much involved in the operation, and but they trying to just (unknown) stood with them, talked to them, searched them, you know, things like that.

(DCSO 5): OK.

(#6): So..

(#3867): And so, (cough) just backing up briefly, uh, uh, I, is it correct that all three people that were came out of the orange/green Jeep, uh, came out fairly fairly compliant?

(#6): Uh..

(#3867): That were taken into custody?

(#6): The driver very compliant. Uh, Ammon Bundy very compliant to the point, the point they're almost being friendly,

(#3867): OK.

(#6): They were smiling and, uh, Budda was compliant. You could tell he was unhappy, but ..

(#3867): And how many of them were were carrying firearms again? If you would...

(#6): Uh,

(#3867): I mean.. I mean

(#6): I..

(#3867): just one at least

(#6): I know that pretty much with Mr. Cavalier, the driver, had a 9mm on him.

(#3867): OK.

(#6): Uh, once when we were taking Budda into custody, uh, one of the FBI operators moved in front of me to affect that arrest and I moved around to check on the other FBI operator. 'Cause I, uh, m my initial understanding was when we stopped, he'd be out my right door of my truck. I looked over and couldn't see him. It concerned me. So I moved out of the (cough), I guess, command role, uh, challenging the vehicle to more of a leadership role behind the vehicle, uh, and tried to locate him. Once I did, came back and, uh, they'd already had Budda detained, and out of the way.

(#3867): OK. So to summarize, everybody came out of the vehicle..

(#6): Um-hum.

(#3867): and complied. They're taken into custody..

(#6): yes

(#3867): without incident. And, to your knowledge, was any force used on any of them?

(#6): No.

(#3867): No. OK. Um, (cough) and so from there, uh, what happened?

(#6): Uh, while we were taking them, uh,

(#3867): I'm sorry, will you back up real quick? A as you just said, no force was used on any of them. Were any of them injured as a result of any of this?

(#6): Not to my knowledge.

(#3867): OK. Did you see any visible injuries on any of them?

(#6): No, sir.

(#3867): OK. Go ahead.

(#6): Uh, while we were taking Budda into custody, uh, I heard over the radio and one of the F, uh, FBI guys says something plain voice that the truck's leaving. It was my understanding it was the white pickup. Uh, so, we saw every, all the police vehicles in front of me just take off and leave. Uh, so, we effected the custody of, uh, Budda real quick and then, once he was in in custody and detained and left with some of the uh, FBI guys behind us, we jumped in our rig and, uh, continued north.

(DCSO 5): Did you, uh, acquire anymore passengers in your vehicle from there? Did any of the, uh, FBI agents or any more

(#6): Uh,

(DCSO 5): People jump into your vehicle and go?

(#6): (#8) was driving, the FBI operator was right front seat, and I was left rear. Uh, as we drove north, there was an FBI operator, uh, with a male suspect that was on the ground handcuffed. Uh, so we rolled up. The FBI operator, with me, made sure, "Hey, are you OK?" He, he's all alone i in the middle of nowhere.

(DCSO 5): Was there a vehicle with him?

(#6): No.

(DCSO 5): OK. So he, u y, you're rolling up and you see the FBI agent with somebody else

(#6): With somebody,

(DCSO 5): detained?

(#6): Yeah, I it turned out to be Mr. Payne.

(DCSO 5): OK.

(#6): Uh, and so apparently he had come out of that lead truck, ..

(DCSO 5): OK

(#6): been detained, and while they were searching him or effecting that custody, the truck took off. Uh, so that entire package left to after the truck and they left that FBI guy there with Mr. Payne. So we confirmed that the FBI operator was good by himself and continued north.

(#3867): OK. Um, then what happened?

(#6): Uh, as we're rolling north, uh, to that northern containment kind of area, uh, I hear (#2) ask me to respond because we needed that multi-launcher less lethal. Because we needed to introduce gas, uh, .. and I don't remember if he said on the radio, but it's my understanding that we had that situation again. No one wanted to come out of the vehicle, so I introduce gas to force them out. Uh, so we arrive on scene, uh, the white pickup's in a snow bank, uh, kind ab cattywampus at at an angle. Uh, there was a couple other unmarked pickups and, uh, [REDACTED] silver pickup. Uh, we get out. Uh, (#7), my less-lethal guy, runs in front of me. I run with him. I announce our presence to everybody there. We go, "you got two behind you". Uh, almost stepped on the FBI spike strips which I didn't see, which would have been a bad day for me. Uh, jumped over them, and then got behind [REDACTED] pickup, the, which would be his left front. And then we were told by one of the HRT operators there that, you know, we got people in there that's not coming out. Uh, kind of confirmed that, you know, we're good to launch some gas. Uh, (#7) launched them, uh, six rounds from a multi-launcher. Uh, came back down behind cover. Uh, reloaded. And in this time, there's a lots of stuff going on, there's a lot of, you know, yelling and commands and and that's where it's confusing, (cough), excuse me, that just a lot of activity, so

(DCSO 5): We can get you some more water.

(#6): I' I'm (unknown-multiple voices)

(Pause)

(#6): (cough) Sorry, so, (cough), (#7) is reloading and I'm down behind, uh, [REDACTED] truck, (cough). I kinda look over to my left and I see a gentleman in like a Levy jacket with a hat and he's laying almost looking up at me in the field, uh, with the snowy field. And his right hand, uh, I remember seeing, it was almost as white, but you can't see it, but as a piece of paper. It was almost like he was in rigor, rigor mortis. And I looked over and I grabbed the, uh, leg of (#13), the HRT operator next to me and I was like what's his status? Pointed at at the that the guy laying in the (cough) uh in the snow and he looked at me and said, "He's down hard", which to my understanding was he he had been hit or shot. Uh, which to us coming up, we didn't hear that, for whatever reason, that shots had been fired. Uh, so it's the first time that we were kind of, you know, things went from just people who don't want to come out of a vehicle to there was potentially a gun fight, obviously. Uh, so after getting that information, uh, (#7) asked me if he was clear to launch six more, because the initial six had no effect- which is unusual cause six of those usually some kind of effect- some kind of yelling, some kind of uh,...

(#3867): An are those gas or,

(#6): (Coughing over talking)

(#3867): Uh, are those barrier penetrating sponge?

(#6): Uh

(#3867): Heavy millimeter?

(#6): 40 mm and they are OC (cough)

(#3867): OK

(#6): So they're like a normal less lethal round that has the same impact bags (unknown), but they have a a small amount of, uh, OC powder inside of, inside (unknown).

(#3867): OK. So a chemical irritant?

(#6): Yeah, chemical irritant and

(#3867): And the intent is to get the people to

(#6): The people out, yeah,

(#3867): Come out of the

(#6): So we don't have to go grab them, and so... it's just safer for us, safer for them, potentially. Uh, but usually, in my experience, you see some kind of coughing, or

yelling, or, uh, but I didn't hear anything coming from the vehicle. Uh, so it, [REDACTED] put six more rounds in the vehicle. Uh, and then, I don't remember the time frame, but then, uh, a white male came out of the vehicle, hands up, and that was Bryan Bundy, I believe.

(#3867): OK.

(#6): He was taken into custody, uh, and then a, appeared to be, a juvenile female- I don't know who that was- and then an older older, heavy-set white female came out. (cough) So once those three were detained, uh, FBI guys behind me were conversing with the people that came out of the truck, to ensure that there was no one else inside. (Cough). And, uh, after that, the FBI cleared the vehicle and then we locked down the scene.

(#3867): And by lock down the scene, uh, do you mean, uh, just stop (cough) anyone from touching any evidence?

(#6): Exactly

(#3867): Or uh,

(#6): Part of the problem was that once the vehicle was cleared, I looked north and there was some vehicle traffic. It was just stopped, 120 meters away. Uh, so what we needed to establish, uh, the crime scene. So I went up, interviewed those people, got their contact information, and put a a unit there so nobody could come and impede into the the..

(#3867): You're talking about people that had come from (cough) north to south on the highway?

(#6): On on the opposite side (talking over each other)

(#3867): Just to make sure that scene was

(#6): Yes, sir.

(#3867): not contaminated?

(#6): And then, the distance from the Jeep and the initial stop to, uh, the incident location, in my estimation.... I'm not, what exactly was... a mile, mile and a half. So we had that kind of a longer scene to deal with. Uh, so after that, I had to go back south to the Jeep. And then we had, you know, a bunch of media there, and so I had to turn people around, push them back to to kinda of, uh, ensure the integrity of the crime scene.

(#3867): K. Um, to to your knowledge, did you witness or see that a any evidence was moved or anything like that? That, uh, that would need to be documented?

(#6): Uh, I remember stepping on some of the uh less lethal casings. They're kind of large. They look (unknown)

(#3867): Was it the 40mm larger shells?

(#6): 40, yes, (talking over each other) Uh, but other than that, I wasn't really in to the the the crime scene, so to speak, other than establishing the boundaries. Uh, because, uh, so many involved in this incident were my leadership, so once they departed the scene because they're involved officers, that the leadership of the people on the ground fell to me. So, I ex I kind of transitioned to that.

(#3867): OK. Um, and did you assist in clearing that vehicle in terms of tactically, or was that other

(#6): No, I didn't.

(#3867): Was someone else.

(#6): Yeah.

(#3867): OK.

(#6): Uh, primarily I think, the uh, the FBI guys did that.

(#3867): OK. What was your understanding was that vehicle was cleared and that there was nobody else left inside of that.

(#6): Yeah

(#3867): Is that correct?

(#6): Yes, sir.

(#3867): OK. Um, u, be anything else?

(#6): We had some issues once, you know, other officers departed with communications.

(#3867): Um

(#6): Uh, since I was a senior OSP guy there, I tried to make communications via cell phone, absolutely no cell coverage.

(#3867): So different from the mile and a half down the road?

(#6): Yeah, it would , went to absolutely no service. We had a satellite phone in my truck. I could not get on the satellite phone.

(#3867): And what about radio?

(#6): Uh, we could go to on on radio, on our main, unsecured patrol channel. But I didn't want to put any of this information out on unsecured net.

(#3867): And why is that?

(#6): Uh, part of our concern was that once we took these people into custody, uh, that would spark some kind of action from their supporters, so to speak. That they would want to, through whatever means, and our concern with some violent means, to extract them from police custody. So, for the time being, the less we could put out that could be misunderstood or, you know, used against us, for lack of a better term, the safer those officers on the scene were.

(#3867): You're talking about that unsecured radio channel that is not encrypted, that is being a, that is able to be picked up by

(#6): By.. a normal scanner

(#3867): Somebody with a normal scanner.

(#6): So eventually, uh, both myself and, uh, the FBI team leader on scene were able to communicate through the satellite phone.

(#3867): OK. Uh what happened, uh, you said you were protecting the scene,

(#6): Um-hum

(#3867): Um, were you relieved at some point, uh, of that?

(#6): Eventually. We had to coordinate, uh, the transport of those persons who were in custody. Uh, to get detectives on the scene. An ah it took a lot of coordination. It took a good 2 or 3 hours to to make all that happen. I think primarily 'cause there's so many moving parts that, as far as the operation and we were so remotely located, uh, so eventually we did get uh, the people in custody transported, but it took a little while to get that van there. And once the van there, to get them away. But we eventually got them a warm place to sit and things like that. So,

(#3867): And did you ultimately end up back at the uh command post in Burns, or was there a, where did you end up?

(#6): We, we ended up, uh, probably around 11:00 that night, if I remember correctly, back at the command post, after everything was said and done.

(DCSO 5): So, uh, did you fire any rounds, uh, leth lea, less lethal or anything like that?

(#6): No, sir.

(DCSO 5): OK. Any you didn't pick up any round or shell casings or anything like that on the ground?

(#6): No, sir.

(#3867): And when you said fire any rounds less lethal. Did you fire any, um, ammunition, uh, handgun, rifle ammunition?

(#6): Uh-uh. Not at all. No.

(#3867): At any time during this incident?

(#6): No. Nor, you, what my interaction wa with wer was Mr. Cavaller 9mm pistol. Uh, once it's taken off from the FBI agent, cleared it, uh, put the round that was in the chamber back into a magazine, handed me the pistol. Both magazines I put them in my dump pouch, on my my, uh, duty belt.

(#3867): And where did that handgun ultimately end up?

(#6): I, uh, it went to uh (talking over each other), from my custody, handed directly to [REDACTED]

(#3867): OK

(#6): From my agency.

(#3867): K

(#6): That night.

(DCSO 5): Uh, let's see here... Uh, what was your fo your attention focus, when you arrive on on to the second sc scene? Uh, I'm assuming this is a chaotic scene. You have a vehicle you like you described,

(#6): Uhhum

(DCSO 5): It's up on its side. Uh, you have some other vehicles that are there in the roadway

(#6): Uhhum

(DCSO 5): Um, was your focus on the vehicle? Where was your focus at the time?

(#6): Coming up, the focus was on the white pickup. Uh, one, because it's unusual to see a vehicle not on the road, you know,

(DCSO 5): Exactly

(#6): For most people. And this vehicle was very deep in the snow bank and tilted to its right side.

(DCSO 5): OK. And was this vehicle u ah in a more dangerous spot than what you were prepared to see when you went, came around the corner?

(#6): Ah, it was unusual because w we had to proceed cause we needed that less lethal launcher, uh, for it to be effective. To go from my vehicle to [REDACTED] vehicle, uh, there's a little bit of open area for us. So my focus was on that truck as I was running, like I said earlier, I looked down cause I saw (#7) do a little, like a bunny hop, like what is he doing? And I looked down at these big old-school spike strips,...

(DCSO 5): (chuckle)

(#6): The accordion spike strips?

(DCSO 5): Yeah

(#6): And so, I almost stepped on those. But,

(DCSO 5): OK

(#6): Up until that time, it was up on on the truck.

(DCSO 5): OK. Uh, did you see anybody, uh, attend to the person that was down, the subject that was down.

(#6): W wa, once, uh, I believe the older, heavy-set female came up. Uh, I know cause part of the plan was for the FBI to provide a one of their paramedic units, paramedic agents I guess would be the term. And, uh, as I was kinda coordinating the, uh, the southern perimeter of our crime scene, I remember looking to my right and seeing, uh, it starting an IV, intravenous fluids, and then, uh, three or four agents standing around and helping with that. But I'm not sure the extent of care they provided.

(DCSO 5): OK. And that vehicle, in reference to other officers that you saw on the scene when you arrived, uh, were they in danger? W Was your, uh, response just to get cover and maintain cover to assist? Um, were you seeing anybody actively shooting back, or shooting, or any shots heard or fired?

(#6): I don't remember das the exact location of the officer beyond the silver truck. I know that they were very close to the truck and the white truck had some very tinted

windows, which made seeing into them difficult for us, especially because from the left front of my lieutenant's vehicle to the (unknown).

(DCSO 5): OK

(#6): So it was like looking into a window with a curtain on it. You you couldn't see anything inside the vehicle.

(DCSO 5): So you had no knowledge if the somebody was in there with a gun

(talking over each other)

(DCSO 5): pointed straight back, directly at your or other officers?

(#6): To the extent that, one of the things, uh, I think we do as police officers, road officers, is if we're taking cover behind our engine block and pointing our weapon at a threat vehicle, uh, we're used to just sitting on that engine block, thumbs up, heads up, looking at the vehicle, getting commands, and trying to see what we can see in the vehicle. Uh, I initially was like that, and then the HRT operator to my right said, "We can't see in there. Why don't you get down." And then, so we got down and then we started doing a a bubble drill, for lack of better term. One guy would pop up, see what he could see for a couple seconds, and pop back down. A guy..

(DCSO 5): Another guy would go up and down?

(talking over each other)

(#6): Well, at at different locations, just so, just so we could keep, just so we could keep eyes on so we weren't heads down and and, you know, missing if someone came out of the right side of the vehicle. But,...

(DCSO 5): Uh, your tactical, uh, your tactical firearm in that, what were you carrying at that time?

(#6): Uh, um, my issued, uh, SWAT rifle is ah, Noveske, uh, M-4 platform.

Pause

(#3867): And what's the caliber of that?

(#6): It's a 5.56.

(DCSO 5): OK. I think we should take a break here real quick. I have to use..

(#6): Uh, probably use some water.

(All talking at once)

(#3867): Absolutely. Per, you what what I'm actually two two more questions, if that's OK?

(#6): Sure.

(#3867): Um, (cough), you're, uh, obviously there's some vehicles, uh, from FBI

(#6): Uh-hum

(#3867): on scene. Uh, those uh what happened to those? Did those end up staying or leaving? Was the, uh, what did you see?

(#6): After the incident, uh, you mean, a as we departed the scene? And...

(#3867): Um, at

(#6): Returned to the..

(#3867): at the, um, at the scene that you were trying to secure.

(#6): Un-uh.

(#3867): Um, there's some obviously some, tr, uh, pickup trucks.

(#6): Um-hum.

(#3867): What what happened, uh, to those? Was a..

(#6): Uh, they, I believe, came in trail of us. So, eventually they came north from, uh, our initial start location, an and, uh, the initial stop location.

(#3867): OK.

(#6): And were located behind us.

(#3867): Gotcha. OK. Um, Uuh, I'm just making sure, I I I'm talking about the ones that were already there, uh, when you arrived? Um, those two..

(#6): Oh, that were, uh,

(#3867): They were already..

(#6): OK

(#3867): Yeah, whe when that ..

(#6): North containment..

(#3867): The white..

(#6): Area.

(#3867): Yeah, the north containment.

(#6): Sure.

(#3867): Wh did you see what happened to those those trucks?

(#6): As far as what?

(#3867): Um, they were, did they stay on scene? Or did they end up, um,...

(#6): I do not know.

(#3867): OK

(#6): Uh, they had a lot of different kind of brand new, I believe they're rental trucks, maybe, or

(#3867): OK.

(#6): They're assigned to the FBI. Uh, but I'm not familiar enough to, uh, with them, to know which one was which.

(#3867): Gotcha. OK. Um, (cough),

(DCSO 5): So you're saying is that they left before you, your team left?

(#6): No, uh, a after we started calling detectives and got the the scene secure, uh, we had, besides [REDACTED] truck, which was in the scene, uh, my truck and then our green van. Uh, so the FBI coordinated, uh, getting the custodies out, and the ambulance that eventually showed up.

(#3867): OK

(#6): Uh, with some of their vehicles and believe that was another FBI SWAT team that's called in to do that. Uh, once we got the clearance to release the scene, then we had an enough of our detectives and your detectives on scene. Uh, we went out as a group with the FBI. I'm not sure which vehicles they took. Uh, that was up to, uh, their leadership.

(#3867): OK. OK. And I just one last question then we'll take a break.

(#6): No hurries.

(#3867): Um, prior to or during this, uh, operation, did you take any medication, drugs, or alcohol that would affect your ability, uh, to perform your duties, uh, and responsibilities?

(#6): No, sir.

(#3867): OK. Alright. Great. We'll go ahead and take a break. Thank you.

(DCSO 5): OK. And we're back on record after a brief break. Uh, we need to add some follow-up questions before we end this. Um, obviously, uhh, we have watched the video. I'm sure that a lot of people have already watched the, uh, the video of this, and um, you know, as a as an officer, myself, I know that these, eh, things of this nature can move pretty fast. Um, I I would really like you to describe, (cough), you know, uh, what positions you felt you were in and, you know, how did it, how did seeing somebody down when you arrived, what what was going through your mind at that time?

(#6): Uh, initially the initial stop with the Jeep, like any unknown traffic stop, your adrenalin spikes a little bit. Uh, you know, you initially get commands and ask for authority. It's in a more of a rough, kind of, allowed, uh, nature. Although, just after every the driver came out of the Jeep, uh, and with, uh, Ammon Bundy, Mr. Bundy, you know, we kind of spooled it down, almost to a conversational tone. Cause you can tell by his face, uh, that he wanted to comply.

(DCSO 5): So, then their cooperation level was...

(#6): Was a, whether he agreed or not, he he wanted to uh, you know, be taken in custody without any issues. Uh, so we go from that to, OK this is going like we want it to, just going as the plan, to the radio traffic of the the trucks taking off.

(DCSO 5): Did you hear anything else when when you heard that?

(#6): No. They were they were within the line of sight. Uh, but we could hear anything up there. We couldn't hear the the vehicle take off. Couldn't hear any of the commands. Uh, so, that happens and I's like, you know, you kind of get a little more concerned. Uh,...

(DCSO 5): What's going through your mind? I mean, your you're concerned. I I'm assuming you have your situation

(#6): Um-hum.

(DCSO 5): going very smoothly, per se, and then all of a sudden, you're getting this radio traffic with the vehicles taking off. W What are you thinking at that time?

(#6): Basically, I'm unhappy cause, when the lead vehicle stopped, it was almost not a relief, but like OK, good. You know, this is how we wanted it to go. Everybody stopped. Everybody was in handcuffs. And we just move on. Uh, but then, once you hear that, now your your brain starts racing trying to think of possible ways this could go badly for you. Uh, and then trying to, uh, as you both know as police officers, trying to make mental plans so you don't have to do it when you're presented with the the problem. Uh, so as we roll up, you you see the truck in that position, th the white pickup, th the one that, um, Mr. Finicum was driving. [REDACTED] silver truck and ther, they're next to each other but they're facing opposite directions, which, you know, in and of itself, is unusual for a law enforce office. We usually have a an engine block, or, you know, see the back of the the vehicle that wer we're dealing with.

(DCSO 5): So I saw the stop location where that vehicle was stopped an and, uh, it was beside all the other vehicles in the snow.

(#6): Uh-huh.

(DCSO 5): Um, is that what you're describing?

(#6): Yeah, tha.

(DCSO 5): Y lh, what was your concern with that?

(#6): Th the they're parallel to each other, a as you know, and I think most people know, law enforcement officers, they like to be behind the vehicle they're dealing with. So being parallel, almost door-to-door, is unusual and presents, uh, a lot of tactical challenges. Uh,..

(UH sound)

(#6): especially with...

(DCSO 5): and your tactical challenge, you're meaning like, uhh, what do you mean on tactical challenge?

(#6): You can't see inside the vehicle, uh, you know, usually if you're at the back of a vehicle, you can see the people even if they have tinting, uh, because there's some backlight. Uh, tha that was not present that day, even with the snow. We could not see in that vehicle. Uh, and if you're behind your threat vehicle, you can usually see people turning around or looking or, furtive movement I thing is the term. Uh, and that kind of dictates how you, how you play things. With this, it, we were getting no indications of what the people were doing inside that that vehicle. Uh, I couldn't hear any voice

communication between the vehicle, what the people in the vehicle and us, although we were giving a lot of commands. I didn't hear anything coming back.

(DCSO 5): Uhh, they were giving a lot of commands, so other people that were there were were they challenging the vehicle by yelling at the vehicle? Or y at the people?

(#6): They were doing both. Uh, and they, there was some F p BI guys to my right, which moved me back, left of [REDACTED] vehicle, and also, uh, to my left, uh, another one of the FBI trucks. So there's a lot of talking, uh, but I didn't hear anything coming back, uh, from the people inside that one truck. Uh, so now we're dealing with the unknown, uh, and you think of all the bad things can happen, you know. You go from a hostage situation, you are they, you know, just going to barcade up there and make us come get them, uh, by constantly resisting, or are they, you know, waiting for an opportunity to shoot us?

(DCSO 5): Do you know if any of your, uh, or anybody at the scene was injured? Any of your law enforcement, other people were injured? You said you did see w at least one person on the ground,

(#6): Uh-huh.

(DCSO 5): Uh, and you did ask the, uh, other officer or agent, uh, what the status of that guy was. Obviously, that's something that pretty unusual cause you had no idea that there's going to be, that's what you're going to see on scene.

(#6): An and, it elevates the the problem solving, so to speak. An as you guys know in these situations, at least for me, it doesn't get scary until it's done. And you you don't start shaking, you you don't start, you know, thinking about your own mortality until the entire incident's complete. Uh, it's almost clinical in a in a training sense. (cough) We've been doing this cause you you've been trained what to do and you want to do that well. Uh, so on scene, uh, especially with the agent saying we're exposed here, we need to start popping up and down, uh, at least getting some visual on the truck, while not exposing ourselves. That's unusual for me cause usually I'm behind some kind of piece of hard cover, where I can just keep constant focus and situational awareness. Uh, ...

(DCSO 5): So not being able to see constantly is..

(#6): And then what for me too, I was in my opinion, too focused on that truck. There's plenty of agents and troopers focused on that truck, and, um, in the leadership role. Uh, so I let (#8), (#7), and HRT operator deal with that. And at one point, I kinda turned around and started looking, uh, I remember looking at (#2) [REDACTED] and then, uh,

the HRT team leader. Just kind of getting visuals, making sure that we're, you know, communicating and and this goes smoothly so we don't have any crossfire issues and things like that.

(#3867): So, (cough), you understand you get there, FBI agent tells you that Finicum is down hard, right, something that's similar to that? An and you're saying he he's shot, is what you're saying?

(#6): Yeah, uh and I may have said, "What'd you say?" He goes, "He's down hard," like, oh,...

(#3867): Right, yeah.

(#6): Yeah.

(#3867): So, he's down. He's shot. Your understanding that obviously the elevation, you know, the situation's been heightened. Adrenalin's probably... (cough, cough), but, you know, from there, did everybody else come out of the vehicle? Out of the

(#6): Uh,

(#3867): Uh, pickup truck?

(#6): After the gas rounds were introduced, uh, they did eventually come of the pickup. I couldn't tell you what the time frame was. It wasn't an exorbitant amount of time, but eventually the people inside that truck did come out.

(#3867): OK. And were they given commands to when they came out?

(#6): They were.

(#3867): And what were like th uh an example of the commands

(#6): Uh,

(#3867): given to them?

(#6): I remember watching Ryan Bundy come out,

(#3867): Um-hum

(#6): Uh, and it was, you know, "Keep your hands in the air." Uh, and then they turned around, brought him back past me. Uh, the young lady came out. I was focused somewhere else, but I remember, uh, the older lady had some issues getting over the snowbank.

(#3867): Um-hum.

(#6): And there, and she was saying, "I'm gonna have a hard time getting over this". And the FBI guys basically said, "Ma'am you're just gonna have to do it, please."

(#3867): OK. So she's having issues getting over the snowbl bank and..

(#6): And she (unknown) boots or maybe it was her jeans were having, you know...

(#3867): OK. And the officers on scene wer were able to work with her, through those commands, through the snow,

(#6): Um-hum.

(#3867): Um, and they were able to come...so everybody obeyed the the commands to come out, once they did come out?

(#6): Correct.

(#3867): Had their hands up?

(#6): Correct.

(#3867): Were any of them shot?

(#6): No,sir.

(#3867): OK. So they all obeyed the commands and none of them were shot.

(#6): That's correct.

(#3867): OK. I just want to confirm that. Um, and then even even though they had to walk over, uh, presumably the same snow that LaVoy Finicum had just walked over, th is that correct? The same area of snow?

(#6): The same are, I don't, I I couldn't attest to the depth of the snow,

(#3867): Right.

(#6): But she was having some difficulty navigating it.

(#3867): OK. So there's difficulty walking on the snow, but they're still able to obey commands

(#6): Um-hum.

(#3867): and keep their hands up and none them were shot.

(talking over each other)

(#6): I think at one point, her hands actually were not up as she was maybe slipping,

(#3867): OK. To to kind of steady herself?

(talking over each other)

(#6): And there was some, there was some conversation between her and a and a FBI agent about how to navigate that and that she really kind of needed to because we didn't have any other options.

(#3867): OK. All right. Um, so they're all taken into custody

(#6): Um-hum.

(#3867): after that, uh, without incident

(#6): indeed.

(#3867): Other than that? OK.

(DCSO 5): Uhhh.

(#3867): Anything else you want to add, uh, about this incident?

(#6): The only thing that's struck me as very odd, uh, as we were getting the scene organized a and turned over for investigation, uh, the people who were detained were all standing with FBI agents, uh, who were part of the operation. And as I walked to talk to one of the the FBI guys to coordinate some, uh, I forget what I was going to coordinate, but wanted to talk to them, the older lady, who had trouble navigating the snow, looked at me and asked me if I believe in the constitution. Which struck me weird because a man was just killed. Uh, in in my experience, my 15,16 years in law enforcement, when some a on something like this happens, whether you know the person who was shot or injured, or you're just a bystander, that's what they want to talk about. And so her question about whether I believed in the constitution or not, it almost, it irritated me. You know, cause that's what we want to talk about right now? OK. And then so, I started to walk away. I remember Mr. Payne turning around and mean mugging me, trying to give me a dirty look like he's a tough guy. And I I didn't understand that. Like it's not the time for, you know, your attitude right now.

(#3867): OK.

(#6): But it it just str struck me as very weird why he would, you know, almost challenge us once he's, you know, been in custody and the game's up, and, you know...

(#3867): Right.

(#6): Things are over.

(#3867): OK. Were you, uh, were you afraid at any point during this dangerous operation?

(#6): Uh, afterwards.

(#3867): Yeah.

(#6): Y you th ah

(#3867): OK.

(#6): During the operation, you you train, not this situation, but like situations, and it becomes almost clinical. You kind of work through a problem. And you understand the danger, but my hands never shake until I'm done.

(DCSO 5): So you train, to you, to operate in high risk situations like this, and you guys continue to do this? And so, through your training, you're able to continue to work through your emotions and your feelings through that.

(#6): An and part of that situation was, you know, that that we're working with probably the best team in the nation. Those guys have a good reputation. I mean, you're talking, they're basically legitit dudes. So, that kind of assuages some of the the fear cause, uh, there were very involved in this, and uh, you know, we were taking a active role in some of the tactical decisions and tactical actions. So, you know, it's like having your big brother there, I guess, for lack of a better term.

(#3867): Anything else?

(DCSO 5): I think that's, uh, pretty much it. Uh, the vehicle that you were driving, uh, you left in that vehicle. Correct?

(#6): Yes, sir.

(DCSO 5): OK.

(#3867): Did you remove any, uh, firearms, anything from the scene, anything like that? Uh, di did you just take your, uh, rifle back and ...

(#6): One of the things, uh, we actually, uh, and, uh, we cleared this through our chain of command and, uh, Detective (L), from my department, uh, [REDACTED] vehicle had all our, we were told when we showed up that day that we might be there for weeks. So we brought all our luggage and sustaining gear, which, unfortunately happened to be in the back of the [REDACTED] truck.

(#3867): I see.

(#6): So, uh, with Detective present, uh, with per with permission from our chain of command, we took all our our luggage,

(#3867): Your personal ?

(#6): My personal...

(#3867): Your personal items?

(#6): My personal luggage, which was like everybody...

(#3867): But no firearms?

(#6): No firearms.

(#3867): No tactical equipment that you used in, uh, that

(#6): No, sir.

(#3867): Operation. OK. OK. Great. Uh, if there's nothing else, we'll go off record. It's approximately, uh, 2116 hours. I'm going to go ahead and stop.

End of Interview.

CASE # 16-20205, FINICUM, ROBERT LAVOY

RECORDING (b)(3)

AT: DESCHUTES COUNTY SHERIFF'S OFFICE

BY: BEND POLICE DEPARTMENT OFFICER (#3867)

DCSO DETECTIVE (DCSO 5)

ALSO PRESENT: OSP OA REP. (#16)

(DCSO 5): All right. We are recording.

(#3867): We're on the record. It is, uh, January 29, 2016, uh, with the Deschutes County Sheriff's Office in Bend, Oregon. Uh, this is Detective (#3867) with the Bend Police Department. It's approximately, uhh, 2135 hours. Uh, I'm here with, uh, Detective (DCSO 5) with the Deschutes County Sheriff's Office, as well, uh, an OSP OA Rep. and um, (#8), with the Oregon State Police. Um, so, um, (#8), if you could, obviously, we're, um, talking about an incident here in in, er over in Mal the Malheur Refuge Area in the Burns area. Can you give us, first, just the background of your, uh, experience with the Oregon State Police, uh, what your job is there, and and what you're currently doing?

(#8):

(#3867): OK. Um, and what, uh, what is your role in the, uh, SWAT Team?

(#8): Uh, I'm an [REDACTED] member, uh, and I'm an

(#3867): Um, and what, uh, what was your understanding of the role for the, uh, Oregon State Police SWAT Team, uh, in Harney County for this, uh, militia take-over type incident.

(#8): Um, how it was explained to us in in our briefings was that it was an FBI-led...

(DCSO 5): Go and hang out. We'll just try to get....

(#3867): Go ahead. Sorry. Got interrupted there.

(#8): That it was an F, FBI was the lead, uh, agency on this and we were, uh, asked to come in and support them.

(#3867): OK. And to assist the FBI,

(#8): Yes, (unclear)..

(#3867): And their operations? OK. Um, and were there FBI, uh, SWAT Teams and, uh, other tactical personnel that, um, there while you were there?

(#8): Uh, yes, there were, from, uh, all over the country.

(#3867): OK. Um, so do you, just explain, um, kind of roughly, um, what what the plan or the operational plan was for the, uh, January 26th operation and, uh, what your s understanding was, and then what your duties were?

(#8): Um, so, my understanding of the operation, the F FBI, uh, basically planned it with some assistance from our team leaders. Um, that they were going to conduct a traffic stop on, uh, some of the key leadership from, uh, the Malheur Refuge take-over. Uh, somewhere on Hwy 395 en route, uh, to John Day, they were going to a meeting. Um, my role during that, uh, was to drive, uh, we call it the root beer truck. It's a brown pickup truck that's got full light package, sirens, uh, but it's an unmarked, uh, police vehicle. Uh, I was going to drive that and basically assist with the, uh, the traffic stop and take those people into custody.

(#3867): OK. Uh, so there's some traffic stops and taking people into custody. Who who were these people, to your understanding? Uh, were they...

(#8): Uh, we were told that there were six people for in each vehicle. There was a white pickup truck with a canopy, and then a Jeep, uh, Wrangler vehicle. Um, in the Wrangler, it was, I believe it was, uh, Cavalier, uh, Ammon Bundy, and, uh, I think it was the Budda, or or the Fluffy Unicorn. I can't remember his real name. Uh, those were his nicknames that he had, I guess, self-imposed, I guess. Um, and then in the the white pickup truck, we were told that, uh, Finicum, uh, Ryan Bundy, and possibly Payne were were in that.

(#3867): OK. And prior to going any any further, I neglected to mention in the beginning...Um, I, just looking at you in this interview right now, you appear to be pretty tired and I imagine it's been, you've been working quite a bit. Um, ho ha how much sleep have you gotten in the past, uh, 12 hours?

(#8): Uh, probably 5-1/2 to 6 hours,

(#3867): OK. Um,

(#8): Maybe.

(#3867): So, I understand during this interview that, uh, you're tired and some things you're gonna say, I, uhh, I expect would to the best of your knowledge and approximations to the best of what you know.

(#8): Correct.

(#3867): So we understand that, that you're tired. Um, we appreciate your being here. Um, so again, you're just, as you said, just restating, correct me if I'm wrong, your understanding is that you were going to be conducting a vehicle stop, uh, a felony or high risk. Is that for a normal, is that a regular vehicle stop?

(#8): Ow, was not a regular vehicle stop. There was not going to be an issue with, uh, with a true marked vehicle, was a high risk stop.

(#3867): OK.

(#8): Because we were told that the the occupants of these vehicles were armed.

(#3867): OK. And what would they have been been armed with?

(#8): Uh, we were told anything from, uh, handguns to, uh, semi-automatic rifles.

(#3867): OK. Uh, so you're approximating around six people in two different vehicles...

(#8): Um-hum.

(#3867): armed with handguns or rifles, and these are people that, um, to your knowledge, came from the wildlife refuge..

(#8): Correct.

(#3867): that'd been taken over?

(#8): Correct.

(#3867): OK. And what was the past understanding or training or briefing that you had, uh, to what their intentions were? Did they ever say anything about violence toward anyone, or uh...

(#8): Uhh, um

(#3867): Whether law enforcement or otherwise?

(#8): From what I've, I've seen that, uh, there was a couple of them, and I, um, I, just from the little news snippets, I mean, I I uh, don't follow it. Uh, I I haven't been doing, paying a hundred percent attention to it, but what what I have seen is there's been, from the leadership, they said they don't want to spend time in jail. They don't want to go to prison. Uh, they would die for their cause. So, so that was the mindset that we had, that that these people, uh, might not be just compliant and we had willing to go, uh, to to get arrested and go to jail, potentially. So, that was the mindset that we had is is that we were treating them as if they were armed and, uh, and that they had a mindset that they didn't want to, uh, be incarcerated.

(#3867): OK. And what was the, uh, was their, uh, crimes that they had committed? Or what was your understanding about, uh, the the reason to arrest them?

(#8): Uh, we were told (cough) that there were federal indictments out on on these individuals for, uh, it it was some longwinded, uh, federal statute that I don't exactly, I'm not going to, uh, I'd butcher it if I tried to repeat it.

(#3867): Of course.

(#8): I was n, under the impression that that there federal indictments out for for these people.

(#3867): OK. Um, so that, um, you mean like probable cause, arrested

(#8): Correct.

(#3867): for federal crimes?

(#8): Yes.

(#3867): OK. Um, and so, I eh, again restating, you said your job was you were the driver of what you would call that root beer truck?

(#8): Yes.

(#3867): OK. And that's a, um, a truck with lights, emergency lights, red and blue lights?

(#8): Red and blue lights and wig-wag, uh, headlights as well as sirens.

(#3867): OK. Um,. an and what was your personal equipment like? What would you have been, uh, what they call, kitted out with?

(#8): Um, I was wearing, uh, blue jeans, uh, these boots, so uh, hiking-style boots. I was wearing a tan, uh, it was the same shirt actually. Um, and I guess, uh, long john kind a shirt under heavy layer. And then I had my uh, huh, soft body armor on with a plate carrier over it. The plate carrier was, uh, like a ranger green with multi-cam, uh, pouches and accessories on it. Uh, ah, subdued, uh, badge, Oregon State Police badge on it. And then, ah, in the middle approximately, I don't know, three or four by six or eight, uh, black and white, uh, Velcro patch that I pull off another vest that said, "State Police" on it.

(#3867): OK

(#8): Uh, had my rifle, uh, pistol, taser, and then a multi-cam helmet.

(#3867): OK.

(#8): Uh, as well.

(#3867): Any other markings on your, that said "police" other than that, um, um, placard on the front of your chest?

(#8): Umm..

(#3867): Any badges or anything like that on your uniform?

(#8): No. No metal badges, just the subdued badge.

(#3867): Oh, so subdued badge, though.

(#8): Subdued badge, yes.

OK. There was a badge. All right. Um, OK, and you said, rifle, pistol...?

(#8): Yes, rifle, pistol, taser, um, I don't know, um, and some "eye pro", I think.

(#3867): OK. Um, can you tell me what happened? How this s s, how this was set up? And then what happened from there?

(#8): Yeah, so, uh, initially we went up, uh, there was a few of us that went up on a, on a recon kind of drive. Drove up a a few hours before they were, we believed that that the, uh, the main people were leaving the refuge. We drove up Highway 395, uh, Initially looked at, uh, there's a little snow park up there. Looked in there, saw if it was

suitable for what going, what we were, what we needed for a stage and then kind of be out of the eyes of the passing public. Um, drove up all the way up to, uh, another wide spot to the north of, uh, of that snow park. Um, basically identifying potential places to put, uh, marked cars, unmarked cars, if we needed to shut the highway down, uh, to prevent anybody from coming into the scene. So we did that recon and we went into the, uh, snow park and waited for a while. And so we, uh, we kept getting intelligence updates, uh, on locations, uh, time lines, stuff like that. Uh, when, uh, the two vehicles would be coming, coming toward... Once we got word that they were actually coming north, started getting ready. Uh, putting on our body armor, um, doing our last radio checks, and...

(#3867): So you're all using radio?

(#8): Yes, we were.

(#3867): Do you remember what radio channel? Was it an OSP

(#8): Uh, we were using

(talking over each other)

(#3867): channel? Was it an I, or?...

(#8): Yeah we were using OSP's, uh, TAC2 secure. I know that the FBI had their own channel, we don't have. So..

(#3867): OK. So you can hear, um, that those vehicles are inbound?

(#8): Yes,

(#3867): And that's that a white pickup and that Jeep?

(#8): White pickup and the and the Jeep, uh, Wrangler. And we kept, they were telling us that there was about, uh, 200, 200 meter, uh, gap between the two vehicles as they were coming up.

(#3867): OK.

(#8): And everything would, like they were driving normally, um, nothing erratic, just

(#3867): Is that, is that, uh, you said it was 200 meter gap, um, is that significant? Is that, does that matter if two different vehicle, uh, high risk traffic stop?

(#8): Yeah, it it definitely, uh, adjust you have to adjust in tactics if if you, uh, so we planned for contingencies if, uh, both vehicles stopped. Um, at the same time, we had a plan for if one vehicle stopped but the other vehicle continued. We had a plan to,

uh, adjust, uh, the vehicles that we had allocated for this this, uh, stop to peel off and and continue after an additional vehicle.

(#3867): So, if one vehicle fled and did not yield when it was stopped, then some of the law enforcement vehicles would follow that one?

(#8): Its...one would..

(#3867): Stay with the the other one that did stop?

(#8): Yes.

(#3867): OK. Um, and then what, uh, what else in terms of a plan? Was there any, were there any other contingencies, um, if that vehicle didn't stop, the, um,...

(#8): Um, (pause) yeah, so if if if one vehicle stopped, uh, one of the contingencies was that that there was going to be an additional, uh, one vehicle stopped, one vehicle didn't stop, um, we were going to split our, at the would've been five vehicles, ah, there's going to be two to stay with the compliant vehicle and the remaining two to three vehicles would continue, uh, with the fleeing vehicle. And we had, uh, pre-positioned, uh, marked, or unmarked cars. Then we were trying to get marked vehicles down from possibly John Day, uh, just in case something got past them. But they were going to have a spike strips and and their vehicles, uh, with troopers and and FBI and SWAT members..

(#3867): Gotcha.

(#8): To try to contain the, uh, the occupants of those vehicles.

(#3867): OK. So that being the plan and the operation understanding, what actually, what happened that day?

(#8): Uh, so I was in, uh, the first vehicle, uh, the root beer truck. Uh, behind me was, let's see, the gra gray pickup. Um, and then the gray van, another was another FBI rig, I believe, possibly another vehicle that that or two that came in at the rear. Um, but the initial plan was for four vehicles. Um, so, we, as we had got the word that they were coming northbound, um, we we pulled out of the snow park and down the road towards, uh, it's about a quarter mile, towards the main highway. Uhh, kep, saw a couple vehicles pass that that didn't match the description. Um, I know we saw the white pickup travel northbound. I started creeping down towards the road, stopped, and, uh, I remember, uh, the driver of that vehicle, uh, seeing me and reaching over and pointing his finger at me. Um, a and then he continued driving by. Um,

(#3867): This the white pickup?

(#8): This is the white pickup, the target

(#3867): OK

(#8): One of the target vehicles. Shortly after, the Jeep, uh, drove by, um, and I turned out and followed them northbound. Uh, pushed the foot to the gas as fast that truck would go, which was not, did not have a lot of get up. Um, tried to close the distance as the rest of our support vehicles, uh, followed them. Uh, once, uh, my truck commander, uh, (#6), uh, said, "Execute", I initiated the, uh, the emergency lights, the wig lights, the forward and rear lights. Uh, and then, hit the siren a few times. Uh, both vehicles initially slowed. The Jeep stopped, and then the white pickup took off. Um, I stayed with the Jeep, uh, as well as, the, there was another vehicle behind me, an FBI vehicle, I believe. Um, and then the gray pickup driven by, it was (#4). It was (#2)'s truck, um, continued north with the green van I believed. And they went up to stop the white truck. Uh, the white truck eventually stopped, uh, probably 2-300 hundred, maybe, just a guess,...

(#3867): Probably more, more towards 300.

(#8): Yards ahead of us. Um so initially there was a little bit of a cross fire issue, um, because they were right in line with us. Um, and then we just focused on on the immediate threat, which was the occupants of the Jeep. UHhh, we got out, um, took up positions of cover and started announcing authority. Announced that we were the Oregon State Police. Uh, ordered occupants to get their hand on the vehicle, which they complied. We got, I believe, uh, (#6) was giving announcements. Um, and I was I was in lethal cover. And we had a less lethal cover that was available as well. Um, we took the driver out first, um, which I believe was Cavalier. Uh, again, I'm not one hundred percent on the name. Um, on him, there was a, I believe it's a Sig B226 Navy with, a some, um, 9mm, I think, handgun that was loaded. Um, FBI took custody of him and secured the handgun. Um, brought him back. Then we pulled out the right front passenger, which was Ammon. Uh, he didn't, I don't believe he had any weapons on him, just this weir, a knife sharpener, and I, uh, don't remember, maybe a Leatherman or something like that. I I don't know, um, but not no firearms off of, uh, Ammon. Uhmm, once we got Ammon in custody, uh, we heard some chatter on the radio, uh, that they were, the driver of the white pickup wasn't compliant. Um, and they were gonna go to a gas plan. Um, so we we tried to expedite things a little bit. Uh, started calling out the rear passenger, which was called Budda. I can't remember the guy's name. Um, and as we were, I think, I don't if it was before or during th us getting him out, we were told that the white pickup truck was leaving and looked up and it was, certainly, it took off and our guys were, um, giving chase. Um, we really couldn't just leave. Uh, we had to deal with with, uh, the gentleman that we pulling out at the time. So, we continued with that. Got him secured, uh, in custody. And we had to do a quick

clear of the vehicle. Once the vehicle was cleared, we left a small contingent to watch the, uh, in-custodies and we continued, uh, north.

(#3867): And you're still driving?

(#8): I am still driving.

(#3867): OK.

(#8): I got back in the driver's seat and, uh, yeah, I was bouncing around from, uh, driver's side to passenger side, just depending on the threat, where we were taking what could and couldn't see just so I could make sure that I had enough cover and observations, and...

(#3867): Anybody, uh, those people that came out of the Jeep, uh, any of them have any injuries, or anything like that?

(#8): Um, nobody was injured from us. The only one that said he had an injury while we were cuffing him was, uh, Budda. He said he had a torn rotator cuff, or something like that. But nobody was injured from..

(#3867): OK. Did you all have to use any force on them, to to effect those arrests? Or were they compliant?

(#8): They were compliant.

(#3867): OK. So no force used on them and they were not injured as a result of anything, uh, that happened when they were taken into custody?

(#8): Correct.

(#3867): OK. So, as you said, you were continuing northbound. You're driving and, um, to assist in, in following that truck that took off?

(#8): Correct.

(#3867): OK.

(#8): So, the, yeah. So we we continued (paper tearing/ being crumpled) north. Um, I believe (#7) jumped in our vehicle. Uh, we continued north. Uh, as we we pulled up, there was a whole bunch of vehicles on the road and I could see that the white white pickup truck was off the road, that it had crashed. Uh, I wasn't sure what happened on that. When I got up there, um, all I know is that I saw a bunch of guys, uh, our guys, behind, uh, (#1)'s, I believe it was (#1)'s, vehicle. There was a the silver truck that was, uh, facing south and they were lined up there behind cover, uh, pointing their weapons at at the white truck. Uhhm, I got out. I knew that, uh, they wanted, they called for gas.

Um, so I was going to be, ah, (#7)'s, uh, lethal cover for his gas, just to protect him. Uh, as I was moving from my vehicle to the position of cover where the the rest of the team was, I looked over to my left and I saw, uh, a white male with a cowboy hat, which I believe was, uh, Finicum, or LaVoy, uh, and he was on his back with his arm up, wasn't moving. So, I figured that, I made the quick assumption that, uh, he'd probably was not compliant and was shot. Um, I heard (#6) ask, "What's his status?" And then I heard one of these guys from FBI HRT say, "He's down hard". Um, and so I continued to my position of cover and covered (#7)'s, uh, we initiated the gas plan, basically, by introducing, uh, chemical agents to the vehicle to induce a response to get them to exit the vehicle. Um, he had a multi-launcher, 40mm multi-launcher. It's a less than lethal gun, uh, that shoots both sponge-tip, um, blue tips, which are sponge rounds, and then orange tips, which are the CS gas rounds. The, it's just powder. It's not an actual hot gas.

(#3867): We, uh, anybody giving commands to the vehicle or the occupants, uh, telling them to leave at any point? Or telling them to step out? Or...

(#8): I I did hear, I I don't know who said what, but I, uh, I did hear that there were commands being given. Um,

(#3867): Uh-huh.

(#8): And, uh, no response.

(#3867): OK.

(#8): Um, and then I was told that there were pe additional people in the car and they were not complying. Th they said they had people in the car still. Um, like I heard (#7) as he, uh, he launched some gas rounds, breaking out the, uh, front right window. I tried to shoot the back right window out and the rounds skipped off of it, probably cause it was tinted, or so, or something.

(#3867): That with the 40?

(#8): The 40, yes.

(#3867): OK.

(#8): Yeah, no no firearms, um,

(#3867): OK.

(#8): Uh, with the .40 less lethal. Um, so the back window was was not a success, so he continued to introduce more chemical agents, uh, through the front window. Uh, eventually, uhh, you know, I don't know how long it was, but after a little, after

introducing that gas, we, uh, started getting occupants out of the vehicle. Um, I know there was, there were three that came out of it, and they came out one at a time. Um, I believe the first one was, out of the back left, was, uh, Ryan, Ryan Bundy? He came out, um, and then some female, younger female, came out. We took, after we got Ryan into custody, we took her into custody. And then there was an older female that came out. I don't know her name.

(#3867): Um, they were each of them given commands?

(#8): They were, yeah. They were, they came out with their hands up. They were compliant. Um, and were basically, they were given commands to walk, um, behind the truck, uh, towards us once they hit solid ground. They were given a command to turn around, walk back. At that point, when they were within range, I, uh, put my taser on. I was, uh, less lethal cover, uh, for the custodies team, so I, uh, was able to have my taser ready for view, which we really didn't need. Uh, they were all compliant from that point on.

(#3867): I saw, at the scene, when I was there, that there's some snow where that truck and uh uh, and uh, stopping and it's fairly deep in some areas.

(#8): Yes.

(#3867): Did did they have to walk over that snow to get to, uh, where they were taken in to custody?

(#8): Yeah, they did.

(#3867): OK. Uh, they then, uh, they fall over? Um, th

(#8): They s, they looked like they stumbled. Uh, you know, they tried to have their hands up and their hands dropped for for a little bit, but, uh, it was one of those things that you could certainly tell that that it was because of the terrain they were walking on and not because of, they were actually trying to grab a weapon.

(#3867): OK.

(#8): So, it it was clear to me and that that even though they might have dropped their hands for for a brief second, that it wa really wasn't, the intent wasn't there.

(#3867): OK.

(#8): So.

(#3867): Just confirming, none of them were shot. Is that correct?

(#8): Uh, so afterwards, we found out that there were some injuries to to Ryan Bun...

(#3867): I'm I'm sorry. Wait, wait, now when they exited the vehicle, uh, and were complying...

(#8): Yeah, an

(#3867): with commands, were any of them shot?

(#8): Nobody was shot when they were exiting, um, and they were all taken into custody without any force used.

(#3867): OK. And I knew, you, I just interrupted. You you were saying something about possible...uh,

(#8): Uh, afterwards we were told that that Ryan an had, uh, some shrap metal,

(#3867): OK.

(#8): In his shoulder. I don't know the details, but we were told that he had s a minor injury he was treated for at the hospital. But, that wasn't, uh, I I didn't witness that, and I was told that it was, yeah. I I didn't witness it, so I don't know, really know where where it came from and what at point it did that.

(#3867): OK

(#8): And so...

(#3867): Um, what happened after that? They're taken into custody...

(#8): Uh, after all three (cough) were taken into custody, uh, there was a organized clear of the, uh, white pickup, where our members went up with a shield, uh, and cleared the inside of the vehicle, looking for additional people. Uh, they broke out the back window, uh, double-checking the bed to see if anybody's in there. Uh, didn't find anybody in the vehicle. Uhh, and then, at that point, uh, I looked over and saw somebody, uh, a approach, uh, LaVoy. Is it LaVoy? I think that's the name. Finicum. Um, approach him, roll him over, uh, appeared like he was doing a quick search on him, and that's all I saw. Um, I got re-tasked to, by (#6), to go, uh, take my vehicle back down to the south end to assist a marked patrol unit with, uh, perimeters, since it was now a crime scene. So...

(#3867): You see anybody give, uh, medical aid to Finicum, or uh?

(#8): Uh,

(#3867): Or was anybody, to your knowledge...

(#8): I know that the team we were with have to have some some medics, uh, EMT's and stuff like that, uh, with them. Uh, maybe even a paramedic. I thought I heard that mentioned. Um, but I did not see it. I was, like I said, uh, once it, the scene, was controlled, uh, I'd gotten a new task and purpose to go, uh, assist, um, somebody on the south end. So, I don't I don't, I didn't personally see anything though.

(#3867): OK. Uh, so you ended up having to leave once, uh, the scene was basically, uh, controlled for the crime scene purposes and evidence?

(#8): Yeah, so all the people were in custody. There was no additional threats, uh, outstanding, uh, so that's what what we call a secure scene.

(#3867): OK. The, um, did you personally move any evidence, uh, any any any items that were then evidentiary value on that scene? Um, even whether accidentally or ah anything, uh?

(#8): Um, the only thing that the might have happened, an and again, I don't know if anything got kicked, uh, as we were moving from one side of the truck, I like, moved from the perimeter of the truck to the back of the truck, and there was several, I noticed on the ground, several MP 40mm casings.

(#3867): Um-hum.

(#8): I don't, don't recall bumping ther em, or doing anything, but, uh, there was a lot of foot traffic there, so, I mean, they were all in that general area. So.,.

(#3867): So, you saying, basically, during this chaotic scene, there's numerous 40mm canisters on the ground, empty canisters, and your it's possible that you walked by, might have nudged or kicked, or whatever one of those?

(#8): It's very possible.

(#3867): OK.

(#8): Uh, again, I I don't recall any specific events.

(#3867): OK.

(#8): I just know that I walked back and forth, uh, on the back side of that truck, and appear, uh, you know with covering and concealment, an, and I wasn't necessarily focused on where I was putting my feet.

(#3867): OK. Do you know who was delivering those, uh, 40mm less lethal munitions,?

(#8): The two people that I know, uh, that did was, uh, was (#5) and (#7).

(#3867): OK

(#8): And (#5) had a single launcher and (#7) had a multi-launcher.

(#3867): OK. Um, and to your knowledge, the only 40mm less lethals were the blue sponge round and the orange, uh, OC agent?

(#8): Yes. Yeah, an I I don't know how many these each one fired.

(#3867): OK. No worries. Um, you, so from that point, you get pulled off, start to head south...

(#8): Um-hum.

(#3867): Back to the, uh, original stop that you had..

(#8): Correct.

(#3867): initiated? Um, and what did you do there?

(#8): Uhm, just checked in with the FBI counterparts, uh, made sure that they were they were good, didn't need any further assistance. They said that they were, um, and uh, there was a marked patrol car, um, that had moved south of the Jeep and I moved my, my root beer truck, uh, back south, uh, of the Jeep as well, uh, basically keeping the, we had to turn a few cars around. Uh, there was media that was trying to get through and basically set up, uh, perimeter so we could contain that, the crime scene, cause we figure we should probably keep it, uh, on the south side of the Jeep since that was part of the, uh, the whole whole big picture.

(#3867): OK. Did you fire any rounds with your handgun or rifle, uh, in this entire incident, at any time?

(#8): No.

(#3867): OK. Um, (cough & paper shuffling) ... me get uh....um, (cough) let's see here....and, uh, prior to or during this incident, um, did you take any medication, drugs, or alcohol that would affect your ability, uh, to perform your duties and responsibilities?

(#8): No.

(DCSO 5): OK. (pause) HUUUH, what'd you, (knocking/banging in background) when you went after, uh, after the Jeep was, uh, everybody was taken into custody in the Jeep, you said you left those custodies with other officers that that were there behind you in another vehicle beside you.

(#8): Yes.

(DCSO 5): Um, when you were driving to, uh, catch up with the white vehicle and the other officers with the truck that left the scene, uh, did you come across anything in the road? Did you see anything?

(#8): Uh, yeah, um, as we started leaving, uh, on the right side of the road, there was a gentleman, uh, a white male on the ground with a black beard and there was an FBI officer, uh, that was, that th basically was, uh, had detained him and was guarding him. Um, we stopped briefly. Our FBI counterpart asked if, uh, he was OK or needed any assistance, and, uh, uh, he said, "Nope, I'm good", and then we continued.

(DCSO 5): And, uhh, the uniform that you were wearing, this is your tactical standard uniform for your vest that's identified. Correct?

(#8): Yeah, the the vest is the, uh, is standardized, um, the, we don't normally wear blue jeans, uh, and...

(DCSO 5): But your identification on..

(#8): Correct.

(DCSO 5): that vest is..

(#8): Yes.

(DCSO 5): is the same that you would normally wear?

(#8): Yes.

(DCSO 5): OK.

(#8): The same vest that I wear in on planned search warrants or anything else that we do.

(DCSO 5): OK.

(#8): Um, but I did, uh, and usually it's more subdued stuff, but I did, uh, take the effort to, uh, to put that black and white, uh, Velcro patch on it that says, "State Police", uh, just to to make sure that there was no question that...

(#3867): And that's on the front?

(#8): Yes.

(DCSO 5): Is there another one on the back, another big patch that says something on the back?

(#8): Um, I don't know if I have one on my on my plate carrier, cause I went with the plate carrier this time. It was, it's different than my heavy vest. I know there's one that says, "State Trooper" on the front and back of my heavy vest, but I don't know if there is one on my plate carrier.

(DCSO 5): Did the, uh, the FBI agents, uh, uh, their TAC Team, di they, were they also identified with, uh, some kind of marking on their

(#8): Yeah. They..

(DCSO 5): uniforms?

(#8): they had that uh, "FBI" on theirs. Uh, it was kind of similar stuff. Similar to plate carriers, um, soft body armor, FBI, There was some subdued badges and other things.

(DCSO 5): So when you rolled up down the down the street, and you see this guy, you can i clearly identify him as one of the agents?

(#8): Yes.

(DCSO 5): OK. And he was with somebody else an and d do you know who that person was or where, how how he ended up here?

(#8): Uhm, I'm, soo, again later, I didn't know at the time who it was. Um, later I was told that that gentleman got out of the white pickup before it took off.

(DCSO 5): OK

(#8): And I was told that it was, uh, P pos Payne?

(DCSO 5): Just, just one of those subjects from the

(#8): Well, yeah.

(DCSO 5): Vehicle.

(#8): I I I uh, uh,

(DCSO 5): OK. So when you roll up to the scene, um, you you said you saw somebody was down. You wer, did you, you didn't know who that was down, did you? Did somebody tell you who this person was? Could you identify that person?

(#8): Uhm, no, I, ah, I mean I, um, once I had saw him and he looked like he was was either critically or or injured or deceased, and I got that answer that he's down hard, uh, that was he wasn't a threat to me anymore, so I focused my attention on, uh, the rest of the threats at hand and not, and didn't try to focus on, uh, figuring out who it was. I, that

that can come later, I awl, I don't care at that point. I just want to deal with what we have and then we can sort things out once once everything settles down and is secure. So, I I didn't know who it was at the time. Um, I didn't know if it was, which one of the occupants from that vehicle.

(DCSO 5): You identify him, though as as a, uh, civilian or an occupant from

(#8): Yes

(DCSO 5): From this location, or from the vehicle?

(#8): Yeah. I me I m I made an assumption that it was from the vehicle because, uh, he was to the left of the vehicle, um, and that's not a place that any person that's passing through is going to walk. Um, so eh I just made the assumption that, yeah, he was from that vehicle.

(DCSO 5): Do you remember seeing the driver's door of that vehicle, or the vehicle itself, were there doors open and p upon your arrival?

(#8): You know, the the angle that I had, um, I had mostly the back right of that truck. So, uh, basically, uh, the if the front's the one, right's the two, rear's the three, I mostly had, uh, 3-2 on the truck. So I..

(DCSO 5): OK

(#8): lot of the 4 side or the 1 side. Um, so most of my view was right on, I don't' recall seeing the door open.

(DCSO 5): Any doors open on the vehicle? OK. Could you see in, could you see into the vehicle at all?

(#8): Um, a little bit. Wa once the windows broke, the back was tinted and the bed was tinted, the canopy was tinted. Um, once the front window, you know, broke, uh, I could see just a little bit of, um, that front passenger seat, but not enough to accurately say that that there was anybody there or not there. Um, the spot that I could see in, I didn't see anybody, but that doesn't mean somebody wasn't hiding, or or in other position, so, definitely couldn't clear it from the outside, from where I was.

(DCSO 5): So, when you, uh, see this person down, I know that, I know that, uh, you're trained and you go through your, your continuous training, your training, uh, I'm assuming was able, you were able to work through your training and identify what your, tactics were at that point and what what obstacles you had to get over in order to continue with this stop and make it secure. Uh, what were you thinking? Did anything elevate or make you feel, uh, indifferent about what you saw?

(#8): Um, I mean obviously, uh, when I, when I heard that he was, he was, he was down, um, ih, made an assumption that that he'd been shot. Um, it it it heightened my awareness a little bit because, it was heightened from the point that he, we were told that they were going to a gas plan, an and the then he took off. Because that's not, ah, that's not something that, somebody that wants to, uh, comply does. Right? So, at that, at that, the point that he took off started, uh, getting in my head as far as, uh, this guy's mindset is is he doesn't want to go to jail and he's not going to comply. So I went from where he took off, he crashed, uh, you know, going, going out and seeing that he he had been shot, or or was down, I assumed he'd been shot. Um, led me to believe that that, again, he he probably wasn't compliant because we wouldn't obviously shoot him if he wasn't, if he was complying and and was no threat. So, that, again, I was thinking that, yeah, there's more people in this vehicle. I don't know the status of them right now. Um, we know that there's possibly weapons in the vehicle. So, I don't know if they're going to continue to be uncompliant, or if they're going to comply. So, I was more focused on the vehicle because there's un, there were threats in there, uh, but I didn't know their intent, and and and if they were grabbing weapons, barricading, uh, preparing for a fight, or or injured. I didn't know any of that.

(DCSO 5): Did you hear any radio traffic that, uh, uh, when you're responding to the truck, about somebody being down or anything of that nature?

(#8): I don't, I don't recall. Um,...

(DCSO 5): Where you working on a different tactical channel from the people that were, uh, directly behind that vehicle?

(#8): Uh, you know, I I believe, we had some, I believe had some OSP, uh, at that the northern most position. Uh, and then there was the FBI channel. Uh, OSP was on our channel and we had good communications. I just don't uh recall hearing anything specific. Uh, I was focused on driving there and and not crashing as we get there.

(DCSO 5): Did you communication, uh, was it different than it was when you were at the Jeep? Meaning you have good communication there at the Jeep. Was there any difference in your communications down lower where the truck was off into the side?

(#8): Uh, you know, I don't know that status of the the radios. I mean, we were dealing with, um, our own situation with the Jeep and we weren't talking amongst ourselves with the radios. We were using plain voice, so we were just talking or yelling at each other. Um, and I believe, I mean, if it were me, eh, I'm I'm not going to take the time to get on the radio and and tell a story if I still have a threat that I'm dealing with. I'll deal with the threat and then, when it's safe, uh, I'll talk on the radio. But, I I didn't hear anything. So, I mean, I don't have those status to the radio. I assume they there were working after.

Um, they were working before, so I'm assuming they were during. I just don't recall a specific, uh, radio traffic.

(DCSO 5): Did you see anything in the roadway? You you talked about the, uh, the 40mm, uh, casings in the roadway. Was there anything, uh, else displayed in the roadway when you approached?

(#8): Huhh, you know, outside from the few vehicles that were there, uh, I know there were some spike strips laid across the road. Um, so, several unmarked vehicles and the spike strips.

(DCSO 5): OK.

(#3867): Um, (cough) sounds like there was some, uh, there were several vehicles that where the white pickup ultimately ended up, uh, law enforcement vehicles. Uh, do you recall, I remember you mentioned you said (#1)'s vehicle (cough), um, the other two vehicles, um, what those were or ?

(#8): Yes. Uh, I'm I don't I don't know how they, uh, the, I wasn't part of the planning for the vehicles, uh, to the north. Uh, we just identified a spot that it would be good and then it was up to them to kind of hash out the details.

(DCSO 5): This was the, uh, the north containment area?

(#8): North containment, yeah.

(DCSO 5): OK.

(#8): Um, I know that, uh, (#1)'s truck was facing south, probably pretty, pretty much even or maybe even a little bit..

(#3867): You know, I don't, uh, expect you to recreate the whole thing in your mind, um,

(#8): You just want to know..

(Talking over each other)

(#3867): Specifics. Do you know what, uh, there, uh, I think we've all seen the video at this point and watched it and, um, (cough) eh, I don't know if you recall that there's some, uh, some trucks in front of what would've been, uh, a OSP vehicle, (#1)'s vehicle, um, do you know, uh, if there was, do you, did you see those leave the scene, or come and go, or anything like that?

(#8): Um, this there's a silver truck and a green van that were originally with me.

(#3867): Yeah. And then there were the ones that were there at the north containment, uh, fixed. Did you see those move or at any time when you were up there?

(#8): Um, I know that the the white vehicle, the green van, um, and I believe the ss, I know those vehicles were moved. Um, but an and at some point, as I was on security, a a bunch of vehicles passed through..

(#3867): OK.

(#8): An and and then my because we got replaced. And there were some vehicles that came in. I can't, I don't know, I I can't tell you if, eh, what specific vehicles stayed an and left. Um, I know that, uh, (#6) was (huhh) acting as the OSP, uhh, commander on scene. Uh, an and I know that he made attempts to preserve the crime scene, so, I don't know. I can't speak to that, cause I wasn't there, but I do know that at at some point, a an at the night, or during the night, uh, we were relieved and all came back to the, uh, command post.

(DCSO 5): UHHhhh, let's see here....

(#3867): Take a break? Uh,

(DCSO 5): Yeah.

(#3867): Uhh, be back on the record in just a second.

(Pause)

(DCSO 5): OK. We're back.

(#3867): We're back on the record. (cough) Excuse me, um, so, uh, (#8), the, um, going back again to the, uh, prior knowledge that you had in briefings on the suspects in those vehicles, uh, what what what information were you given regarding, uh, the sub, uh, suspects, uh, weapons they might, may or may not have had, and uh, their intents or any statements they met, uh, made?

(#8): Um, so um, our team had had a few, uh, briefings and an then talked about, uh, the situation and I know several times we were told, "Yeah, just be prepared, er, if this this is developing" and then, "Expect to be called". Um, having bags packed in case you are called and prepared for cold weather. Um, during during, uh, these briefings, we were told that, uh, a little bit of the history-back in 2014, uh, with the stand-off of when he was in Nevada, when they actually, uh, confronted federal agents, pointed rifles at, uh, federal agents, uh, that they had counter-sniper positions, sometimes even two, one to two guns per agent on them. So, and they were able intimidate those agents, uh, and made them retreat, uh, so, there was a sense of empowerment that they could do this and get away with it. Um, received pictures, huhh, both on the news

and the briefings of, uh, these key players, Ammon, uh, Finicum, Payne, uh, Ryan Bundy, all these guys. Uh, they, we've been told that they known, they've been known to carry firearms. I've seen, uh, pistols on hips ranging from, uh, semiautomatic to to revolvers, uh, shoulder holsters, uh, people carrying everything from a hunting rifle to shotguns to, uh, semiautomatic rifles. We were told that they had people at the refuge with, uh, in the tower, uh, with possibly .50 caliber, um, rifles. So we were told that these these folks were were well armed, um, and that they may say this that they need, are willing to die for their cause, um, to fight, fight the government, uh, to get the land back, to get the Hammonds, uh, out of prison,.

(#3867): [REDACTED]

(#8): [REDACTED]

(#3867): OK. Um, and, uh, your, uh, your rifle, is that, uh, department issued?

(#8): It is. Yes.

(#3867): OK. And what caliber is that?

(#8): It's a 5, 5.56 mm, so standard 223 AR, or AR-15, basically.

(#3867): OK. And what about your handgun?

(#8): Uh, so it's department issue, as well. It's a Smith and Wesson M&P 40.

(#3867): OK. Um, and then, in terms of the crime scene, did you remove anything from the crime scene?

(#8): Nope. I'm not gonna, just moved the vehicle back and that was it. So..

(#3867): Did you take any evidence out or

(#8): No.

(#3867): anything like that? OK. Um,

(#8): Oh, uhm, I didn't take any possession of it. Um, there, the handgun that was off of Cavaller, was it, um, I don't know if that's part of the, this crime scene from the the north, but, uh, we did turn those back over to to Detectives.

(#3867): OK.

(#8): So I didn't take it with me, but I did turn it over ...

(#3867): So the handgun taken off one of the occupants at the south traffic stop, uh, you all turned that over to Detectives.

(#8): As w, Aw well as the stuff that was in, uh, Ammon Bundy's pocket, and stuff like that. His knife sharpener and stuff like that.

(#3867): OK. And also at the south traffic stop. OK. OK. And then um, (cough), in terms of commands given, you s you mentioned earlier there were commands given to, uh, to the first traffic stop on the Jeep. What roughly were those commands to them?

(#8): Um, (#6), uh, an took over commands, uh, and announced that were with the Oregon State Police, this was a traffic stop. He ordered the occupants to kind of get their hands out of the vehicle, uh, we the hands came out of the vehicle and, uh, it was clear that they they had heard us. Um, he gave them commands to open the door, uh, unbuckle your seatbelts, uh, step out of the vehicle, and one by one they complied at our stop. Um, he told them to keep their hands over their head, uh, and walk back to us. Uh, as they walked back to us, we got them and told them to get down on their knees. The did. Uh, and then, um, told them to put their hands behind their back, get on their stomach, uh, basically they putting them into the position of (unknown) and take them all in custody (unclear/unknown). And that worked. Uh, nobody had any issues at our check point, or anhh, sorry I said check point. We were on checkpoints from the last couple days, so... Um, at our traffic stop. Um, everybody was compliant the whole way, so, it was pretty clear that they heard us.

(#3867): OK. Um, in terms of what you heard or witnessed at the north traffic stop, did you hear any commands given to the occupants of the that vehicle?

(#8): Before it fled?

(#3867): Uh, no, after it fled, uh, once it, uh in the snow bank, you arrived at the second scene to the north, uh, and you're there trying to take cover, deal with that situation, what did you hear in terms of any commands given there?

(#8): Uh, I heard that it's a, again they gave commands of of who we were, uh, Oregon State Police or, uh, the FBI, and ordered the occupants to be able to "get out of the vehicle with their hands up, unharmed". Um, they repeated, "get out of the vehicle"

"come out of the vehicle", "we know you're in the vehicle", uh, several times, um, with no answer. Um, then we added the gas. More commands. Uh, eventually, uh, they came out. Uh, as they came out of the vehicle, uh, they were ordered to get their hands up, uh, and walk towards us, uh, keeping their hands up. Once they got down onto the the hard ground where they could actually walk backwards and not fall over, um, they were ordered to turn around, and they did. Um, they were ordered to walk back to us, uh, get down on their knees, put their hands behind their back, in kind of a, uh, a basically a kind of recovery (unknown) position. And all three occupants that we took out of the vehicle, (unknown) those hands. And the lady (paper shuffling) that, I think the older lady said that she's not sure she could wa (paper/shuffling), uh, she could walk through the snow and she was able to do it., So...

(#3867): OK. Um, other than, uh, uh, Ryan Bundy obviously with a possible injury to his (more paper shuffling) shoulder, uh unknown exactly what that is, were any of them injured, uh, when being taken into custody by, uh, any of the law enforcement officers there?

(cough)

(#3867): That you saw?

(#8): From the, from the point where they got out of the vehicle to the point where they were all in custody, I did not see anybody use any force. So...

(#3867): OK.

(#8): Other than cuffing them, uh, yeah, so no, no force, no nobody that appeared to be injured (more paper shuffling/ tearing) during custody.

(#3867): (cough) OK. (tearing paper) Uh, I think that's it. Do you need to add, that you wanted to, that you would like to add?

(#8): I think I'm good.

(#3867): OK. Go ahead and end the recording. It is 2230 hours.

(#3867): OK. We're back on record....

(#3867): I, uh, just one more question to clarify... (#8), it's m my understanding that, uh, from what you previously had said, uh, you had, uh, come into custody of the handgun that had been taken off the driver of the Jeep during the first traffic stop. Um, uh, how did you come into, uh, custody of that handgun?

(#8): Uh, towards the end of the night, uh, my vehicle was, uh, assisting with that road block. Um, and uh, (#6), uh, came up to me. Um, set a pistol down. Uh, it had a

magazine, uh, with it, with, uh, the ammo in it, and said "This is the gun that was taken off the driver of the Jeep. Uh, make sure Detectives get it." And uh, I contacted one of the the detectives out there, uh, then told them that I had that firearm there and I, you came and secured it. and

(#3867): It was out at the scene or back at the command post?

(#8): It was at the scene, yeah.

(#3867): At the scene. OK. So you secured that handgun that was taken off the driver of the Jeep at the scene. That was a a detective with uh, uh, Oregon State Police? Or?

(#8): Correct.

(Talking over each other)

OK. Oregon State police. Um, that's OK. Uh, that'll work. It's fine. Just in terms of that chain of custody. OK. Great. Thanks. We're g going off the record now.

END OF INTERVIEW

**DESCHUTES COUNTY SHERIFF'S OFFICE**

CASE# 2016-00024205

CASE SUPPLEMENT REPORT 16

63333 West Highway 20

Bend, OR 97701

CONNECTED # 1

CONNECTED # 2

CONNECTED # 3

EVENT	DATE/TIME OF THIS REPORT 1/26/2016 7:18 PM
	TITLE / DESCRIPTION Onboard computer from Finicum's truck downloaded by Officer W

DISTRIBUTION			
<input type="checkbox"/> KARLY'S LAW	<input type="checkbox"/> DA	<input type="checkbox"/> DHS	<input type="checkbox"/> JUSTICE COURT
<input type="checkbox"/> MDT	<input type="checkbox"/> JUVENILE	<input type="checkbox"/> KIDS CENTER	<input type="checkbox"/> CIRCUIT COURT
<input type="checkbox"/> USE of FORCE	<input type="checkbox"/> DMV	<input type="checkbox"/> DETECTIVES	<input type="checkbox"/> MENTAL HEALTH
<input type="checkbox"/> PURSUIT	<input type="checkbox"/> OLCC	<input type="checkbox"/> ME	<input type="checkbox"/> ENVIRONMENTAL HEALTH
<input type="checkbox"/> K-9	Other:		

OFFENSES	CTS	STATUTE/DESCRIPTION	ATTEMPT/COMMIT

SUBJECT	SUBJECT TYPE		NAME (LAST, FIRST, MIDDLE SUFFIX)				PRIMARY PHONE	
	ADDRESS (STREET, CITY, STATE, ZIP)						PHONE #2	
	DOB	AGE or AGE RANGE	SEX	RACE	HEIGHT or RANGE	WEIGHT or RANGE	HAIR	EYE
	DL NUMBER/STATE		SSN		ALIAS (LAST, FIRST, MIDDLE)			
	EMPLOYER NAME AND ADDRESS						EMPLOYER PHONE NUMBER	

SUBJECT	SUBJECT TYPE		NAME (LAST, FIRST, MIDDLE SUFFIX)				PRIMARY PHONE	
	ADDRESS (STREET, CITY, STATE, ZIP)						PHONE #2	
	DOB	AGE or AGE RANGE	SEX	RACE	HEIGHT or RANGE	WEIGHT or RANGE	HAIR	EYE
	DL NUMBER/STATE		SSN		ALIAS (LAST, FIRST, MIDDLE)			
	EMPLOYER NAME AND ADDRESS						EMPLOYER PHONE NUMBER	

SUBJECT	SUBJECT TYPE		NAME (LAST, FIRST, MIDDLE SUFFIX)				PRIMARY PHONE	
	ADDRESS (STREET, CITY, STATE, ZIP)						PHONE #2	
	DOB	AGE or AGE RANGE	SEX	RACE	HEIGHT or RANGE	WEIGHT or RANGE	HAIR	EYE
	DL NUMBER/STATE		SSN		ALIAS (LAST, FIRST, MIDDLE)			
	EMPLOYER NAME AND ADDRESS						EMPLOYER PHONE NUMBER	

REPORTING OFFICER DCSD 3	DATE 2/18/2016	REVIEWED BY DCSD 11	2/18/2016 16:06
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**DESCHUTES COUNTY SHERIFF'S OFFICE****CASE SUPPLEMENT REPORT**

63333 West Highway 20

Bend, OR 97701

CASE# 2016-00024205

NARRATIVE**NARRATIVE:**

On 01/30/2016, at approximately 11:30am, I met with an Oregon State Police Forensic Scientist (BB) and Officer W. Officer W downloaded Finicum's trucks onboard computer. Officer W verified the download was successfully completed, but told me the incident had most likely not been recorded by the onboard device. The truck was again left secured in the bay of the Oregon State Police Crime Lab. Officer W maintained control of the downloaded information for further analysis. I was told by Officer M that the report generated from this process would be provided to our office at a later date.

End of supplemental report.

REPORTING OFFICER

DCSO 3

DATE

2/18/2016

REVIEWED BY

DCSO 11

2/18/2016 16:06

**DESCHUTES COUNTY SHERIFF'S OFFICE**

CASE# 2016-00024205

CASE SUPPLEMENT REPORT 17

83333 West Highway 20

Bend, OR 97701

CONNECTED # 1

CONNECTED # 2

CONNECTED # 3

TIME OF THIS REPORT

1/26/2016 7:18 PM

EVER

TITLE / DESCRIPTION

Autopsy, Evidence Collection

DISTRIBUTION

☐ KARLY'S LAW☐ MDT☐ USE of FORCE☐ PURSUIT☐ K-9☐ DA☐ JUVENILE☐ DMV☐ OLCC

Other:

☐ DHS☐ KIDS CENTER☐ DETECTIVES☐ ME☐ JUSTICE COURT☐ CIRCUIT COURT☐ MENTAL HEALTH☐ ENVIRONMENTAL HEALTH

OFFENSES

CTS	STATUTE/DESCRIPTION	ATTEMPT/COMMIT

SUBJECT

SUBJECT TYPE		NAME (LAST, FIRST, MIDDLE SUFFIX)				PRIMARY PHONE	
Deceased		Finicum, Robert Lavoy					
ADDRESS (STREET, CITY, STATE, ZIP)							
2550 East 2600 South							
Colorado, AZ 86021-							
DOB	AGE or AGE RANGE	SEX	RACE	HEIGHT or RANGE	WEIGHT or RANGE	HAIR	EYE
1/27/1961	55	Male	White	5 7	150		
DL NUMBER/STATE		SSN		ALIAS (LAST, FIRST, MIDDLE)			
1027788 AZ		527-53-0467		Finicum, Robert, Lavoy			
EMPLOYER NAME AND ADDRESS				EMPLOYER PHONE NUMBER			

SUBJECT

SUBJECT TYPE		NAME (LAST, FIRST, MIDDLE SUFFIX)				PRIMARY PHONE	
Contacted		NELSON (DR.), CLIFFORD				Home	
ADDRESS (STREET, CITY, STATE, ZIP)							
STATE MEDICAL EXAMINER - 13309 SE 84TH AVE # 100							
CLACKAMAS, OR 97015							
DOB	AGE or AGE RANGE	SEX	RACE	HEIGHT or RANGE	WEIGHT or RANGE	HAIR	EYE
		Male	White			Unknown	Unknown
DL NUMBER/STATE		SSN		ALIAS (LAST, FIRST, MIDDLE)			
OR		---					
EMPLOYER NAME AND ADDRESS				EMPLOYER PHONE NUMBER			

SUBJECT

SUBJECT TYPE		NAME (LAST, FIRST, MIDDLE SUFFIX)				PRIMARY PHONE	
Mentioned		OREGON STATE MEDICAL EXAMINER OFFICE,				Business	
ADDRESS (STREET, CITY, STATE, ZIP)							
13309 84TH, STE 100							
CLACKAMAS, OR 97015							
DOB	AGE or AGE RANGE	SEX	RACE	HEIGHT or RANGE	WEIGHT or RANGE	HAIR	EYE
DL NUMBER/STATE		SSN		ALIAS (LAST, FIRST, MIDDLE)			

EMPLOYER NAME AND ADDRESS				EMPLOYER PHONE NUMBER			

OFFICER

505

DATE

2/19/2016

REVIEWED BY

DCSO 7

2/22/2016 14:53

**DESCHUTES COUNTY SHERIFF'S OFFICE**

CASE# 2016-00024205

CASE SUPPLEMENT REPORT 1783333 West Highway 20
Bend, OR 97701

CONNECTED # 1

CONNECTED # 2

CONNECTED # 3

TIME OF THIS REPORT

1/26/2016 7:18 PM

EVEN

TITLE / DESCRIPTION

Autopsy, Evidence Collection

DISTRIBUTION

- | | | | |
|---------------------------------------|-----------------------------------|--------------------------------------|---|
| <input type="checkbox"/> KARLY'S LAW | <input type="checkbox"/> DA | <input type="checkbox"/> DHS | <input type="checkbox"/> JUSTICE COURT |
| <input type="checkbox"/> MDT | <input type="checkbox"/> JUVENILE | <input type="checkbox"/> KIDS CENTER | <input type="checkbox"/> CIRCUIT COURT |
| <input type="checkbox"/> USE of FORCE | <input type="checkbox"/> DMV | <input type="checkbox"/> DETECTIVES | <input type="checkbox"/> MENTAL HEALTH |
| <input type="checkbox"/> PURSUIT | <input type="checkbox"/> OLCC | <input type="checkbox"/> ME | <input type="checkbox"/> ENVIRONMENTAL HEALTH |
| <input type="checkbox"/> K-9 | Other: | | |

OFFENSES

CT#	STATUTE/DESCRIPTION	ATTEMPT/COMMIT

SUBJECT

SUBJECT TYPE Deceased		NAME (LAST, FIRST, MIDDLE SUFFIX) Finicum, Robert Lavoy				PRIMARY PHONE	
ADDRESS (STREET, CITY, STATE, ZIP) 2550 East 2600 South Colorado, AZ 86021-						PHONE #2	
DOB	AGE or AGE RANGE	SEX	RACE	HEIGHT or RANGE	WEIGHT or RANGE	HAIR	EYE
1/27/1961	55	Male	White	5 7	150		
DL NUMBER/STATE 1027788 AZ		SSN 527-53-0467		ALIAS (LAST, FIRST, MIDDLE) Finicum, Robert, Lavoy			
EMPLOYER NAME AND ADDRESS				EMPLOYER PHONE NUMBER			

SUBJECT

SUBJECT TYPE Contacted		NAME (LAST, FIRST, MIDDLE SUFFIX) NELSON (DR.), CLIFFORD				PRIMARY PHONE Home	
ADDRESS (STREET, CITY, STATE, ZIP) STATE MEDICAL EXAMINER - 13309 SE 84TH AVE # 100 CLACKAMAS, OR 97015						PHONE #2	
DOB	AGE or AGE RANGE	SEX	RACE	HEIGHT or RANGE	WEIGHT or RANGE	HAIR	EYE
		Male	White			Unknown	Unknown
DL NUMBER/STATE OR		SSN --		ALIAS (LAST, FIRST, MIDDLE)			
EMPLOYER NAME AND ADDRESS				EMPLOYER PHONE NUMBER			

SUBJECT

SUBJECT TYPE Mentioned		NAME (LAST, FIRST, MIDDLE SUFFIX) OREGON STATE MEDICAL EXAMINER OFFICE,				PRIMARY PHONE Business	
ADDRESS (STREET, CITY, STATE, ZIP) 13309 84TH, STE 100 CLACKAMAS, OR 97015						PHONE #2	
DOB	AGE or AGE RANGE	SEX	RACE	HEIGHT or RANGE	WEIGHT or RANGE	HAIR	EYE
DL NUMBER/STATE		SSN		ALIAS (LAST, FIRST, MIDDLE)			
EMPLOYER NAME AND ADDRESS				EMPLOYER PHONE NUMBER			

OFFICER

DATE

REVIEWED BY

2/19/2016

2/22/2016 14:53

**DESCHUTES COUNTY SHERIFF'S OFFICE****CASE SUPPLEMENT REPORT**

83333 West Highway 20

Bend, OR 97701

CASE# 2016-00024205

ADDITIONAL SUBJECTS

SUBJECT	SUBJECT TYPE		NAME (LAST, FIRST, MIDDLE, SUFFIX)				PRIMARY PHONE	
	Contacted		[REDACTED]				[REDACTED]	
	ADDRESS (STREET, CITY, STATE, ZIP)						PHONE #2	
	Clackamas, OR						[REDACTED]	
	DOB	AGE or AGE RANGE	SEX	RACE	HEIGHT or RANGE	WEIGHT or RANGE	HAIR	EYE
DL NUMBER/STATE			SSN		ALIAS (LAST, FIRST, MIDDLE)			
[REDACTED]			**		[REDACTED]			
EMPLOYER NAME AND ADDRESS				EMPLOYER PHONE NUMBER				
[REDACTED]				[REDACTED]				

SUBJECT	SUBJECT TYPE		NAME (LAST, FIRST, MIDDLE, SUFFIX)				PRIMARY PHONE	
	Contacted		[REDACTED]				[REDACTED]	
	ADDRESS (STREET, CITY, STATE, ZIP)						PHONE #2	
	Clackamas, OR						[REDACTED]	
	DOB	AGE or AGE RANGE	SEX	RACE	HEIGHT or RANGE	WEIGHT or RANGE	HAIR	EYE
DL NUMBER/STATE			SSN		ALIAS (LAST, FIRST, MIDDLE)			
[REDACTED]			**		[REDACTED]			
EMPLOYER NAME AND ADDRESS				EMPLOYER PHONE NUMBER				
[REDACTED]				[REDACTED]				

SUBJECT	SUBJECT TYPE		NAME (LAST, FIRST, MIDDLE, SUFFIX)				PRIMARY PHONE	
	[REDACTED]		[REDACTED]				[REDACTED]	
	ADDRESS (STREET, CITY, STATE, ZIP)						PHONE #2	
	[REDACTED]						[REDACTED]	
	DOB	AGE or AGE RANGE	SEX	RACE	HEIGHT or RANGE	WEIGHT or RANGE	HAIR	EYE
DL NUMBER/STATE			SSN		ALIAS (LAST, FIRST, MIDDLE)			
[REDACTED]			[REDACTED]		[REDACTED]			
EMPLOYER NAME AND ADDRESS				EMPLOYER PHONE NUMBER				
[REDACTED]				[REDACTED]				

SUBJECT	SUBJECT TYPE		NAME (LAST, FIRST, MIDDLE, SUFFIX)				PRIMARY PHONE	
	[REDACTED]		[REDACTED]				[REDACTED]	
	ADDRESS (STREET, CITY, STATE, ZIP)						PHONE #2	
	[REDACTED]						[REDACTED]	
	DOB	AGE or AGE RANGE	SEX	RACE	HEIGHT or RANGE	WEIGHT or RANGE	HAIR	EYE
DL NUMBER/STATE			SSN		ALIAS (LAST, FIRST, MIDDLE)			
[REDACTED]			[REDACTED]		[REDACTED]			
EMPLOYER NAME AND ADDRESS				EMPLOYER PHONE NUMBER				
[REDACTED]				[REDACTED]				

OFFICER

DATE

REVIEWED BY

2/19/2016

2/22/2016 14:53

**DESCHUTES COUNTY SHERIFF'S OFFICE****CASE SUPPLEMENT REPORT**

63333 West Highway 20

Bend, OR 97701

CASE# 2016-00024205

NARRATIVE

Report Date: 01/28/16

Report By: DCSO 5

Attachment:

Oregon State ME Medical Records Request Fax (1-page scanned)

Evidence:

(Items obtained during Finicum's autopsy listed below)

DP1 132 Photographs (taken during autopsy)

DP4 Small Metal Fragment removed from Finicum's body during autopsy by Dr. Nelson (refer to Dr. Nelson's report for location details)

DP5 DNA Sample from Finicum's body provided by ME's Office

DP6 1-Blue jean jacket

DP7 1-Black and maroon stripped button long sleeve shirt

J 1-White sweater vest

DP9 1-Black athletic shirt with red stitching

DP10 1-Thin white undershirt

DP11 1-Pair Wrangler blue jeans with brown leather belt and belt buckle

DP12 1-Pair black long underwear

DP13 Thin white underwear

DP14 Right foot cowboy boot (brown)

DP15 Left foot cowboy boot (brown)

DP16 1-Pair of grey socks, 1-pair of blue socks

DP17 1-Pair Camouflage earmuffs

DP18 1-Timex wrist watch with brown leather band

OFFICER

DATE

REVIEWED BY

2/19/2016

2/22/2016 14:53

DCSO Case Supplement 2016-00024205 Page 3 OF 6

**DESCHUTES COUNTY SHERIFF'S OFFICE****CASE SUPPLEMENT REPORT**

CASE# 2016-00024205

83333 West Highway 20

Bend, OR 97701

NARRATIVE (Continuation)

DP19 Glasses with brown frames

DP20 1-Buck pocket knife, 1-Metal container with matches and cloth tinder

DP21 1-Red butane lighter, 1-Metal cylinder style vial container

DP22 1-Pair of Peerless chain handcuffs, model 700, serial # 795317

DP23 1-Set of finger prints

DP24 1-CD containing photographs taken by OSP Crime Lab

Evidence:

(Obtained during evidence processing)

DP25 142 Photographs taken of Finicum's clothing and personal effects (DIMS)

Additional Information:

.ence Items; ■2, and ■3 are recorded interviews listed in additional supplemental

Narrative:

On 01/27/16 at approximately 1245 hours, I requested to assist in this investigation by attending the autopsy of Robert Lavoy Finicum scheduled at 0900 hours, on 01/28/16 at the Oregon State Medical Examiner's Office in Clackamas. I was further advised that Ofc. # E with the Oregon State Police would also be attending this autopsy to assist me.

On 01/28/16 at approximately 0800 hours, I met with Ofc. E at the Oregon State Medical Examiner's Office in Clackamas. At approximately 0900 hours, Ofc. E and I met with Dr. Nelson (Medical Examiner) who was assigned with this autopsy. I advised Dr. Nelson of the limited information that I had obtained regarding Finicum's death at that time.

Oregon State Police Crime Lab Tech's in Clackamas, DD, and EE also met with us. DD and EE assisted me by taking additional photographs during the autopsy.

At approximately 0911 hours, Dr. Nelson began the autopsy. Ofc. E, ■■■■■ (Dr. Nelson's assistant) and OSP Crime Lab Tech's EE and DD attended this autopsy with me. ■■■■■ had already opened the secured body bag of Finicum and he ran Finicum's body through x-ray as standard in this

OFFICER

DATE

REVIEWED BY

2/19/2016

2/22/2016 14:53

DCSO Case Supplement 2016-00024205 Page 4 OF 8



DESCHUTES COUNTY SHERIFF'S OFFICE

CASE SUPPLEMENT REPORT

63333 West Highway 20
Bend, OR 97701

CASE# 2016-00024205

NARRATIVE (Continuation)

type of an autopsy.

I observed Finicum was fully clothed and handcuffs were still applied to his wrists behind his back. I also observed a medical lead adhesive clear patch affixed to his lower right abdomen.

I took several photographs during the course of this autopsy, and Ofc. E assisted me by packaging Finicum's clothing and personal belongings as evidence after they were removed, and inspected by Dr. Nelson. It should be noted that Finicum's clothing was wet and blood soaked.

Dr. Nelson advised me that Finicum had three perforating (entering from the back and exiting out the front side of the body) wounds; one to the back of his left shoulder, one to the left side of his upper back, and one to the right side of his lower back. I observed these three perforating wounds of which appeared consistent through my training and experience to be gunshot wounds. I photographed these injuries with scales as Dr. Nelson pointed them out. Refer to Dr. Nelson's full autopsy report for further descriptions.

After Dr. Nelson completed the autopsy, I obtained finger print samples from Finicum's body. I was provided with a CD of the photographs that were taken by the OSP Crime Lab techs. I then placed the items removed from Finicum's person and evidence obtained during the autopsy (DNA Sample and a small metal fragment found inside Finicum's body) into my detective vehicle and I transported these items back to the Deschutes County Sheriff's Office in Bend.

At approximately 1810 hours, I removed these items from my vehicle and I temporarily lodged these items into the Deschutes County Detective Evidence Room. I hung Finicum's clothing to dry, and I secured this room by lock and activated the evidence room alarm.

On 01/29/16 at approximately 1100 hours, I downloaded the photographs that I took during the autopsy into the DIMS Evidence System at the Sheriff's Office in Bend.

On 02/01/16 at approximately 0728 hours, I re-entered the detective evidence room to recover evidence item # 4 (small metal fragment that was removed from inside Finicum's body by Dr. Nelson) to enter it into Sheriff's Office Evidence Intake. I removed this item and reactivated the alarm. At that time I was advised that DCSO 1 was going to transport this item as well as other items to the OSP Crime Lab in Clackamas.

At approximately 0915 hours, I was requested to also remove Evidence Item # 5 (DNA Sample collected during the autopsy by Dr. Nelson's assistant [REDACTED]) from the detective evidence room and log this item into the Sheriff's Office Evidence Intake. I removed this item and re-activated the alarm. This item was also in need of being transported to the State Police Crime Lab by DCSO 1.

At approximately 1135 hours, DCSO 6 and I entered the Detective Evidence Room and we processed the remainder of the evidence items that I collected while attending Finicum's autopsy.

OFFICER

DATE

REVIEWED BY

2/19/2016

2/22/2016 14:53

**DESCHUTES COUNTY SHERIFF'S OFFICE****CASE SUPPLEMENT REPORT**

63333 West Highway 20

Bend, OR 97701

CASE# 2016-00024205

NARRATIVE (Continuation)

Now that each item was dry, DCSO 6 photographed each item and I packaged each evidence item. After all the items were packaged I placed these items into the Sheriff's Office Temporary Evidence Holding lockers while I completed the necessary related evidence tags.

On 02/02/16 at approximately 0830 hours, I tagged each evidence item from the temporary lockers and hand delivered these evidence items to the Sheriff's Office Evidence Division. I also downloaded the photographs of the mentioned evidence items into the DIMS Evidence System at the Sheriff's Office in Bend.

End of report.

IO OFFICER

DATE

2/19/2016

REVIEWED BY

2/22/2016 14:53

DCSO Case Supplement 2016-00024205 Page 6 OF 6

 *** FAX TX REPORT ***

TRANSMISSION OK

JOB NO. 0371
 DESTINATION ADDRESS 919716738321
 SUBADDRESS
 DESTINATION ID
 ST. TIME 02/02 14:29
 TX/RX TIME 00' 43
 PGS. 1
 RESULT OK



Oregon

John A. Kitzhaber, MD, Governor

16-74205
Oregon State Police
Medical Examiner Division
 13309 S.E. 84th Ave, Suite 100
 Clackamas, OR 97015
 (971) 673-8200
 FAX (971) 673-8321

MEDICAL EXAMINER RECORDS REQUEST FORM

Please see guidelines for requesting Medical Examiner Records for fee information

Forensic Pathologists:

State Medical Examiner
 Karen Ounson, M.D.

Deputy State Medical Examiners
 Larry V. Lowman, M.D.
 Clifford C. Nelson, M.D.
 Christopher R. Young, M.D.
 Daniel W. Davis, M.D.
 James N. Olson, M.D.

Forensic Administrator
 Eugene S. Gray

TODAY'S DATE: 01/28/16
 DECEDENT'S FULL NAME: Finckum, Robert Laverne DOB 1/27/61
 DECEDENT'S DATE OF DEATH: 01/26/16
 COUNTY WHERE DEATH OCCURRED: Harney County

YOUR RELATIONSHIP TO DECEASED:

- | | | |
|---|--|---|
| <input type="checkbox"/> A Parent (No fee) | <input type="checkbox"/> Personal Representative | <input checked="" type="checkbox"/> Law Enforcement |
| <input type="checkbox"/> A Spouse (No fee) | <input type="checkbox"/> Attending or Personal Physician | <input type="checkbox"/> Insurance Company (\$25 Fee) |
| <input type="checkbox"/> A Child (No fee) | <input type="checkbox"/> Criminal Defendant or Attorney | <input type="checkbox"/> Civil Defendant or Attorney (\$25 Fee) |
| <input type="checkbox"/> A Sibling (No fee) | <input type="checkbox"/> Mental Health Investigator | <input checked="" type="checkbox"/> Other <u>DETECTIVE</u> |

REQUESTER NAME: [REDACTED]

TITLE: DETECTIVE

AGENCY NAME (IF APPLICABLE): DEACUNES COUNTY SHERIFF'S OFFICE

MAILING ADDRESS: 63873 Hwy 20

Beed, OR 97103

TELEPHONE: 541-693-6911

EMAIL ADDRESS: [REDACTED]

DATE: 01/28/16

NOTE: Toxicology processing takes several weeks for results to be completed.
 Reports will be mailed together when ALL reports have been completed.

PRINT THIS FORM THEN MAIL, FAX OR ATTACH TO EMAIL (WITH FEE IF APPLICABLE) TO:

**DESCHUTES COUNTY SHERIFF'S OFFICE**

CASE# 2016-00024205

CASE SUPPLEMENT REPORT 23

83333 West Highway 20

Bend, OR 97701

CONNECTED # 1

CONNECTED # 2

CONNECTED # 3

DATE/TIME OF THIS REPORT

1/26/2016 7:18 PM

EVE

TITLE / DESCRIPTION

Firearm to OSP Crime Lab

DISTRIBUTION

☐ KARLY'S LAW
☐ MDT
☐ USE of FORCE
☐ PURSUIT
☐ K-9☐ DA
☐ JUVENILE
☐ DMV
☐ OLCC
Other:☐ DHS
☐ KIDS CENTER
☐ DETECTIVES
☐ ME☐ JUSTICE COURT
☐ CIRCUIT COURT
☐ MENTAL HEALTH
☐ ENVIRONMENTAL HEALTH

OFFENSES

CTS STATUTE/DESCRIPTION

ATTEMPT/COMMIT

SUBJECT

SUBJECT TYPE

NAME (LAST, FIRST, MIDDLE SUFFIX)

PRIMARY PHONE

ADDRESS (STREET, CITY, STATE, ZIP)

PHONE #2

DOB

AGE or AGE RANGE

SEX

RACE

HEIGHT or RANGE

WEIGHT or RANGE

HAIR

EYE

DL NUMBER/STATE

SSN

ALIAS (LAST, FIRST, MIDDLE)

EMPLOYER NAME AND ADDRESS

EMPLOYER PHONE NUMBER

SUBJECT

SUBJECT TYPE

NAME (LAST, FIRST, MIDDLE SUFFIX)

PRIMARY PHONE

ADDRESS (STREET, CITY, STATE, ZIP)

PHONE #2

DOB

AGE or AGE RANGE

SEX

RACE

HEIGHT or RANGE

WEIGHT or RANGE

HAIR

EYE

DL NUMBER/STATE

SSN

ALIAS (LAST, FIRST, MIDDLE)

EMPLOYER NAME AND ADDRESS

EMPLOYER PHONE NUMBER

SUBJECT

SUBJECT TYPE

NAME (LAST, FIRST, MIDDLE SUFFIX)

PRIMARY PHONE

ADDRESS (STREET, CITY, STATE, ZIP)

PHONE #2

DOB

AGE or AGE RANGE

SEX

RACE

HEIGHT or RANGE

WEIGHT or RANGE

HAIR

EYE

DL NUMBER/STATE

SSN

ALIAS (LAST, FIRST, MIDDLE)

EMPLOYER NAME AND ADDRESS

EMPLOYER PHONE NUMBER

REPORTING OFFICER

380 10

DATE

02/16/2016

REVIEWED BY

DCSO 7

2/18/2016 12:46

DCSO Case Supplement 2016-00024205 Page 1 of 2

**DESCHUTES COUNTY SHERIFF'S OFFICE****CASE SUPPLEMENT REPORT**

83333 West Highway 20
Bend, OR 97701

CASE# 2016-00024205**NARRATIVE****REPORT BY: DCSO 10****ATTACHMENTS:**

OSP Forensic Request Form (Form 49)

NARRATIVE:

On 02/08/2016, I transported DCSO agency exhibit RB47, identified as a 9mm Ruger SR9 handgun with serial number 331-25894, to the Oregon State Police Crime Lab in Clackamas, Oregon. I released the firearm to crime lab personnel at approximately 1130 hours, along with a Form 49, requesting that this firearm be test fired. A copy of the Form 49 is attached to this report.

End of report.

REPORTING OFFICER

DATE

02/18/2016

REVIEWED BY

2/18/2016 12:46

DCSO Case Supplement 2016-00024205 Page 2 OF 2

**Oregon State Police
Forensic Services Request**

☒ Rush

LAB USE ONLY

Analysis fee: _____
Page: _____ of _____

Agency Deschutes SO	DA Contact (if known) _____	Lab Case # 16B-30	Sub # 2
Agency Case # 16-24205	<input type="checkbox"/> Additional Suspect Info Only <input type="checkbox"/> Previous Evidence Submitted		
Secondary Agency	Secondary Agency Case # _____	Restrict this case to: <input type="checkbox"/> Investigating Officer <input type="checkbox"/> Agency <input type="checkbox"/> Lab staff	

Offense Officer Inv. Shoot	<input type="checkbox"/> FMVA	Offense Date 1-26-16	County of Venue Hernandez
Last (Individual # 1) Ferguson		First Levy	Middle
<input type="checkbox"/> Suspect <input type="checkbox"/> Mentioned <input type="checkbox"/> Victim <input checked="" type="checkbox"/> Decedent	RACE W	<input type="checkbox"/> Male <input type="checkbox"/> Female	DOB (mm/dd/yyyy) _____
		SID #	FBI #
Last (Individual # 2)		First	Middle
<input type="checkbox"/> Suspect <input type="checkbox"/> Mentioned <input type="checkbox"/> Victim <input type="checkbox"/> Decedent	RACE	<input type="checkbox"/> Male <input type="checkbox"/> Female	DOB (mm/dd/yyyy)
		SID #	FBI #
Last (Individual # 3)		First	Middle
<input type="checkbox"/> Suspect <input type="checkbox"/> Mentioned <input type="checkbox"/> Victim <input type="checkbox"/> Decedent	RACE	<input type="checkbox"/> Male <input type="checkbox"/> Female	DOB (mm/dd/yyyy)
		SID #	FBI #

Lab Exhibit	Agency Exhibit	Description of Evidence (Please associate evidence with appropriate individual, if applicable)	Exam Requested (Please include officer report on all physical evidence)
		RB177 Ruger SR9 9mm Gun S/N 7371-35894	Test Fire

Division shall select appropriate methods based on the type of evidence and information provided.

Submitted to Lab By (Signature)

Date

2/3/16

LAB USE ONLY

☐ Other

Date / Time

2-8-16

11:30 AM

Evidence Transfer or Referral Received From

Via:

☐ UPS

Date/Time

Lab Staff

☐ Item(s)

☐ Submission

Blue and Yellow Copies - Lab

White Copy - Agency

Revised 2015

4-0101-1

**DESCHUTES COUNTY SHERIFF'S OFFICE**

CASE# 2016-00024205

CASE SUPPLEMENT REPORT 25

83333 West Highway 20

Bend, OR 97701

CONNECTED # 1

CONNECTED # 2

CONNECTED # 3

DATE/TIME OF THIS REPORT

1/26/2016 7:18 PM

EVE

TITLE / DESCRIPTION

Evidence detail concerning [REDACTED]

DISTRIBUTION

☐ KARLY'S LAW
☐ MDT
☐ USE of FORCE
☐ PURSUIT
☐ K-9☐ DA
☐ JUVENILE
☐ DMV
☐ OLCC
Other:☐ DHS
☐ KIDS CENTER
☐ DETECTIVES
☐ ME☐ JUSTICE COURT
☐ CIRCUIT COURT
☐ MENTAL HEALTH
☐ ENVIRONMENTAL HEALTH

OFFENSES

CT1	STATUTE/DESCRIPTION	ATTEMPT/COMMIT

SUBJECT

SUBJECT TYPE		NAME (LAST, FIRST, MIDDLE SUFFIX)				PRIMARY PHONE	
ADDRESS (STREET, CITY, STATE, ZIP)						PHONE #2	
DOB	AGE or AGE RANGE	SEX	RACE	HEIGHT or RANGE	WEIGHT or RANGE	HAIR	EYE
DL NUMBER/STATE			SSN		ALIAS (LAST, FIRST, MIDDLE)		
EMPLOYER NAME AND ADDRESS					EMPLOYER PHONE NUMBER		

SUBJECT

SUBJECT TYPE		NAME (LAST, FIRST, MIDDLE SUFFIX)				PRIMARY PHONE	
ADDRESS (STREET, CITY, STATE, ZIP)						PHONE #2	
DOB	AGE or AGE RANGE	SEX	RACE	HEIGHT or RANGE	WEIGHT or RANGE	HAIR	EYE
DL NUMBER/STATE			SSN		ALIAS (LAST, FIRST, MIDDLE)		
EMPLOYER NAME AND ADDRESS					EMPLOYER PHONE NUMBER		

SUBJECT

SUBJECT TYPE		NAME (LAST, FIRST, MIDDLE SUFFIX)				PRIMARY PHONE	
ADDRESS (STREET, CITY, STATE, ZIP)						PHONE #2	
DOB	AGE or AGE RANGE	SEX	RACE	HEIGHT or RANGE	WEIGHT or RANGE	HAIR	EYE
DL NUMBER/STATE			SSN		ALIAS (LAST, FIRST, MIDDLE)		
EMPLOYER NAME AND ADDRESS					EMPLOYER PHONE NUMBER		

REPORTING OFFICER

ISO 13

DATE

2/12/2016

REVIEWED BY

DCSO 7

2/18/2016 12:50

**DESCHUTES COUNTY SHERIFF'S OFFICE****CASE SUPPLEMENT REPORT**

83333 West Highway 20

Bend, OR 97701

CASE# 2016-00024205

NARRATIVE

Report By: DCSO 13

ATTACHMENTS:

1- Oregon State Police Forensic Service Request

1- Portland Lab Evidence Return Report

On 2-12-2016, at approximately 0917 hours, DCSO 1 requested I take evidence labeled as [REDACTED] to the Oregon State Police Forensic Lab at 13309 SE 84th Suite 200. I left the Deschutes County Sheriff's Office at approximately 0930 hours and arrived at the forensic lab at approximately 1215 hours where I turned over evidence labeled [REDACTED] for analysis.

I also took evidence from the forensic lab from this case and transported it to the Deschutes County Sheriff's Office, where it was logged into evidence.

End of report

REPORTING OFFICER

DATE

2/12/2016

REVIEWED BY

2/18/2016 12:50

DCSO Case Supplement 2016-00024205 Page 2 OF 2

Page _____

**Oregon State Police
Forensic Services Request**

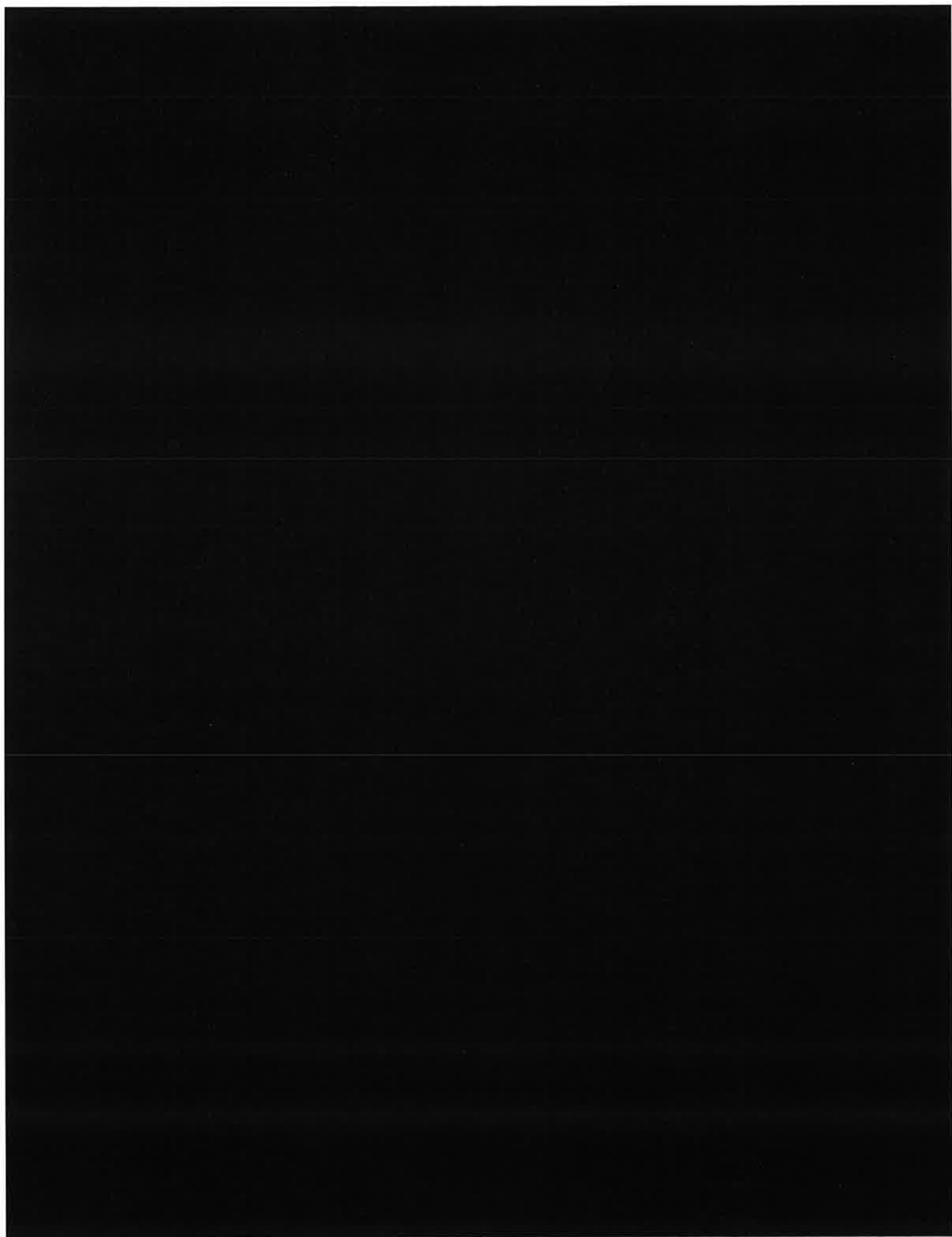
<input type="checkbox"/> Rush		LAB USE ONLY	
Date Due:		Analyst Int. _____ Page: _____ of _____	
Agency <i>Ochoco Co. Sheriff</i>	DA Contact: (# known) _____	Lab Case # <i>16B-30</i>	Sub # <i>09</i>
Agency Case # <i>16-34205</i>	<input type="checkbox"/> Additional Suspect Info Only <input type="checkbox"/> Previous Evidence Submitted		
Secondary Agency	Secondary Agency Case #	Restrict this case to: <input type="checkbox"/> Investigating Officer <input type="checkbox"/> Agency <input type="checkbox"/> Lab staff	
Offense <i>Officer involved shooting</i>	<input type="checkbox"/> FMVA	Offense Date (mm/dd/yy) <i>1-26-16</i>	County of Venue <i>Harney</i>
Last (Individual # 1)		First	Middle
<input type="checkbox"/> Suspect <input type="checkbox"/> Mentioned <input type="checkbox"/> Victim <input type="checkbox"/> Deceased	RACE	<input type="checkbox"/> Male <input type="checkbox"/> Female	DOB (mm/dd/yy)
Last (Individual # 2)		First	Middle
<input type="checkbox"/> Suspect <input type="checkbox"/> Mentioned <input type="checkbox"/> Victim <input type="checkbox"/> Deceased	RACE	<input type="checkbox"/> Male <input type="checkbox"/> Female	DOB (mm/dd/yy)
Last (Individual # 3)		First	Middle
<input type="checkbox"/> Suspect <input type="checkbox"/> Mentioned <input type="checkbox"/> Victim <input type="checkbox"/> Deceased	RACE	<input type="checkbox"/> Male <input type="checkbox"/> Female	DOB (mm/dd/yy)
Investigating Officer (Please Print)		Phone # of Investigating Officer () -	Email of Investigating Officer
Lab Exhibit	Agency Exhibit	Description of Evidence (Please associate evidence with appropriate individual, if applicable)	Exam Requested (Please include officer report on all physical evidence)
		<i>Loaded Ruger Magazine, from December F/A Screening</i>	
The OSP Forensic Services Division shall select appropriate methods based on the type of evidence and information provided.			
Submitted via: <input type="checkbox"/> UPS <input type="checkbox"/> U.S. Mail <input type="checkbox"/> Certified Mail <input type="checkbox"/> Other		LAB USE ONLY <i>one (1) to me - f/a</i>	
Date/Time <i>02/21/16 1240pm</i>			
Evidence Transfer or Referral Received From:		Via: <input type="checkbox"/> UPS	Date/Time
		Lab Staff	<input type="checkbox"/> Item(s) <input type="checkbox"/> Submission

Blue and Yellow Copies - Lab

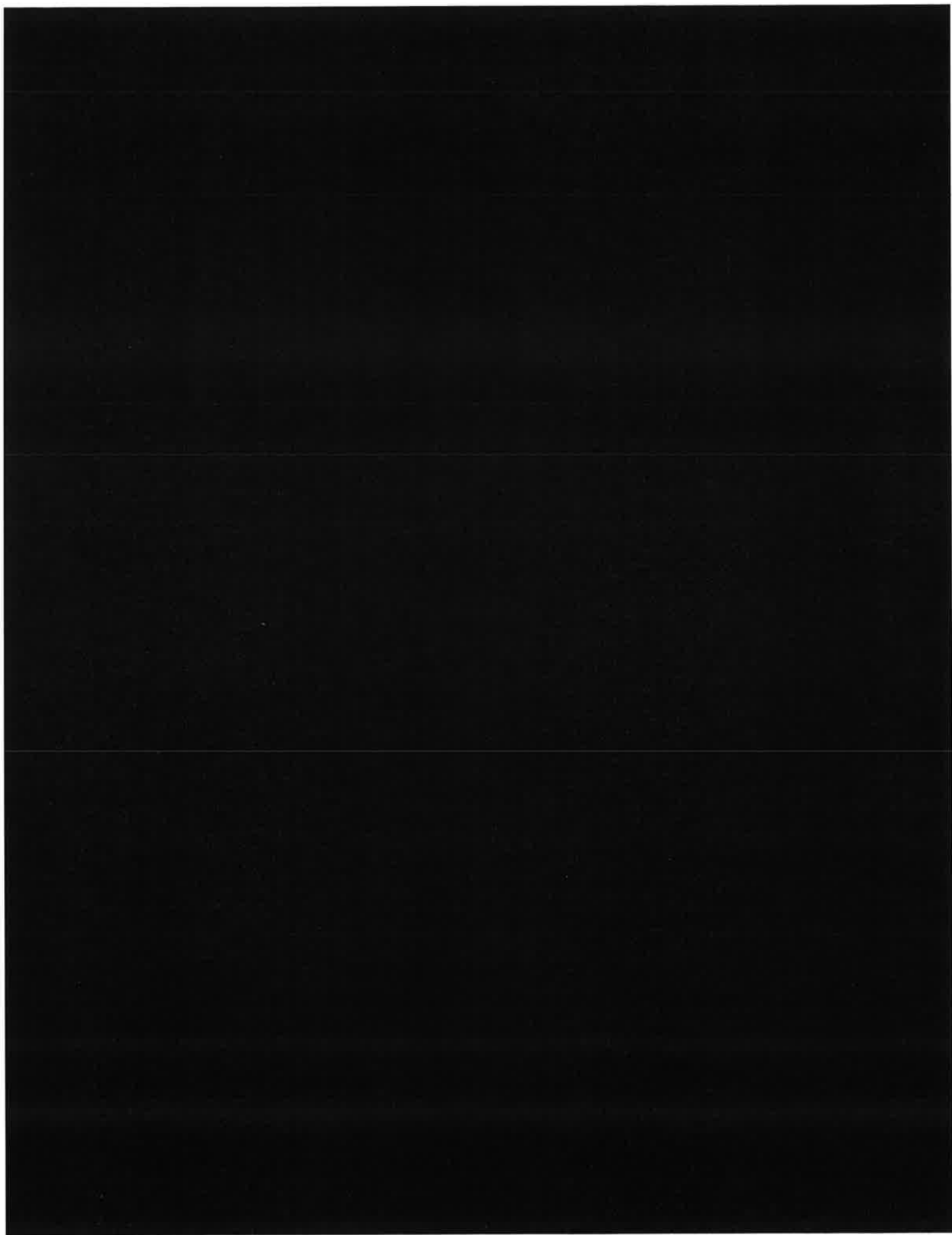
White Copy - Agency

Rev 01-2010

FORM 49







**DESCHUTES COUNTY SHERIFF'S OFFICE**

CASE# 2016-00024205

CASE SUPPLEMENT REPORT 26

63333 West Highway 20

Bend, OR 97701

CONNECTED #1

CONNECTED #2

CONNECTED #3

TIME OF THIS REPORT

/26/2016 7:18 PM

EVE

TITLE / DESCRIPTION

Jacket and hat inspection

DISTRIBUTION

☐ KARLY's LAW☐ MDT☐ USE of FORCE☐ PURSUIT☐ K-9☐ DA☐ JUVENILE☐ DMV☐ OLCC

Other:

☐ DHS☐ KIDS CENTER☐ DETECTIVES☐ ME☐ JUSTICE COURT☐ CIRCUIT COURT☐ MENTAL HEALTH☐ ENVIRONMENTAL HEALTH

OFFENSES

CTS

STATUTE/DESCRIPTION

ATTEMPT/COMMIT

SUBJECT

SUBJECT TYPE

NAME (LAST, FIRST, MIDDLE SUFFIX)

PRIMARY PHONE

ADDRESS (STREET, CITY, STATE, ZIP)

PHONE #2

DOB

AGE or AGE RANGE

SEX

RACE

HEIGHT or RANGE

WEIGHT or RANGE

HAIR

EYE

DL NUMBER/STATE

SSN

ALIAS (LAST, FIRST, MIDDLE)

EMPLOYER NAME AND ADDRESS

EMPLOYER PHONE NUMBER

SUBJECT

SUBJECT TYPE

NAME (LAST, FIRST, MIDDLE SUFFIX)

PRIMARY PHONE

ADDRESS (STREET, CITY, STATE, ZIP)

PHONE #2

DOB

AGE or AGE RANGE

SEX

RACE

HEIGHT or RANGE

WEIGHT or RANGE

HAIR

EYE

DL NUMBER/STATE

SSN

ALIAS (LAST, FIRST, MIDDLE)

EMPLOYER NAME AND ADDRESS

EMPLOYER PHONE NUMBER

SUBJECT

SUBJECT TYPE

NAME (LAST, FIRST, MIDDLE SUFFIX)

PRIMARY PHONE

ADDRESS (STREET, CITY, STATE, ZIP)

PHONE #2

DOB

AGE or AGE RANGE

SEX

RACE

HEIGHT or RANGE

WEIGHT or RANGE

HAIR

EYE

DL NUMBER/STATE

SSN

ALIAS (LAST, FIRST, MIDDLE)

EMPLOYER NAME AND ADDRESS

EMPLOYER PHONE NUMBER

1 OFFICER

DATE

REVIEWED BY

DCSO 5

2/16/2016

DCSO 11

2/18/2016 13:35

**DESCHUTES COUNTY SHERIFF'S OFFICE****CASE SUPPLEMENT REPORT**

83333 West Highway 20

Bend, OR 97701

CASE# 2016-00024205

NARRATIVE

Report Date: 02/16/16

Report By: DCSO 5

Narrative:

On 02/16/16 at approximately 1140 hours, I obtained evidence Items # [REDACTED], and item # [REDACTED] from Deschutes County Sheriff's Office Evidence Division for further inspection requested by DCSO11. With the assistance of DCSO 6, these evidence items were briefly opened and reviewed and then resealed, and returned to evidence at approximately 1158 hours.

End of report.

NO OFFICER

DATE

2/16/2016

REVIEWED BY

2/18/2016 13:35

DCSO Case Supplement 2016-00024205 Page 2 OF 2



CITY OF BEND POLICE DEPARTMENT

CASE SUPPLEMENT REPORT

555 NE 15th St.
Bend, OR 97701

CASE# 2016-00024156

CONNECTED # 1
CONNECTED # 2
CONNECTED # 3

EVENT	DATE OF THIS REPORT	2016 8:03 PM	SUPP 6
	DESCRIPTION	1-27-16 / Shooting scene investigation	

DISTRIBUTION			
<input type="checkbox"/> KARLY's LAW	<input type="checkbox"/> DA	<input type="checkbox"/> DHS	<input type="checkbox"/> JUSTICE COURT
<input type="checkbox"/> MDT	<input type="checkbox"/> JUVENILE	<input type="checkbox"/> KIDS CENTER	<input type="checkbox"/> CIRCUIT COURT
<input type="checkbox"/> USE of FORCE	<input type="checkbox"/> DMV	<input type="checkbox"/> DETECTIVES	<input type="checkbox"/> MENTAL HEALTH
<input type="checkbox"/> PURSUIT	<input type="checkbox"/> OLC	<input type="checkbox"/> ME	<input type="checkbox"/> ENVIRONMENTAL HEALTH
<input type="checkbox"/> K-9	Other: DCSO		

OFFENSES	CTS	STATUTE/DESCRIPTION	ATTEMPT/COMMIT

SUBJECT	SUBJECT TYPE		NAME (LAST, FIRST, MIDDLE SUFFIX)				PRIMARY PHONE	
	ADDRESS (STREET, CITY, STATE, ZIP)						PHONE #2	
	DOB	AGE or AGE RANGE	SEX	RACE	HEIGHT or RANGE	WEIGHT or RANGE	HAIR	EYE
	STATE			SSN	ALIAS (LAST, FIRST, MIDDLE)			
	EMPLOYER NAME AND ADDRESS				EMPLOYER PHONE NUMBER			

SUBJECT	SUBJECT TYPE		NAME (LAST, FIRST, MIDDLE SUFFIX)				PRIMARY PHONE	
	ADDRESS (STREET, CITY, STATE, ZIP)						PHONE #2	
	DOB	AGE or AGE RANGE	SEX	RACE	HEIGHT or RANGE	WEIGHT or RANGE	HAIR	EYE
	DL NUMBER/STATE			SSN	ALIAS (LAST, FIRST, MIDDLE)			
	EMPLOYER NAME AND ADDRESS				EMPLOYER PHONE NUMBER			

SUBJECT	SUBJECT TYPE		NAME (LAST, FIRST, MIDDLE SUFFIX)				PRIMARY PHONE	
	ADDRESS (STREET, CITY, STATE, ZIP)						PHONE #2	
	DOB	AGE or AGE RANGE	SEX	RACE	HEIGHT or RANGE	WEIGHT or RANGE	HAIR	EYE
	DL NUMBER/STATE			SSN	ALIAS (LAST, FIRST, MIDDLE)			
	EMPLOYER NAME AND ADDRESS				EMPLOYER PHONE NUMBER			

REPORTING OFFICER	3866	DATE	1/28/2016	REVIEWED BY	3619	2/9/2016	10:39
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CITY OF BEND POLICE DEPARTMENT

CASE SUPPLEMENT REPORT

CASE# 2016-00024156

555 NE 16th St
Bend, OR 97701

NARRATIVE

Narrative:

On January 26th, 2016 I was assigned to assist investigators from the Deschutes County Sheriff's office investigate an officer involved shooting that had occurred on Hwy 395 in Harney County, north of Burns, Oregon.

Once I arrived in Harney County, I was assigned to assist investigating the scene of the shooting.

When I arrived at the scene, it was approximately 0100 hours on 1/27/16. Robert Lavoy Finicum's (deceased) body was in the process of being removed. I noticed there was a white Dodge truck bearing Arizona license BMC2300 stuck in the snow bank on the west shoulder (southbound side) of the road, facing north. The Dodge was approximately 100 yards north of the entrance to Joaquin Miller Horse Camp (refer to the scene reconstruction reports for specific details).

After Finicum's body was removed, a flatbed tow truck arrived at the scene to pull the Dodge truck from the snow bank. The operator of the tow truck spent several hours trying to remove the Dodge, but was unsuccessful. It appeared the Dodge was stuck in the snow, which seemed to have turned to ice underneath the truck after it became stuck.

At approximately 0600 hours, a wrecker style tow truck arrived to assist. The wrecker repeatedly tried to pop the back of the Dodge in an attempt to remove it from the snow bank. The Dodge's rear suspension expanded and the body and frame of the Dodge lifted up but the rear axle remained frozen in the snow.

The tow truck operators eventually had to dig snow and ice from around and under the Dodge before they could remove it. Even after the snow and ice was removed, the flatbed tow truck had to pull the wrecker, which was lifting and pulling the Dodge, in order to get it out.

After the Dodge was removed from the snow bank, I noticed a large depression where the left rear tire had been. The surface of the depression was frozen solid and appeared to have worn smooth by the rear tire spinning for an extended period of time. I then noticed the surface of the left rear tire of the Dodge was "smeared" with marks from ice and debris, which was consistent with the tire spinning for an extended period of time in the snow.

The marks on the tire and in the tire depression led me to believe the Dodge was in gear and the engine was running when it got stuck and Finicum exited the vehicle.

I took several photographs and videos of the Dodge and the tow trucks attempting to remove it from the snow bank. I later entered the pictures into evidence using DIMS as item [REDACTED]. The photographs are also attached to this report.

Digital Attachment:

Photographs of the Dodge truck and removal from the snow bank.

REPORTING OFFICER

3866

DATE

1/28/2016

REVIEWED BY

3619

2/9/2016

10:39



CITY OF BEND POLICE DEPARTMENT

CASE SUPPLEMENT REPORT

665 NE 19th St

Bend, OR 97701

CASE#: 2016-00024156

NARRATIVE (Continuation)

Disposition:
Closed exceptionally

REPORTING OFFICER

3866

DATE

1/28/2016

REVIEWED BY

3619

2/9/2016 10:39



Radcliffe 3/9/20 6:11 PM

















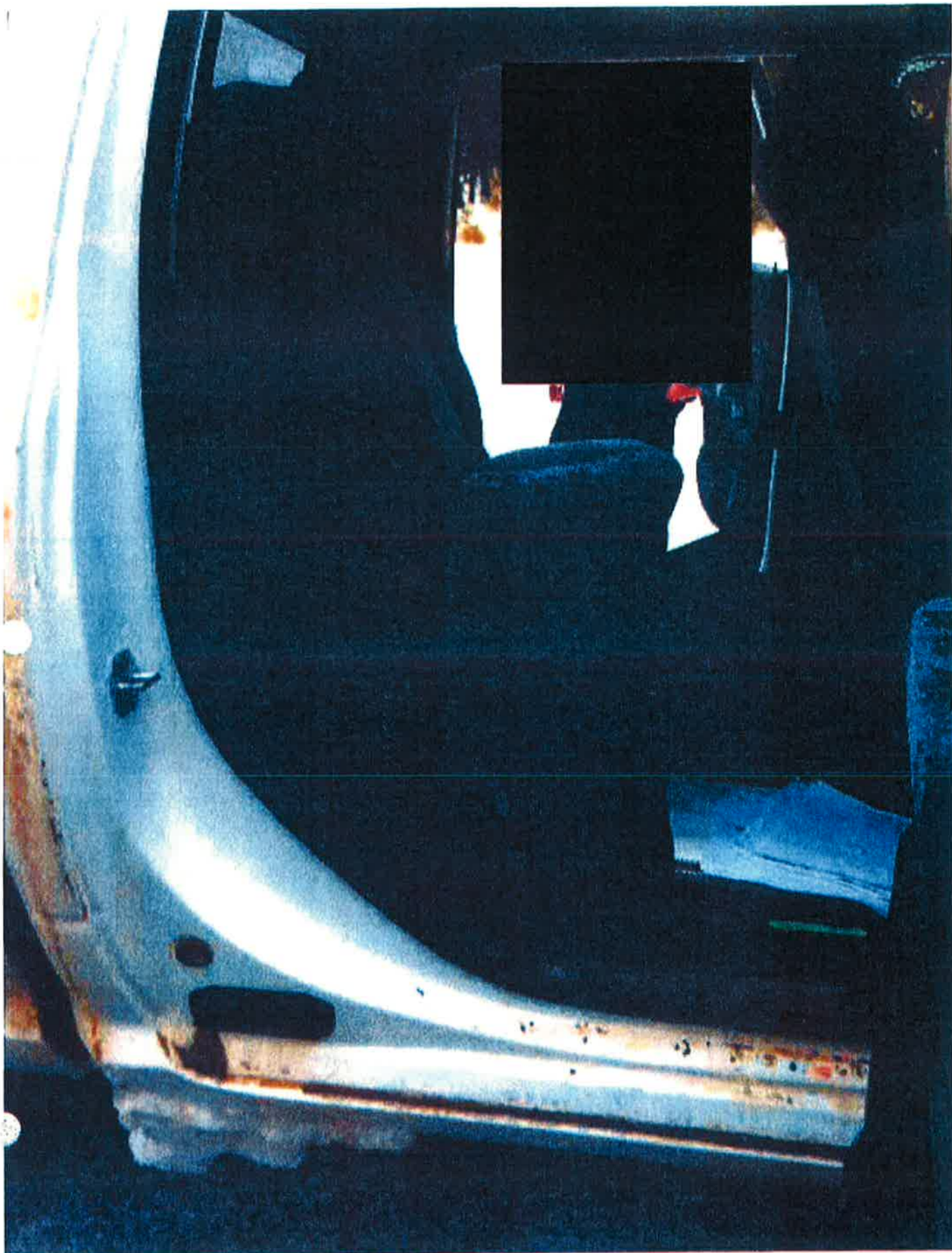


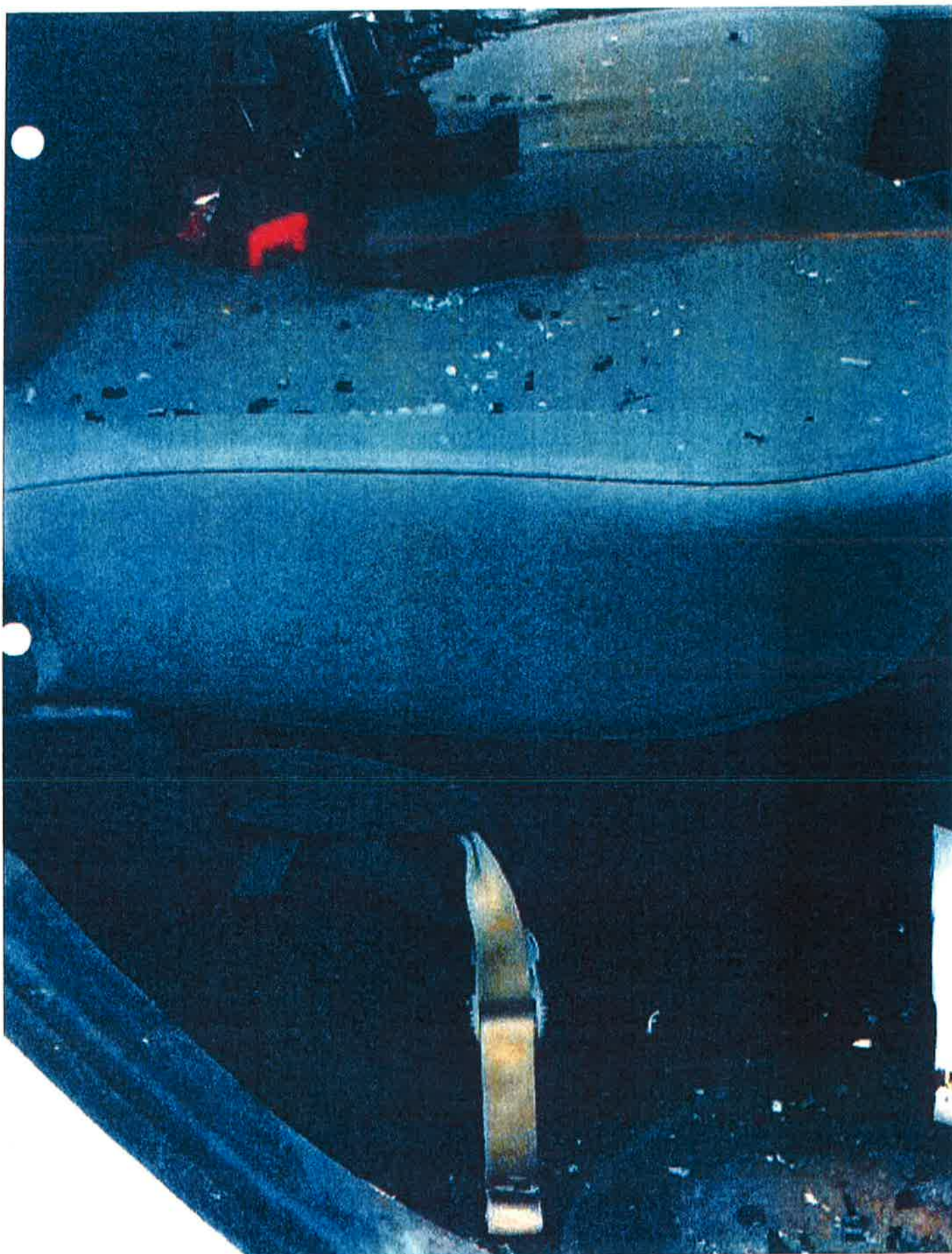
Redacted 3/9/2016 Page 125

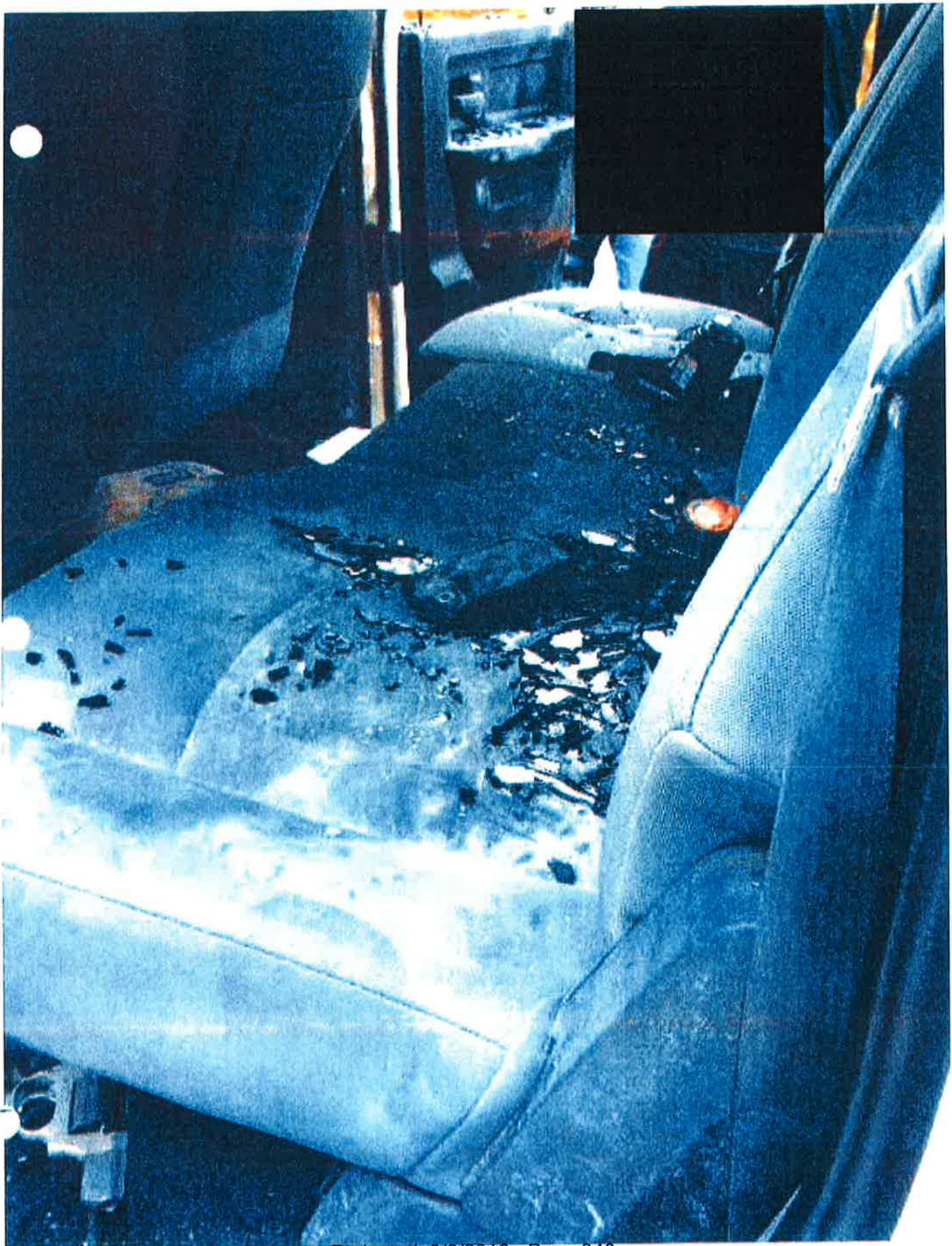


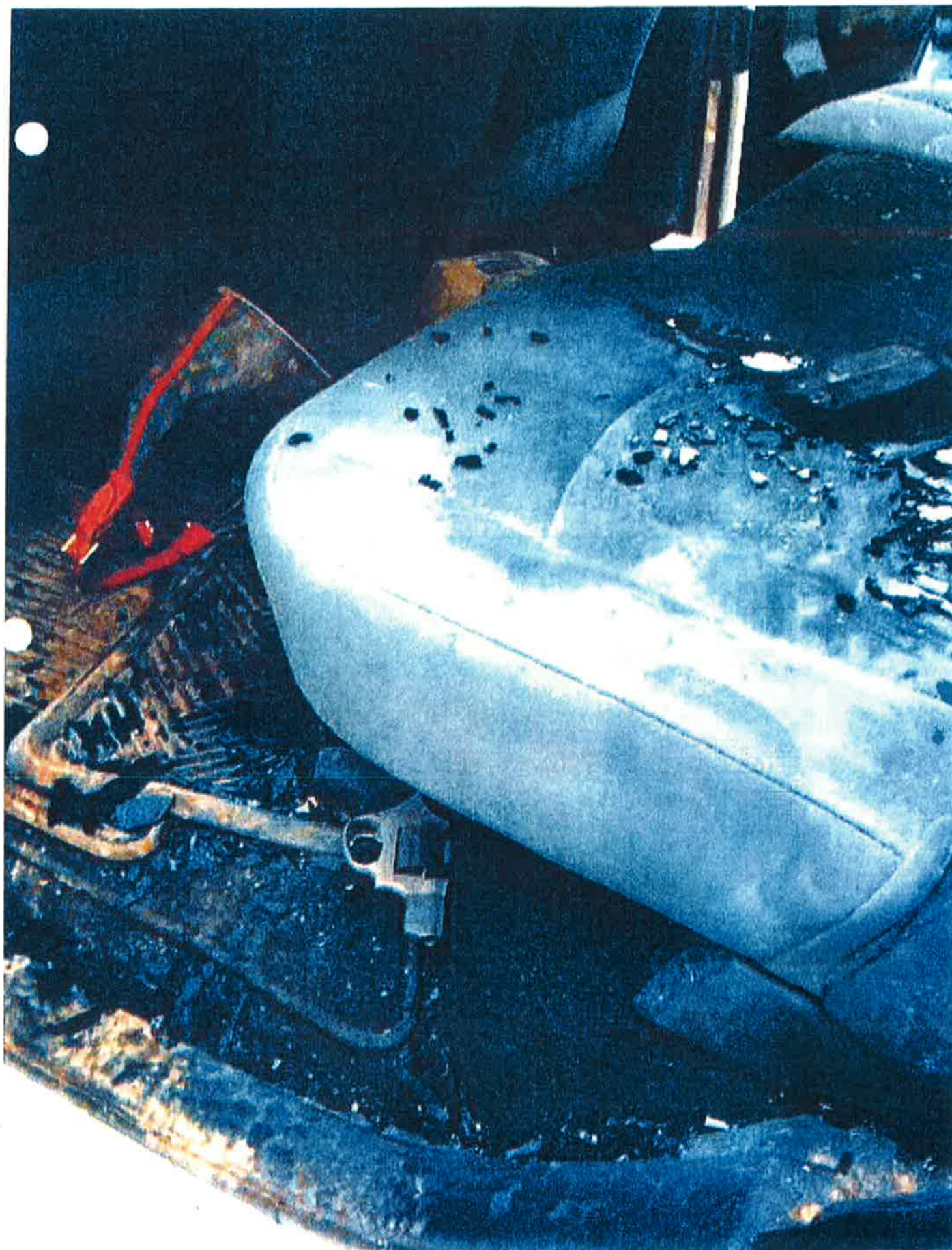


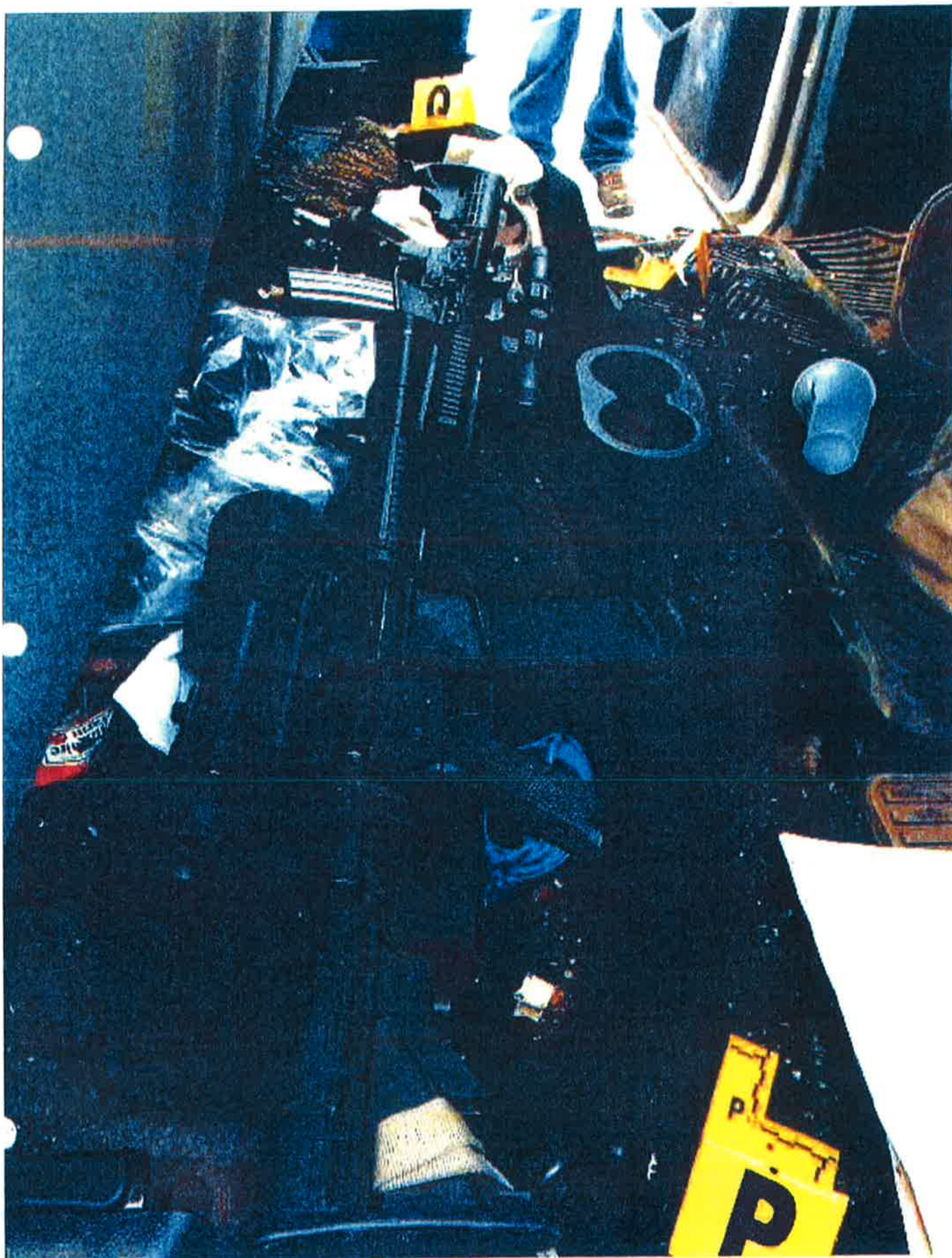


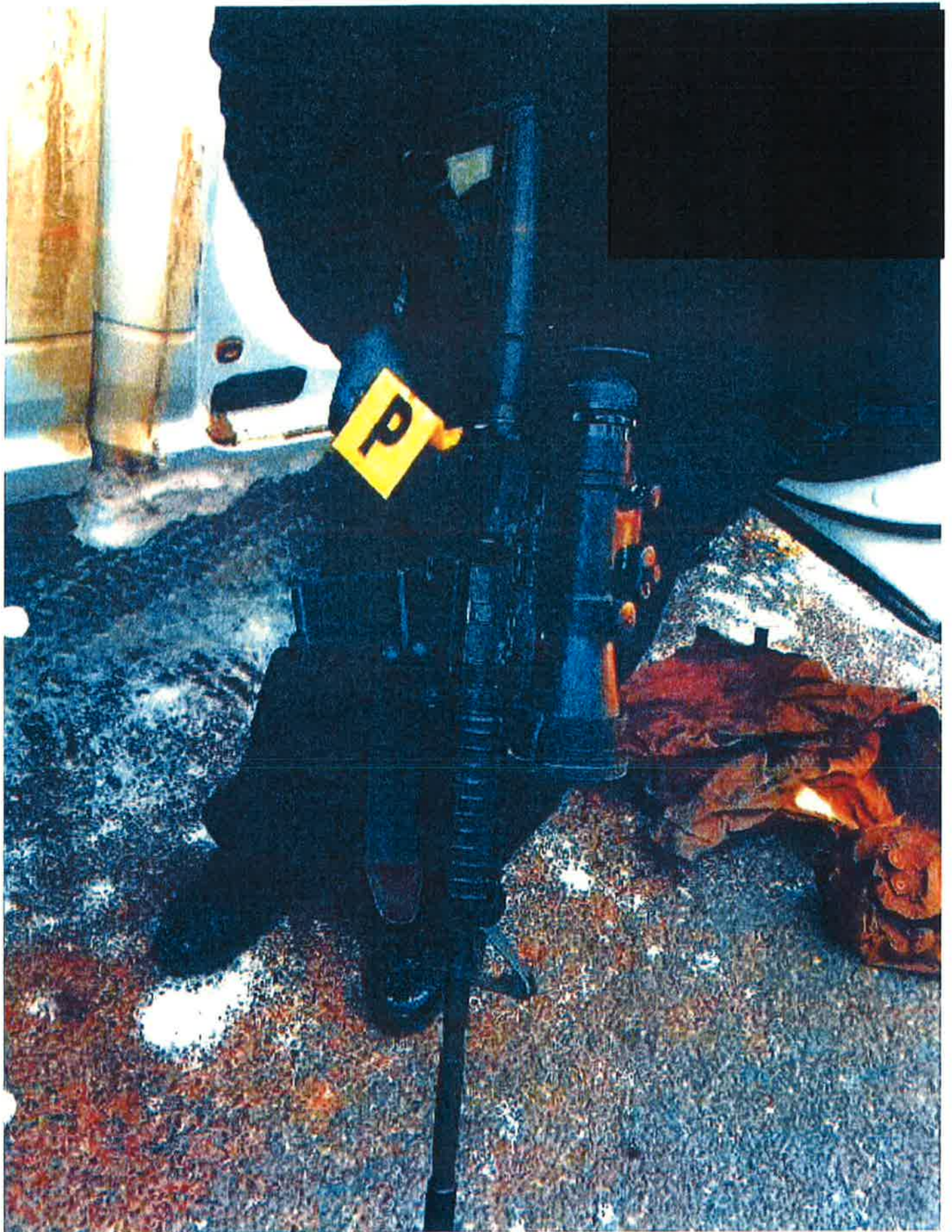




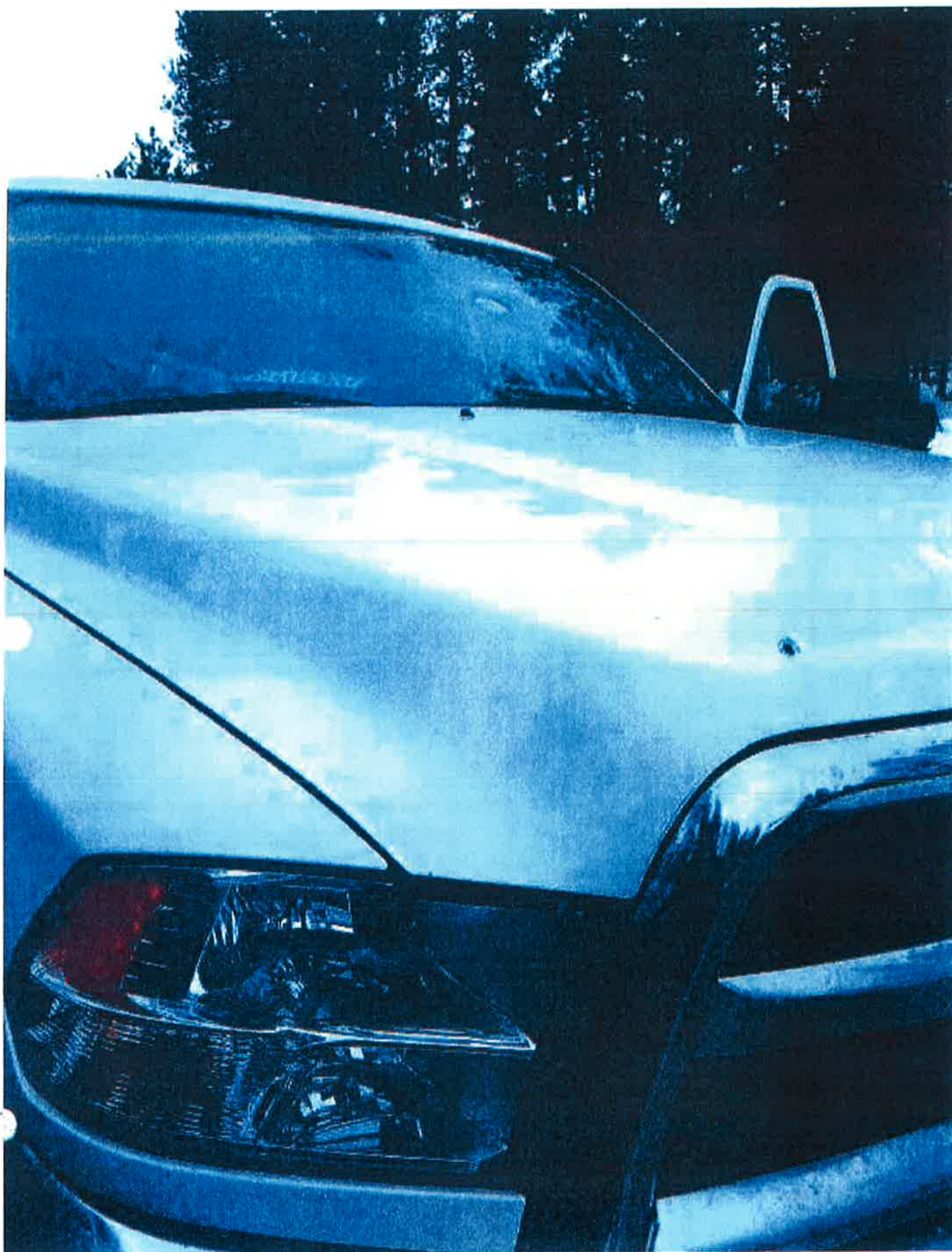






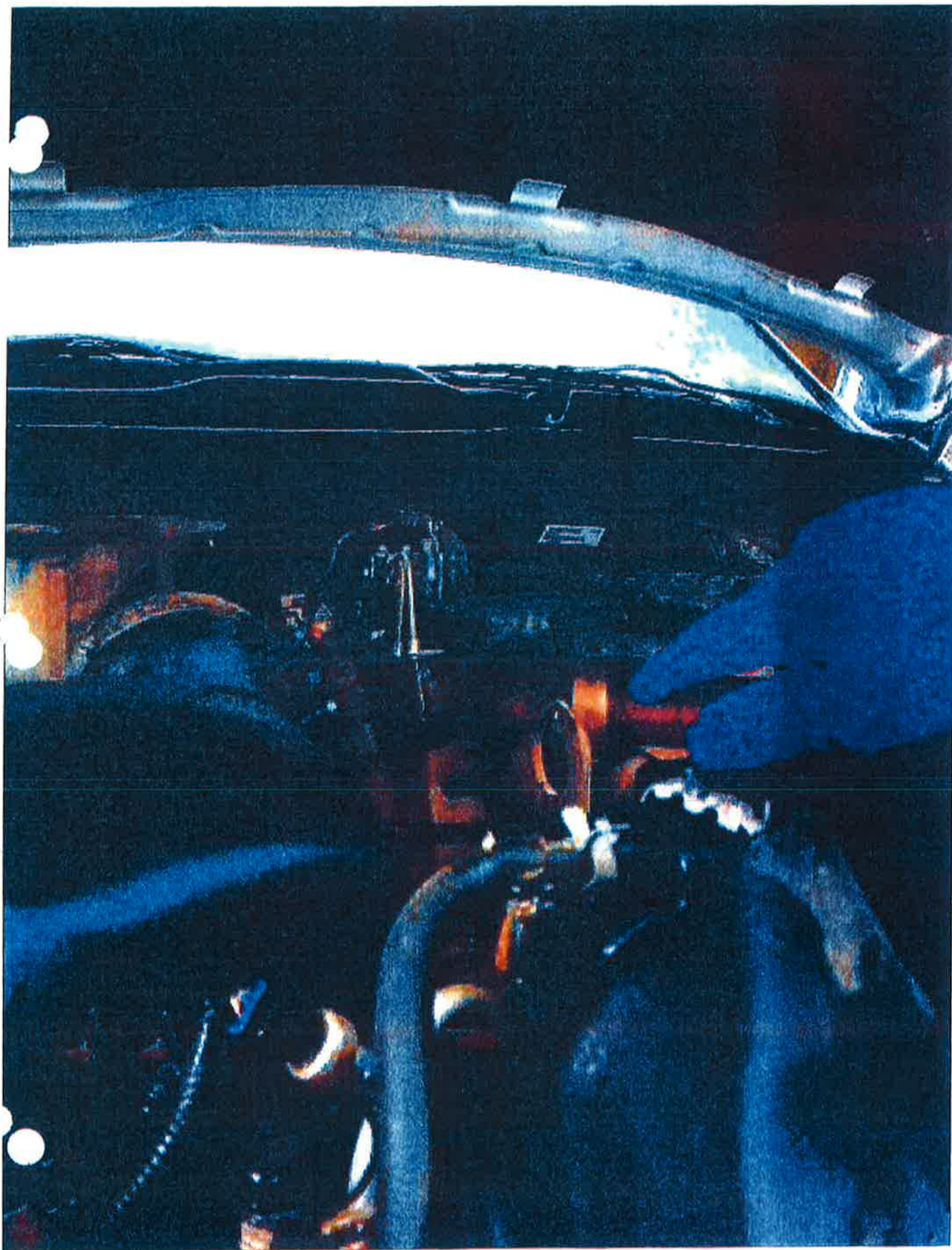










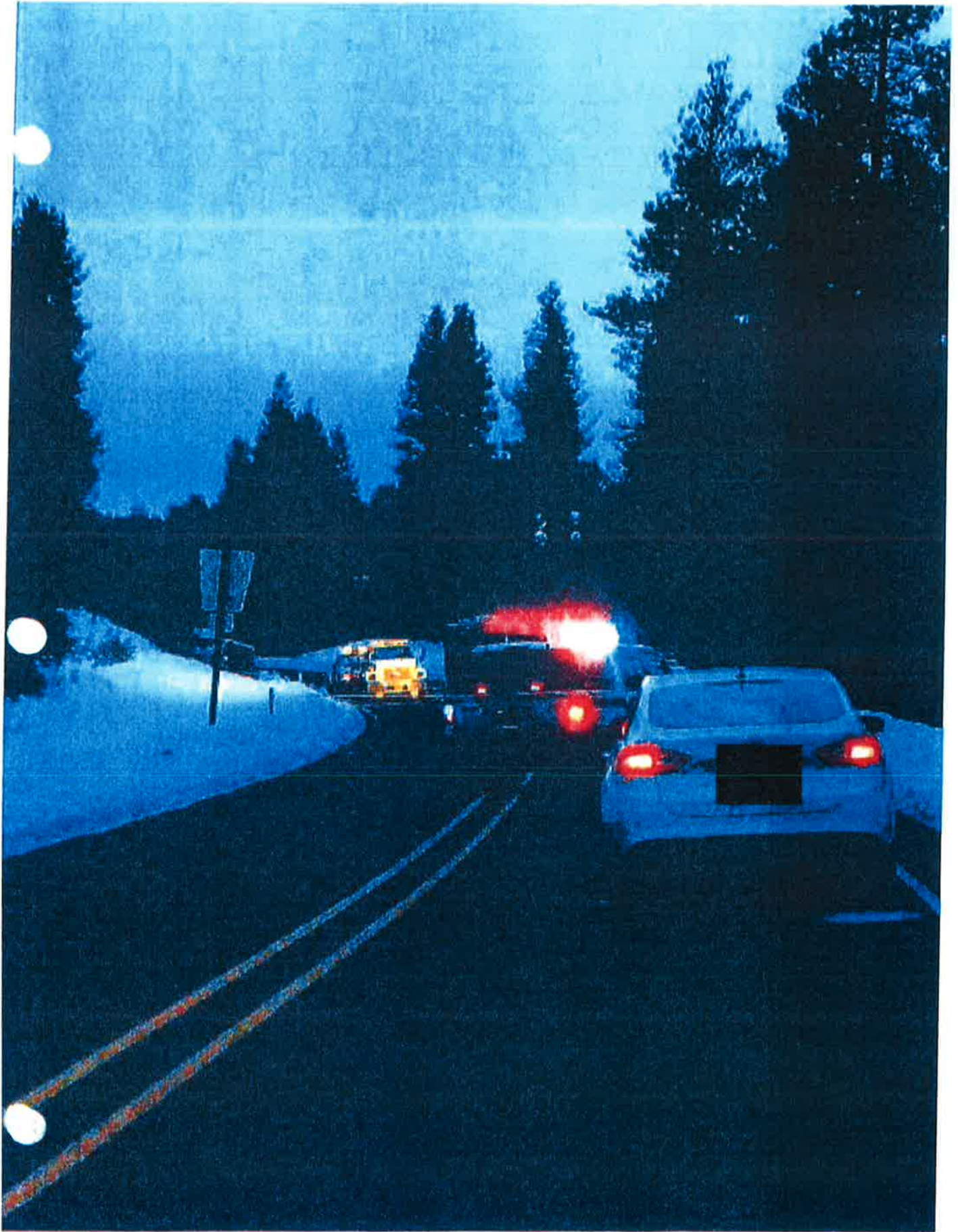


















Supplementary Incident Report

Oregon State Police/EAST REGION CRIMINAL
COMMAND

Printed: 02/23/2016 12:12 by

Incident: **SP16026132 Officer Involved Shooting @01/26/2016 16:40**

Author: #B INVESTIGATING OFFICER, B Report time: 02/05/2016 18:25

Entered by: #B INVESTIGATING OFFICER, B Entered time: 02/05/2016 18:25

Remarks: Investigating Officer "B" Supplemental Report

MENTIONED:

Investigating Officer "A"

Investigating Officer "D"

Investigating Officer "G"

Investigating Officer "H"

Investigating Officer "M"

Investigating Officer "P"

Investigating Officer "Q"

Investigating Officer "S"

Redmond PD- [REDACTED]

Redmond PD- [REDACTED]

NARRATIVE:

On 01/25/2016, at approximately 6:51PM MST, I received a cellular phone call from Investigating Officer "A". He requested I respond to Burns to assist with the Burns Stand Off. At the time I received the call, I was in transit to Salem to attend training. I secured lodging in Salem at approximately 7:30PM.

On 01/26/2016, at approximately 7:00AM PST, I left Salem and arrived in Burns at approximately 12:30PM PST. I met with Investigating Officers "P" and "Q" at the Incident Command Center and assisted with investigation by doing the following:

- Producing a report outlining criminal conduct by [REDACTED] related to the Malheur County Refuge Investigation (CASE #SP16025425)

Redacted, 3/9/2016 - Page 357

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At approximately 4:36 PM, Investigating Officer "Q" reported shots had been fired and that one suspect was down. The following is a timeline of events:

- 4:48PM- Six people were taken into custody. All operators were reported to be okay by Investigating Officer "Q"
- 5:16PM- Investigating Officer "Q" directs Investigating Officers "C" and "L", to respond to the shooting scene.
- 5:52PM- Investigating Officer "B" contacts Harney County Medical Examiner [REDACTED] [REDACTED] by cellular phone. [REDACTED] [REDACTED] advises she is responding to the shooting scene.
- 6:08PM- Investigating Officers "D", "G", "H", and "S" respond to the Burns Hospital to collect clothes and take photographs.
- 6:10PM, Investigating Officer "Q" arranges for Investigating Officers to conduct interviews with FBI HRT Members.
- 6:10PM, Investigating Officers "D", "G", "H", and "S", arrive at the Burns Hospital.
- 6:15PM, FBI HRT Commander is arranging for the HRT Members to be interviewed
- 6:17PM, Investigating Officer "P" advises Investigating Officer DCSO 7 has been designated as the lead supervisor of the investigation.
- 7:00PM, Investigating Officer "H" advised Ryan Bundy arrived at the hospital.
- 7:05PM, Harney County Medical Examiner [REDACTED] [REDACTED] is on scene of the shooting incident.
- 8:08PM, Geanette Finicum, Lavoy Finicum's wife, contacted OSP Dispatch inquiring about the status of her husband. This information was referred to the Public Information Officer.

I assisted with the investigation by gathering information pursuant to the investigation: I learned the following:

- The crime scene was located at US Hwy 395 near Milepost 50
- Crime scene evidence was identified as a white dodge pickup, a green jeep (associated to Ryan Payne), and Lavoy Finicum (deceased at scene)
- Persons arrested at the scene were Ammon Bundy, Ryan Bundy, Ryan Payne, Bryan Cavalier, Shawna Cox, and a juvenile female.
- Officers involved in the shooting were Officer No. 1, Officer No. 2, Officer No. 3, and Officer No. 4.
- Lavoy Finicum's vehicle, a white 2015 Dodge Ram pickup bearing Arizona license BMC2300 and VIN#3C6UR5CL1FG50985, was at the shooting scene.

OSP Investigators met with the Deschutes County SO Investigative team and provided a briefing of updated information. I provided time line information to DCSO 19.

I cleared from the Incident Command at approximately 1:00AM.

On 01/27/2016, at approximately 7:00PM, I arrived at the Incident Command Center. I learned OSP Dispatch had generated Case #SP16026277 for the phone call made by Geanette Finicum. OSP Dispatch had also generated Case #SP16026278 for a phone call made by a Police Chief in Sedona, Arizona. The call by Sedona PD was in regards to Lavoy Finicum.

I learned the following case numbers were assigned to the shooting investigation:

- Deschutes County Sheriff's Office #16-24156
- Bend Police Department #16-24156
- Redmond Police Department #16-24241
- Oregon State Police #SP16026132

At approximately 10:11AM, I met with Officer No. 4. Officer No. 4 agreed to a "walk through" of the shooting scene. I drove Officer No. 4 to the scene of the shooting incident located on US Hwy 395 near milepost 50 and arrived at 10:42AM. We met with the Redmond PD [REDACTED] and Redmond PD [REDACTED]. Officer No. 4 provided a statement and directed investigators to evidence at the scene. Officer No. 4 and I cleared from the scene at approximately 11:10AM. Officer No. 4's statement will be the subject of a reports submitted by the Redmond PD [REDACTED] and Redmond PD [REDACTED].

On 01/27/2016, at approximately 3:21PM, Investigator "P" requested I locate radio traffic from OSP Dispatch. I contacted Southern Command Center and requested all radio traffic pertaining to the shooting incident be located and preserved. I also requested the radio traffic associated with SP16026277 (Geanette Finicum call) and SP16026278 (Sedona PD Call).

On 01/28/2016, beginning at 2:48PM, I received a series of emails from SCC. The emails contained recorded audio from OSP Dispatch pursuant to the shooting investigation. I received 14 emails in total. The emails also contained recorded audio of SP16026277 and SP16026278. I received the last email and audio files at 3:24PM. I forwarded the emails to Investigating Officer "M" at approximately 3:35PM.

Supplementary Incident Report

Oregon State Police/EAST REGION CRIMINAL
COMMAND

Printed: 02/23/2016 11:44 by

Incident: **SP16026132 Officer Involved Shooting @01/26/2016 16:40**

Author:	#T INVESTIGATING OFFICER, T	Report time:	02/09/2016 00:30
Entered by:	#T INVESTIGATING OFFICER, T	Entered time:	02/09/2016 00:30
Remarks:	Investigating Officer "T" Supplemental Report		

SP16026132

SUPPLEMENTAL REPORT

ACTION TAKEN

On Tuesday January 26, 2016 at approximately 3:30 PM, I was called in for duty and initially reported to the Command Post in the Lincoln Junior High building in Burns. At about 4:35 PM, Myself and Investigating Officer "II" were instructed to go to about milepost 52C US-395. Arriving at about 4:48 PM, I observed a then unidentified male laying in the snow off the southbound shoulder being attended to by on scene personnel and the suspect's white Dodge Pickup buried in the snow. I was instructed by Officer #3 to establish a northern roadblock above the scene. I observed the road was blocked by a silver pickup in the southbound lane and a darker colored pickup in the northbound lane as well as a set of spike strips. I removed the spike strip and loose spikes from it's location across the northbound lane of US-395 and placed it on the edge of the roadway while a SWAT Team member moved the pickup blocking the northbound lane. Myself and Investigating Officer "II" then drove north and established a roadblock at about milepost 49C on US-395.

At about 10:00 PM, I was called to measure the scene of the Officer Involved Shooting. At about 1:17 AM the Investigation Team from Deschutes County arrived on scene. I coordinated with the Deschutes County Reconstructionist who requested that I measure the scene using my Total Measuring Station. I measured the scene, documenting all evidence as directed by the Deschutes County Investigators. I provided all measured data to Investigating Officer DCSO 17, and cleared the scene at about 6:48 AM.