Portland Police Bureau

Internal Investigation:
Aaron Marcell Campbell

Internal Affairs

November 2010

Portland Police Bureau
1111 SW 2nd Ave.
Portland OR 97204

PORTLAND POLICE BUREAU
Internal Affairs Division Worksheet

IAD# **2010-B-0004** PPB # 10-8352 DATE RECEIVED February 1, 2010

Assign as IAD To: Morgan RECEIVED BY Captain Ed Brumfield

Assign as SERVICE IMPROVEMENT OPPORTUNITY To:

COMPLAINANT INFORMATION

COMPLAINANT	PPB	DOB	SEX	RACE
ADDRESS		DAYTIME PHONE		
CITY / STATE / ZIP		BUSINESS PHONE		
LOCATION / OCCURRED	12800 NE Sandy Blvd. – North Precinct			
DATE / TIME OCCURRED	1/29/10 – 1622 hours			

CO-COMPLAINANT / WITNESS INFORMATION

COMPLAINANT / WITNESS	DOB	SEX	RACE
ADDRESS	DAYTIME PHONE		
CITY / STATE / ZIP	BUSINESS PHONE		

NARRATIVE

Members Involved:
Officer Ronald Frashour #40927 - East Precinct
Officer Ryan Lewton #34674 - North Precinct

Deceased:
Aaron Marcell Campbell

Incident Overview:
This is an internal review of an officer involved use of deadly force. On January 29, 2010, officers responded to a 911 call for a welfare check on a female, her three small children, and her possibly suicidal boyfriend at 12800 NE Sandy Blvd. #37. The male, Aaron Campbell, eventually came out of

IAD CASE CLOSURE INFORMATION

DATE CLOSED / INITIALED
For IAD Captain's Use

ALLEGATION CORRESPONDS TO ALLEGATIONS / ISSUES TO BE INVESTIGATED

Allegation	Officer / DPSST #	Allegation Category	Finding Category
1	Officer Ronald Frashour #40927	1	
2	Officer Ryan Lewton #34674	1	
3	PPB	6	

ALLEGATION CATEGORIES

#1	Force
#2	Control Techniques
#3	Conduct
#4	Disparate Treatment
#5	Courtesy
#6	Procedure

SHOOTINGS ONLY

JP	Justified – In Policy
JV	Justified – Policy Violation
JT	Justified – Tactical Improvement
NJ	Not Justified

FINDING / DISPOSITION CATEGORIES

Adm	Admin Complaint
B	Exonerated
B-d	Exonerated w/debriefing
C	Unproven
C-d	Unproven w/debriefing
D	Sustained
E	Declined
E-d	Declined w/debriefing
M	Miscellaneous
S	Suspended
SIO	Service Improvement Opp

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the apartment. A less lethal shotgun was deployed by Officer Lewton. Moments later, Officer Frashour fired his AR-15 rifle once, striking Campbell in the back. Campbell was pronounced dead at the scene.

Allegations:
1. Was the use of deadly physical force by Officer Frashour within Bureau policy and training guidelines? (Force)
2. Was the use of less lethal force by Officer Lewton within Bureau policy and training guidelines? (Force)
3. Was the response by PPB personnel tactically sound and within Bureau policy and training guidelines? (Procedure)

Investigator Comments:
Exhibits:

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IPR/IAD CHECKLIST

IPR Case Number: 2010-R-0004

DATE/INITIAL	IPR SECTION ONLY
	COMPLAINT RECEIVED | **IS CO WILLING TO MEDIATE?** ☐ Yes ☐ No ☐ Maybe ☐ Not Asked
	SIGNATURE LETTER MAILED: | **DATE RECEIVED:**
	INTAKE PROCESS COMPLETED – Case Submitted to IPR Director
	DIRECTOR'S CASE DECISION Action: ☐ Resolved at Intake ☐ Decline ☐ Refer to IAD ☐ IAD w/ IPR ☐ IPR ☐ Mediation ☐ Referral ☐ PPB Unsworn | **DIRECTOR'S COMMENTS**
	Letters: ☐ Acknowledgement ☐ Declination ☐ No Letter
	File Copies to IAD

IF DISMISSED BY IPR DIRECTOR OR DECLINED BY IAD CAPTAIN:

IPR		IAD
☐	Other Remedy	☐
☐	Filing Delay	☐
☐	No Misconduct	☐
☐	False Claim	☐
☐	Trivial or De Minimis	☐
☐	Limited Resources	☐
☐	Complainant Withdrew	☐
☐	Complainant Unavailable	☐
☐	UTI Officer	☐
☐	Ofc No Longer Employed	☐
☐	Other Jurisdiction	☐
☐	Previously Adjudicated	☐
☐	Other Judicial Review	☐
☐	Not Credible or Reliable	☐
☐	Invest. Unwarranted	☐

DATE/INITIAL	IAD SECTION ONLY
2-19-10 EB	**CASE DECISION – ASSIGN or DECLINE**
	Assign To: Morgan | Assign As: ☐ Addtl Intake ☒ IAD ☐ S.I.O. ☐ Referral
	Letters: ☐ Acknowledgement ☐ Declination ☒ No Letter
6-4-10 CM	**IAD INVESTIGATION COMPLETED** – Case Submitted to Captain
7-6-10 CMR	Copy of Summary Investigative Report to IPR
7-16-10 CMR	To RU Manager – For Case Review / Recommended Finding North
8/2/10 - CMR	**CASE RETURNED FROM PRECINCT/DIVISION** (Through Channels)
7/30/10	**DATE OF RU MANAGER FINDING** (As Reflected on Finding Memo) North (Ferraris)
8/3/10 - BE	**CASE TO REVIEW LEVEL** (Sustained or Controverted Only)
	CASE CLOSED (Disposition Letter Sent to IPR) / **RESOLVED** (Administrative or Service Improvement Opp.)
	DATE OF REVIEW LEVEL MEETING (If Sustained)

DATE/INITIAL	IPR CASE REVIEW SECTION
	DATE CASE RECEIVED FROM IAD
	DIRECTOR'S REVIEW DECISION
	IF NOT SUSTAINED: Letter to complainant with notice of appeal. Notice given to member through IAD.
	IF SUSTAINED: Letter to complainant.
	CLOSING LETTER TO IAD
	FINDINGS APPEALED? ☐ Yes ☐ No
	IF APPEALED: ☐ Appeal Accepted ☐ Appeal Not Accepted *IF ACCEPTED*, ATTACH APPEALS CHECKLIST

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Bureau of Police
Portland, Oregon

INTER-OFFICE MEMORANDUM

ATE: July 16, 2010

TO: Commander Jim Ferraris
North Precinct

FROM: Captain Edward R. Brumfield
Internal Affairs, Professional Standards Division

SUBJ: **CASE REVIEW / IAD #2010-B-0004 / Complainant: Portland Police Bureau**

Pertinent reports of this investigation are attached. Per Directive 330.00, make determinations regarding any violations of the Manual of Policy and Procedure. Specifically, base your findings on the following categories, supported by appropriate directives or laws.

	OFFICER(S)
1. FORCE Allegation of use of excessive or inappropriate physical or deadly physical force. This includes, but is not limited to, all instances where there is actual injury or an impact weapon was used.	**Officer Ronald Frashour #40927 (Allegation 1)** **Officer Ryan Lewton #34674 (Allegation 2)**
2. CONTROL TECHNIQUES Allegation that a "control technique" was used unreasonably or improperly. This would include control holds, hobble, "take downs," and handcuffing. Temporary discomfort, skin discoloration or marks, or temporary pain are considered normal consequences of the use of a control technique.	
3. CONDUCT Allegation that tends to bring reproach or discredit upon the Bureau or the City of Portland. It involves behavior by a Bureau member that is unprofessional, unjustified, beyond the scope of their authority, or unsatisfactory work performance. Typically, this would include violation of the Bureau's Standard of Conduct, Conform to Laws, Unsatisfactory Performance, Truthfulness, etc.	
4. DISPARATE TREATMENT Allegations of specific actions or statements that indicate inappropriate treatment of an individual that is different from the treatment of another, because of race, sex, age, national origin, sexual orientation, economic status, political or religious beliefs, handicap, etc. *Allegations of this nature between members of the Police Bureau will be processed per Directive 344.00. Allegations involving member conduct or actions toward individuals outside the Police Bureau (non-Bureau members) will be investigated as misconduct complaints by the Internal Affairs Division.	
5. COURTESY Allegations relating to attitude and rude or discourteous conduct other than disparate treatment.	
6. PROCEDURE Allegations that an administrative or procedural requirement was not met. This normally would include the handling of Directives such as identification, report writing, notebook entries, and property / evidence.	**Portland Police Bureau (Allegation 3)**

ease return to the Internal Affairs through channels by July 30, 2010. For questions regarding this investigation, please contact Sergeant Craig Morgan, at 503-823-0973. **If you need IAD to do additional investigation or have concerns that have not been addressed, call me immediately at 823-0237.**

c: IPR (Worksheet/Checklist)

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7-6-10

CASE REVIEW

Date: July 6, 2010

Precinct: North

IAD #: 2010-B-0004

Complainant: Portland Police Bureau

****NOTE: FORWARD COPY OF INVESTIGATIVE SUMMARY TO IPR *before requesting findings.***

1. x FORCE: An allegation of use of excessive or inappropriate physical or deadly physical force. This includes, but is not limited to, all instances where there is actual injury or an impact weapon was used.

Officer and Dpsst	Alleg #		Officer and Dpsst	Alleg #
a. Officer Ronald Frashour #40927	1		c.	
b. Officer Ryan Lewton #34674	2		d.	

2. ___ CONTROL TECHNIQUES: An allegation that a "control technique" was used unreasonably or improperly. This would include control holds, hobble, "take downs," and handcuffing. Temporary discomfort, skin discoloration or marks, or temporary pain are considered normal consequences of the use of a control technique.

Officer and Dpsst	Alleg #		Officer and Dpsst	Alleg #
a.			c.	
b.			d.	

3. ___ CONDUCT: An allegation that tends to bring reproach or discredit upon the Bureau or the City of Portland. It involves behavior by a Bureau member that is unprofessional, unjustified, beyond the scope of their authority, or unsatisfactory work performance. Typically, this would include violation of the Bureau's Standard of Conduct, Conform to Laws, Unsatisfactory Performance, Truthfulness, etc.

Officer and Dpsst	Alleg #		Officer and Dpsst	Alleg #
a.			c.	
b.			d.	

4. ___ DISPARATE TREATMENT: Allegations of specific actions or statements that indicate inappropriate treatment of an individual that is different from the treatment of another, because of a) race or b) other – sex, age, national origin, sexual orientation, economic status, political or religious beliefs, handicap, etc. (NOTE: Allegations of this nature between members of the Police Bureau will be processed per Directive 344.00. Allegations involving member conduct or actions toward individuals outside the Police Bureau (non-Bureau members) will be investigated as misconduct complaints by the Internal Affairs Division.)

Officer and Dpsst	Alleg #		Officer and Dpsst	Alleg #
a.			c.	
b.			d.	

5. ___ COURTESY: Allegations relating to attitude and rude or discourteous conduct other than disparate treatment.

Officer and Dpsst	Alleg #		Officer and Dpsst	Alleg #
a.			c.	
b.			d.	

6. x PROCEDURE: Allegations that an administrative or procedural requirement was not met. This normally would include the handling of G.O.'s such as identification, report writing, notebook entries, and property/evidence.

Officer and Dpsst	Alleg #		Officer and Dpsst	Alleg #
a. Portland Police Bureau	3		c.	
b.			d.	

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Bureau of Police
Portland, Oregon

INTER-OFFICE MEMORANDUM

DATE: August 3, 2010

TO: Christopher Paille
Professional Standards Unit

FROM: Captain Edward R. Brumfield EB
Professional Standards / Internal Affairs Division

SUBJ: REVIEW BOARD CASES (Sustained, Controverted, Discretionary, and / or Officer Involved Shooting)

IAD # 2010-B-0004

Bureau Member: Officer Ronald Frashour
Officer Ryan Lewton
Sergeant Liani Reyna
Sergeant John Birkinbine

Complainant: Portland Police Bureau

☒ **SUSTAINED** - A sustained finding has been recommended, and it is requested that this case go to the Review Level Committee for final determination.

☐ **CONTROVERTED** - A recommended finding has been controverted, and it is requested that this case go to the Review Level Committee for final determination.

☐ **DISCRETIONARY** - Discretionary cases referred by the Chief of Police or Branch Chief.

☒ **OFFICER INVOLVED SHOOTING** – Evaluation of incident (Policy violations / Training deficiencies / etc.)

☐ **NEGLIGENT DISCHARGE** - Evaluation of incident (Policy violations / Training deficiencies / etc.)

A copy of the pertinent reports from the original case file have been provided. The original file and tapes are located in the Internal Affairs Division.

Once the review has been completed and decisions determined please notify IAD by a memorandum of the final determination, listing the violation(s) as they pertain to each Bureau member involved.

c: Independent Police Review (RU Findings/Worksheet/Checklist)

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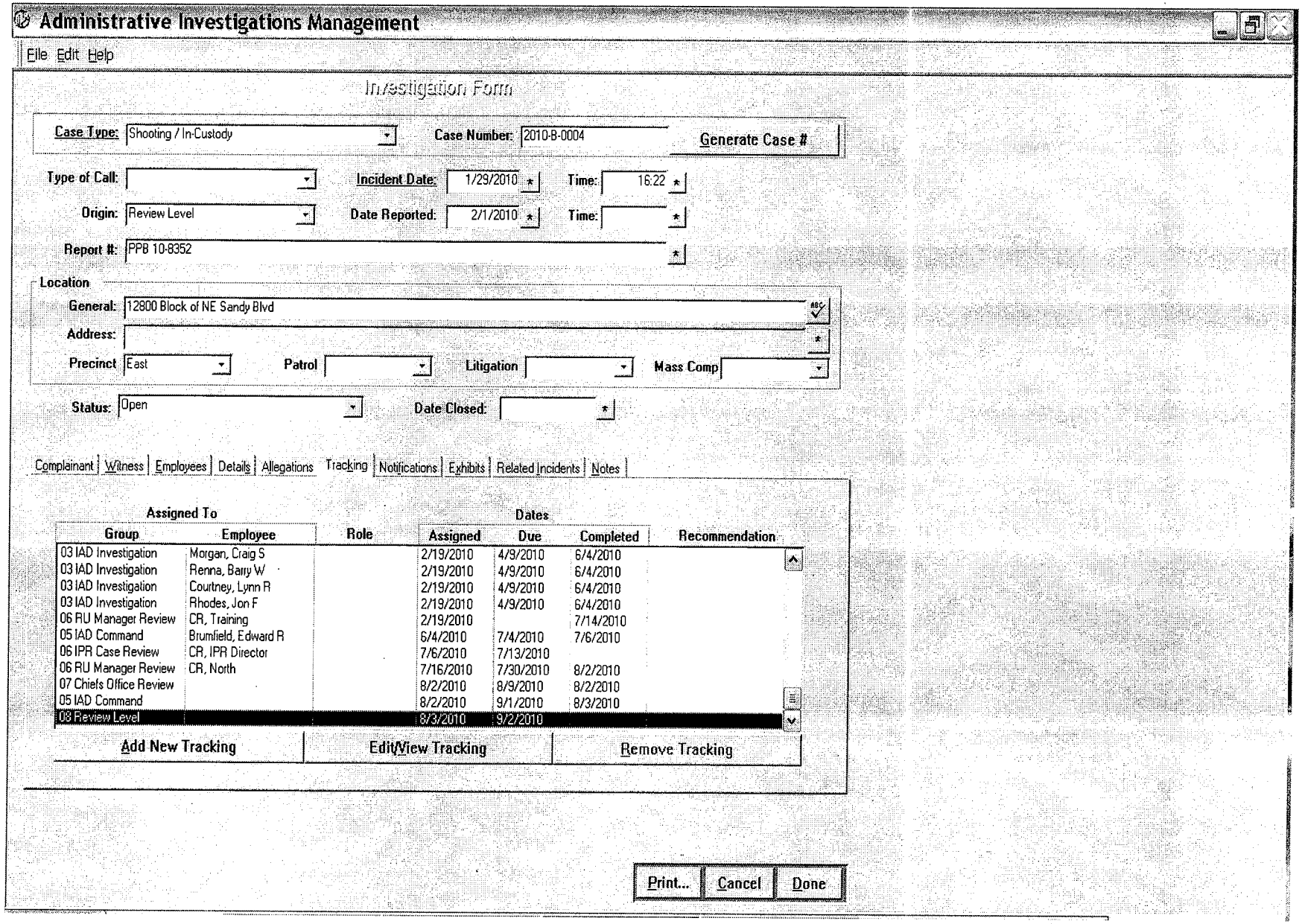
Administrative Investigations Management
File Edit Help
Investigation Form
Case Type: Shooting / In-Custody
Case Number: 2010-B-0004
Generate Case #
Type of Call:
Incident Date: 1/29/2010
Time: 16:22
Origin: Review Level
Date Reported: 2/1/2010
Time:
Report #: PPB 10-8352
Location
General: 12800 Block of NE Sandy Blvd
Address:
Precinct: East
Patrol:
Litigation:
Mass Comp:
Status: Open
Date Closed:
Complainant Witness Employees Details Allegations Tracking Notifications Exhibits Related Incidents Notes
Assigned To
Dates
Group | Employee | Role | Assigned | Due | Completed | Recommendation
03 IAD Investigation | Morgan, Craig S | | 2/19/2010 | 4/9/2010 | 6/4/2010
03 IAD Investigation | Renna, Barry W | | 2/19/2010 | 4/9/2010 | 6/4/2010
03 IAD Investigation | Courtney, Lynn R | | 2/19/2010 | 4/9/2010 | 6/4/2010
03 IAD Investigation | Rhodes, Jon F | | 2/19/2010 | 4/9/2010 | 6/4/2010
06 RU Manager Review | CR, Training | | 2/19/2010 | | 7/14/2010
05 IAD Command | Brumfield, Edward R | | 6/4/2010 | 7/4/2010 | 7/6/2010
06 IPR Case Review | CR, IPR Director | | 7/6/2010 | 7/13/2010 |
06 RU Manager Review | CR, North | | 7/16/2010 | 7/30/2010 | 8/2/2010
07 Chiefs Office Review | | | 8/2/2010 | 8/9/2010 | 8/2/2010
05 IAD Command | | | 8/2/2010 | 9/1/2010 | 8/3/2010
08 Review Level | | | 8/3/2010 | 9/2/2010 |
Add New Tracking
Edit/View Tracking
Remove Tracking
Print...
Cancel
Done

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CITY OF PORTLAND, OREGON

Bureau of Police
Sam Adams, Mayor
Michael Reese, Chief of Police
1111 S.W. 2nd Avenue • Portland, OR 97204 • Phone: 503-823-0000 • Fax: 503-823-0342

Integrity • Compassion • Accountability • Respect • Excellence • Service

CONFIDENTIAL MEMORANDUM

PLEASE SCHEDULE FOR THE FORCE REVIEW BOARD.
AC LP O'DEA
8/2/10

July 30, 2010

TO: Assistant Chief Lawrence P. O'Dea
Operations Branch

SUBJECT: Commander's Review and Findings
Officer Involved Use of Deadly Physical Force
PPB Case# 10-08352 - IAD Case# 2010-B-0004

PLEASE add to file and forward to REVIEW Board Coordinator. w/ Copy to I.P.R.
Capt. E.R. Brunfield
8/3/10

Date and Time of Occurrence:
January 29, 2010 at 1622 hours

Location of Occurrence:
12800 NE Sandy Blvd. Apartment #37

Involved Members:
Officer Ronald Frashour #40927
Officer Ryan Lewton #34674
Officer Jeff Elias #29338
Officer John Boylan #41756
Officer James Quackenbush #36875
Officer David Kemple #39589
Officer Tyrone Willard #47105
Officer Craig Andersen #46055
Officer Matthew McAllister #45405
Officer Justin Burns #47103
Sergeant Liani Reyna #28925
Sergeant John Birkinbine #29351
Sergeant Jan Ellertson #23680
Sergeant Christian Wheelwright #29519
Lieutenant Derek Rodrigues #37149
Commander (Captain) Robert Day #23474

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Deceased:
Aaron M. Campbell MB DOB: 090784

Incident Summary:
This incident evolved out of a radio call regarding a welfare check on a woman, Adrienna Jones, and her three children, who were reported to be inside of an apartment with a suicidal man named Aaron Campbell, who was Jones' boyfriend. Campbell was reportedly despondent over the recent death of his brother and believed to be armed with a handgun. According to the complainant, Sherry Stewart (the aunt of Jones) Campbell had made threats to commit "suicide by police", and attempted suicide the night before by putting a gun to his head and pulling the trigger. During the incident the night before Campbell had fired at least one round into the air (officers were not made aware of this information until late in the call).

After arriving on scene, responding officers attempted to locate Jones. Initially they spoke to Jones' father, Courtney Jones, who had come to the scene because he was concerned about his daughter and grandchildren. Eventually Jones came out leaving her three children still inside with Campbell. Officers were able to establish cell phone contact with Campbell and suggested he send the children outside. Campbell never verbally acknowledged the officers request, however immediately after it was made, the children unexpectedly emerged from the apartment and were secured by officers. Some time later, officers talked to Campbell about coming out, and without any verbal acknowledgement he unexpectedly emerged from the apartment. The custody team, who was unaware that Campbell was asked to come out, verbally challenged Campbell and attempted to direct him to a position where he could be taken into custody. At some point Campbell refused to comply with officer's commands to raise his hands off of his head. Campbell was then shot with a less lethal shotgun (beanbag) by Officer Lewton multiple times. Campbell then ran back toward his apartment and was fatally shot by Officer Frashour because Officer Frashour believed Campbell was going for a gun.

SERT was activated to conduct post shooting operations and to provide medical aid to Campbell.

Scope of Review and Findings:
During the course of this review five (5) areas were examined and I made findings and recommendations as necessary. Those areas are:

1. Operational Planning and Supervision
2. Application of Less lethal Force
3. Application of Deadly Physical Force
4. Application of Police K9
5. Post Shooting Actions and Procedures

During this review, I relied heavily on the Training Division review and the IAD investigation Case #2010-B-0004. I also relied on the Detective Division investigation Case #10-08352 and transcripts from the hearing by the Grand Jury that ruled on the criminal aspects of the case.

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1. Operational Planning and Supervision:
With respect to the overall operational planning and supervision of this incident, I make the following recommended findings:

Sergeant Liani Reyna: **Sustained** for violation of the Manual of Policy and Procedure; Directive 315.30 Unsatisfactory Performance.

Sergeant John Birkinbine: **Sustained** for violation of the Manual of Policy and Procedure; Directive 315.30 Unsatisfactory Performance.

Officer Justin Burns: **Debriefing** regarding lack of communicating weapon related information by radio and documenting that information in a report.

Sergeant Jan Ellertson: **Debriefing** as to the general responsibilities of a supervisor as well as the responsibilities of a supervisor on a critical incident.

Sergeant Chris Wheelwright: **Debriefing** as to the general responsibilities of a supervisor as well as the responsibilities of a supervisor on a critical incident.

Lieutenant Derek Rodrigues: **Debriefing** as to the general responsibilities of a command officer as well as the responsibilities of a command officer on a critical incident.

Commander Robert Day: **Debriefing** as to the general responsibilities of a command officer as well as the responsibilities of a command officer on a critical incident.

In addition, each of the officers who initially responded to the call, prior to Sergeant Reyna's arrival should be debriefed on increasing the radio communication and updates, so that all involved are aware of information pertinent to the incident and who was in charge of various functions of the call as well in overall charge of the incident. Further, Officer Lewton's decision to call for a supervisor due to the complexity of the incident should be positively reinforced, although a sergeant should have been summoned earlier. And finally, officers and sergeants should be advised that if information is unclear they should ask questions to clarify their role or expectations of them.

Discussion:
While review of this incident revealed many correct decisions and actions by officers, supervisors and commanders, many mistakes, errors and omissions also came to light.

Simply said, the issues with this call and the outcome were precipitated by a lack of communication and coordination of plans made to resolve the incident, as well as the lead sergeant becoming overwhelmed and exceeding capacity while a secondary sergeant failed to insert himself to shoulder some of the responsibilities being carried by lead sergeant.

The officers who responded to the initial call followed their training and proceeded with caution, slowed the response to the incident down and made a safe tactical approach, and requested a supervisor to respond.

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Each of the sergeants, the lieutenant and the commander has received on-going training in supervision and critical incident management.

In this incident, a sergeant was requested by officers after they had been on scene eighteen (18) minutes. The sergeant (Reyna) arrived at the scene thirteen (13) minutes after the notification/request. So, for nearly forty (40) minutes after the call was dispatched a sergeant was not on scene even though multiple officers were assigned to the call. Critical incident training previously attended by each of these sergeants provides that a sergeant should respond to a critical incident as soon as possible. Sergeant Reyna responded only after hearing Officer Lewton's request for a sergeant at 1648 hours. The file reflects that three (3) sergeants were on-duty (Reyna, Ellertson and Wheelwright), later being joined by a fourth (Birkinbine who took the first hour of his shift off), during the initial stages of the call and that apparently none of them heard the call on the air. Each of the sergeants has heard my expectations as the precinct commander that sergeants should make every effort to not "bunch up" in the office – sergeants should endeavor to deploy to the street as soon as possible after roll call. Understanding that supervisory duties require sergeants to be in the precinct performing administrative tasks, this has to be a balanced and coordinated effort among sergeants so that adequate supervision is available to cover the sixty-three (63) square miles of North Precinct territory. Further, sergeants have been instructed to keep their radios on when practical and monitor radio traffic when in the precinct. It should be noted that this call came out at 1623 hours. The afternoon late relief roll call was likely on-going at that time. The afternoon pre-relief officers were on the street; however their supervisor, Sgt. Ellertson was in the precinct briefing the late afternoon relief. Morning relief was still on duty until 1700 hours and at least one morning relief supervisor should have been available on the air when the call was dispatched and during the officers initial arrival. All sergeants should be reminded of this; however **Sgt. Ellertson, Sgt. Reyna and Sgt. Wheelwright specifically should be debriefed about providing coverage to the street and monitoring the radio while in the office, during roll calls and at shift change.**

Sometime around 1620 hours, Lieutenant Rodrigues and Commander Day were riding together enroute to meet afternoon sergeants at a local coffee shop. They arrived at about 1630 hours. While enroute, Lieutenant Rodrigues and Commander Day each heard the portions of the radio call over the air but did not interpret a need to take further action at that point. Rodrigues and Day had a coffee meeting with Sergeants Ellertson and Wheelwright and listened to the call intermittently with the sergeants as they were discussing the business of their meeting. Sgt. Reyna did not attend the meeting as planned and Commander Day had assumed she had responded to the call.

Sergeant Ellertson and Sergeant Wheelwright correctly recognized this as a call that may need additional supervisory assistance. Sergeants often call each other throughout their shift to offer assistance based on workload and calls being dispatched. Sometimes the sergeant who is on scene of an incident will utilize the other sergeant(s) offering to assist and other times the sergeant will not. It is up to the sergeant on scene of an incident to decide whether additional assistance is needed. While Sergeant Ellertson's offer to help was appropriate, Sgt. Reyna indicated she did not need any help. Sgt. Ellertson did not think anything odd by being told by Sgt. Reyna that she did not need any help based on what she knew at the time; that said, at that moment she did not have all of the information that Sgt. Reyna had. Later, Sergeant Wheelwright called Sgt. Reyna's cell to offer assistance, but Sgt. Reyna did not or was not able to answer and that call went to voice mail.

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After Sgt. Reyna arrived at 1701 hours, she assigned herself as lethal cover with an AR-15 rifle for the custody team. This was not optimal. Although Sgt. Reyna changed herself out when Officer Frashour arrived, this assignment kept her from focusing on her supervisory duties. I have spoken about this issue at North Precinct on several occasions prior to this incident advising supervisors that I do not want them tied up on a long gun assignment unless emergency circumstances exist and if that is the case to change out with an officer as soon as possible. Because of the complexities of this call, Sergeant Reyna would have made a better choice to oversee, manage and supervise and not take valuable time and attention away from her duties by inserting herself as a long gun operator even though it was for a short period of time. I have not read of an exigency in the file that would have necessitated Sergeant Reyna serving in the rifle capacity. It is likely that awaiting the arrival of a long gun operator would have provided the same tactical advantage.

Sergeant Birkinbine correctly self dispatched himself to the call realizing this may be a call that needed the support of more than one sergeant, after he heard officers were asking for an AR15 operator to respond on the air. Once Sgt. Birkinbine was on-scene at 1721 hours, Sergeant Reyna refused Sgt. Birkinbine's assistance and did not utilize him in any manner.

The record reflects that Sergeant Reyna was reluctant for whatever reason to utilize the support of fellow sergeants. That was a decision contrary to performance expectations for a sergeant at a tactical scene. That decision was the most egregious of any supervisory errors made because it shaped an environment for Sergeant Reyna to be overwhelmed and to operate at overcapacity resulting in a lack of communication, coordination of resources and an understanding of who was in charge of particular functions and who had responsibility for particular tasks.

While Sergeant Reyna correctly developed plans in an attempt to resolve the problem at hand, many aspects of those plans were not adequately communicated to Sgt. Birkinbine, the custody team, the less lethal operator, the AR 15 operator, the K9 Handler, the negotiator and the perimeter units. In addition, members of each of these elements should have been briefed as to the expectations of them in their specific roles. Further, as this call appears to have been set up as a tactical response, Sergeant Reyna should have: declared herself in command over the air, set out clear expectations of all involved and established rules of engagement, identified someone in charge of each element that was created (preferably another sergeant), ensured updates were given so that all members on-scene had a word-picture of what was occurring including suspect actions and statements and what was expected of them as the dynamics of the call circumstances changed. In addition, Sgt. Reyna should have consulted with or at a minimum notified Lt. Rodrigues. Reyna also had time and ability to consult with supervisors of the SERT and HNT teams for additional insight on how best to solve this problem.

Both Sergeant Birkinbine and Sergeant Reyna should have ensured that one of them made a command notification to Lieutenant Rodrigues. As an experienced supervisor, Sgt. Birkinbine should have recognized this as a complex call demanding a large resource pool and further recognized that Sgt. Reyna was not using the assets on hand effectively, particularly Sgt. Reyna's refusal of assistance from him. Based on that fact alone, Sgt. Birkinbine should have taken the initiative to contact the relief lieutenant. Sergeant Reyna appeared to be task saturated but could have and should have initiated a notification and consultation with Lt. Rodrigues either through Sgt. Birkinbine, by radio or the North Precinct desk, because of the complex nature of this call and

COPY

the disparity of ideas on how to proceed with the call. This disparity led to a dynamic of frustration between her and Sgt. Birkinbine that interfered with her ability to effectively oversee this incident.

The mindset displayed by both Sgt. Reyna and Sgt. Birkinbine is contrary to established performance expectations for supervisors, because of the complexity of this call there was a need for these sergeants to work together effectively in oversight of the various functions in play. That did not happen. Sgt. Reyna and Sgt. Birkinbine ended up working independent of each other and thus ineffectively. Sergeant Birkinbine should have inserted himself into this problem in a leadership role instead of the passive role he played, even though Sergeant Reyna told him that she did not need his assistance. There were many opportunities for Sergeant Birkinbine to share the supervisory load with Sergeant Reyna.

After Sgt. Reyna left the alcove to brief Commander Day and Lt. Rodrigues, Sgt. Birkinbine had Officer Quackenbush call Campbell and ask him to come out of the apartment. How that decision was made and executed causes me concern. Specifically, that Sgt. Birkinbine did not relay that information to anyone on scene – not Sgt. Reyna or officers on the perimeter or custody teams – and acknowledging that if there was notification to be made that it would be his responsibility to make that notification. Refer to following excerpts from Sgt. Birkinbine's IAD interview transcript:

RENNA: Did the information regarding your request to Mr. CAMPBELL to come out, did that ever get communicated to the officers out on the custody team we're about ready to ask him to come out. We're gonna ask him to come out. He's just been asked to come out, anything like that?
BIRKINBINE: No it didn't, no it didn't.
RENNA: And how come?
BIRKINBINE: Well, I wasn't, I wasn't putting it out there asking him to surrender, asking him to...we were putting it out there for discussion. Hey, this would sure be a lot easier if you would come out and talk to us or we'd really like to have you come out hoping it would lead into some discussion. Within just a few seconds he was out the door. So, that's why I didn't put it out because I really didn't know what the end result was gonna be, so I didn't put anything out to the uniform officers because I didn't have an end result, I didn't know what was gonna happen.
RENNA: With Sergeant REYNA gone, putting out that information, who did, whose responsibility did that become?
BIRKINBINE: Communicating that information to uniform?
RENNA: Yes, if something was to have developed.
BIRKINBINE: Well, it would have been my responsibility. We never talked about it, but I would have taken that on.
RENNA: When Mr. CAMPBELL came out of the apartment, do you believe from, from things that you observed either hearing or seeing, were the officers out on the custody team surprised by his appearance?
BIRKINBINE: Yes.
RENNA: Your communication to Officer QUACKENBUSH to have him come out, did that, did that run counter to what Sergeant REYNA's goal was this incident?
BIRKINBINE: The goal that we had talked about in the alcove was we want to make sure, we want to make sure he's okay. So, having him come out to determine that he's okay or not okay I think is a great result to this incident, the ability to determine, talk to him face to face are you okay or Can we do something for you, are you a danger to yourself or others? I think that is, I think that's a good result to have him come out.

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RENNA: But did it run counter to what Sergeant REYNA's goal was?
BIRKINBINE: No, our goal was to determine, our and hers was to determine is he okay. Is he suicidal or is he not?
RENNA: Okay. Uh, how quickly did he come out after ending with communication with Officer QUACKENBUSH?
BIRKINBINE: Seconds.
RENNA: Okay. Not enough time for another call back?
BIRKINBINE: No.

With regard to Commander Day and Lt. Rodrigues, at some point during their time together prior to arrival at the scene, there was a reference made to this incident becoming a SERT callout. Specifically in Lt. Rodrigues' after action memo he writes: *At some point, either just prior too (sic) or after Ms. Jones and her children exited the apartment, Captain Day told me that if this incident turned out to be a SERT call out, I would need to drop him off at North Precinct first."*

In Lt. Rodrigues' IAD interview he was asked by Inv. Courtney if he and Day had any discussions about the nature of the call while enroute to the coffee meeting with the sergeants. Lt. Rodrigues stated: *"Um, he made a comment that since he was in, he was in a suit, he just basically said hey DEREK if this turns out to be a SERT call out, he said you need to take me back to the precinct. I need to get, you know, a jacket and stuff."* Lt. Rodrigues said that there was no additional conversation about SERT. His position was at that time, that officers were trying to locate the girlfriend, trying to ping her cell phone. Lt. Rodrigues also said in his IAD interview that *"he texted her back don't play, I'm not playing I'll get my gun at that point, you know, the children were still in the house. I got up and said I'm gonna go out so I need to drop you off and a minute or two later the children was out of the house and so."*

In Commander Day's after action memo, he states: *At 1722 hours I heard Sgt Reyna say they would be setting up for a loud hail. Lt. Rodrigues and I agreed he would return me to the precinct and he would then go out to the scene."* The Commander Day stated in the memo: *"During our return to the precinct, I heard, I heard Mr. Campbell was texting his girlfriend asking'...what's going on...don't make me get my gun I am not playing' and I heard the children were out and secure. Assistant Chief Martinek called me just as I arrived at North Precinct at 1735 hours.* Captain Day headed to the scene at that time.

In Commander Day's IAD interview, he told Inv. Renna that he and Lt. Rodrigues did not have any discussions *about the call* when they were headed to the coffee meeting at 15/Fremont. Specifically, the discussion between Inv. Renna and Commander Day about this issue was as follows:

RENNA: *Again, referring to your memo, you indicated that at approximately 1722 hours Sergeant REYNA broadcast that she was setting up for a loud hail, and that you and Lieutenant RODRIGUES agreed that you would return to the precinct, and that he would respond to the scene. Was it your intention at that point in time to also respond to the scene?*
DAY: *No, it was not.*
RENNA: *Okay. What was...what were you intending to do?*
DAY: *Um, I was in civilian clothing and so I knew that, you know, I didn't have all my equipment and specifically a jacket and, um, you know, just some other things, a tablet to write on, things I normally carry with me. Um, so my intention was to go back to the precinct, continue to listen and monitor, allow*

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Lieutenant RODRIGUES to go out to the scene and, you know, eventually, probably...my intent was eventually to just go on with the evening. I mean, I had personal commitments that night and so forth.
RENNA: *Okay. At about that same time, Sergeant REYNA came on the air and broadcast that she was looking for a unit with an AR15. How did that fit or change, um, your idea of the event, of the incident?*
DAY: *Well, the discussion about the loud hail and then the addition of the AR-15, along with...those combination of things did begin to rise to the level, and I think the Lieutenant and I spoke on the way back to the precinct as that came out, that, you know, maybe we would both respond or we would both, you know, end up out there. Because it sounded as if the inci...as if the situation was escalating.*
RENNA: *Was the information that you had about this incident prior to the children exiting the apartment, did you have any thoughts on, on if SERT or HNT should be activated?*
DAY: *I...my thought was they should not be activated.*
RENNA: *And how did you come to that? What do you recall your thought process and your discussions with other people being?*
DAY: *Um, up to that point where this comment made about, um, don't make me get my gun. I'm not playing. I overheard that portion of it once again getting kind of bits and pieces, and that the children were out and secure. I wasn't...I wasn't aware up to that point exactly, you know, where the children were and if contact had even been established. So, the decision to call out SERT or HNT falls with the on-scene supervisor. It's not a decision that I'm going to make, not being on scene. And up to that point, you know, I didn't have any of that information.*
RENNA: *Okay. Um, the SERT activation, um, I understand isn't going to be made from you from a distance.*
DAY: *Right.*
RENNA: *But I was asking more along the lines of if it was being discussed either with you and the Lieutenant, or if you had thoughts leaning in that direction?*
DAY: *I think...I think when we were, like I said, in that process from coffee to the precinct, there may have been discussion with him that, um, in regards to, you know, this could become a SERT callout. This could become a SERT call. Um, just based on, you know, what I'm hearing now – loud hail, AR15, kids are out – that there may have been some discussion in that regard. Um, I don't remember specifically, but that's certainly possible.*
RENNA: *Okay.*
DAY: *And I see that as kind of planting the seed in the Lieutenant's mind. You know, part of my job, Lieutenant RODRIGUES is a new lieutenant, he's new to this assignment, you know, so I'm also, as well as offering insight, kind of mentoring, getting him thinking the way I'm thinking. You know, hey, this is starting to ramp up. We need to be aware of what's our options, you know, what are the qualifications for SERT, etc.*
RENNA: *At some point, um, you changed your idea, your thought about going, responding out to the scene. What was it that changed your mind?*
DAY: *Um, by the time we got to the precinct, I think, um, it was obvious that things had elevated quickly. I got to the precinct around 1730, 1735. And I....a couple of big things that had come out in that, during that trip was about the children coming out. I wasn't aware, like I said, of the status of the children and their role. And then the text about, you know, don't make me get my gun, I'm not playing. That information had come out on the way, and when I arrived to the precinct, I just told the Lieutenant, yeah, I'm, I'll...I'll meet you out there.*

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The decision by Commander Day directing Lt. Rodrigues to respond to the scene after they heard a "loud hail" being initiated at about 1722 hours was proper. Lt. Rodrigues was driving to the precinct to drop Commander Day at his car as at that point, Commander Day had decided that he would not respond; only Lt. Rodrigues would at that time. While they were returning to the precinct there was a radio transmission about the subject saying something like "don't make me get my gun" in a text message. At that point, Commander Day decided that he would respond as well in his own vehicle. Commander Day's decision to respond to the scene was not predicated on the phone call he received from Assistant Chief Martinek. Day had decided to respond before receiving that call.

Commander Day arrived at the scene at 1751 hours and before Lt. Rodrigues who arrived at 1758 hours. Arguably, Commander Day and Lt. Rodrigues would take time to gather items like a radio, writing pad, etc., get out of the car, and make a visual survey of the location which would take some time. Almost immediately upon his arrival Commander Day found himself dealing with some people who were entering the perimeter of the incident. Commander Day had to take time to call for additional officers to shore up an open perimeter area.

Upon finishing the assist with perimeter security, at 1758 hours, Commander Day called for the location of Sgt. Reyna. At 1759 hours, Sgt. Reyna left her location to meet Commander Day at his location. It is likely she arrived about one minute later at 1800 hours.

In lieu of having Sgt. Reyna come to him, Commander Day could have considered going to Sgt. Reyna's location if that is where the command post was located, if he could do so safely understanding that Day was not wearing a ballistic vest. The record does not reflect if Day had a vest available to him in his car. Conversely, Sgt. Reyna could have been more flexible and communicated to Commander Day that it would be less than optimal for her to leave her post at the moment. Both Commander Day and Sgt. Reyna should have realized that if a face to face meeting between them was not practical, that a phone call could have sufficed if and when Sgt. Reyna was in a position to fulfill that task. In addition, when Sgt. Reyna left her post to meet Commander Day because she felt she was "ordered" to do so by Commander Day and if that interfered with her ability to lead the incident, she could have delegated her "on-scene commander" role to another person, preferably Sgt. Birkinbine, or as an alternative, Reyna could have sent Birkinbine to meet with Day.

During that meeting, Sgt. Reyna briefed Commander Day and Lt. Rodrigues as to what has transpired thus far and what Sgt. Reyna's plan was, including considering leaving the scene. That was followed by a discussion between the Commander, Lieutenant and Sergeant as to whether the police should stay and try to engage Campbell or leave which didn't appear to have been finished when Campbell exited the apartment and was shot moments later.

At 1807 it is reported on the radio that Campbell walked out of the apartment. At 1808, less lethal shots and lethal force are reported and Campbell is reported to be downed by gunfire from Off. Frashour.

Seven minutes or less elapsed from the time that Sgt. Reyna is believed to have begun briefing Commander Day and Lt. Rodrigues to when Campbell exited the apartment. One minute later or less, less lethal and lethal force was used against Campbell. Neither Lt. Rodrigues nor Commander Day had assumed command of the incident from anyone including Sgt. Reyna prior to that time – neither felt prepared to do so in terms of being briefed with enough information to assume command in such a short

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period of time. Once it was reported that Campbell had been shot, Commander Day assumed command of the incident.

The arrival of Commander Day and Lt. Rodrigues on scene and the collateral effect of their actions and communication should be addressed with each of them.

I do not believe that is unreasonable for Lt. Rodrigues or Commander Day to want to be fully briefed before taking command. Further, I do not find that a seven minute or less briefing period is unreasonable. Finally, I do not find that Commander Day or Lt. Rodrigues were outside of any PPB policy in terms of their monitoring of the incident, response to the scene or actions on arrival prior to the shooting.

That said, there are several points that are worthy of debriefing with Commander Day and Lt. Rodrigues:

- **The record reflects that at the coffee meeting, the sergeants, lieutenant and captain were listening to the radio and were aware of some of the call details, although each had varying depth of details and what they heard did not cause them pause or alarm until Sgt. Reyna announced she was preparing for a loud hail. Although not a policy violation, it would not have been inappropriate for Lieutenant Rodrigues to have called Sgt. Reyna or Sgt. Birkinbine earlier to gain more information. Nor would it have been inappropriate if that didn't occur, for Commander Day to have directed Lt. Rodrigues to make the call. Rodrigues and/or Day would then have had more information earlier for decision making, although Sgt. Ellertson did call Sgt. Reyna and Reyna indicated she did not need any assistance which was relayed to Rodrigues and Day.**
- **Commander Day could have considered retreiving his ballistic vest to take with him when he returned to the precinct to pick up his car.**
- **Commander Day could have considered meeting Sgt. Reyna at her location instead of having her come to him. If that wasn't practical or safe, or if it appeared Sgt. Reyna was too involved in process to move from her locations, Commander Day could have suggested to Sgt. Reyna that she delegate IC responsibilities to another Sgt., and then meet with him or at a minimum, attempt to talk by phone.**

The record reflects that the BOEC 911 call taker who took the original call from Sherry Stewart was aware that Campbell had a gun, had earlier tried to shoot himself four times but the gun wouldn't fire and that Campbell had shot a round into the air. It is difficult to determine if that information was provided by the call taker to the dispatcher who dispatched units on the call. The CAD record only reflects that Campbell "tried to 55 himself earlier" and that Campbell was believed to be armed with a gun but it was unknown if he was actually at the scene or not. **BOEC should be advised of these circumstances for a policy/protocol change.**

Later in the incident, Officer Burns learned from Adrienna Jones, that the night before Campbell had held the gun to his head and pulled the trigger 3 or so times and the gun did not fire. Then when Campbell had the gun next to his head by his ear, he pulled the trigger and the gun fired. Officer Burns is not clear in his IAD interview when and how he notified anyone of this information or at what specific point he made anyone aware of this information. At 1758 Sgt. Reyna called Burns to ask questions about where Jones

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and the children can stay if they were to leave. Burns calls Reyna back but doesn't relay any information about the gun – it is unknown if he knew the information at that time. At 1801 Burns calls Reyna back and advised her of the gunshot information from the night before. Officer Burns did not transmit this information over the air, nor does it appear that Sgt. Reyna provided this information over the air to officers' on-scene. Burns did not include this information in his Special Report written the night of this incident. The information was repeated by Jones to Detectives during her interview and Officer Burns was present for that. In his IAD interview, Burns recounts what was said by Jones about the gun and what he did with that information, but again it is unclear. When asked why he didn't include the gun information in his report he said "I just overlooked it". **Officer Burns should be debriefed about proper communication and documentation of this kind of information in the appropriate police report.**

The issue of whether SERT/HNT should have been called out earlier should be addressed. While there may have been utility for the supervisors on scene to consult with SERT/HNT leadership as to options on solving this problem that did not occur and was addressed in this review. That said, the circumstances of this incident do not appear to have met the call out criteria in DIR 720.00 SERT/HNT. So based our current policy and based on what was known prior to Campbell being shot, a SERT/HNT callout does not appear to have been a viable option.

2. Application of Less Lethal Force

With respect to the application of less lethal force in this incident, it is my determination that the use of the less lethal shotgun by Officer Ryan Lewton #34674 did not conform to the requirements of Directive 1010.20 Physical Force and therefore is **Out of Policy**.

Based on the above, I make the following recommended finding:

Officer Ryan Lewton #34674: **Sustained** for violation of the Manual of Policy and Procedure; Directive 315.30 Unsatisfactory Performance; and **Sustained** for violation of the Manual of Policy and Procedure; Directive 1010.20 Physical Force.

Discussion:

It is not disputed in this case that Officer Ryan Lewton shot Aaron Campbell multiple times with a less lethal shotgun. In fact, Officer Lewton's shooting of Campbell with the less lethal gun likely precipitated the fatal shooting of Campbell by Officer Frashour. Officer Lewton's purpose in initially shooting Campbell with the first and second less lethal bean bag rounds was to gain compliance and have Campbell place his hands straight in the air as opposed to the position his hands were in behind his head. Lewton fired four (4) additional bean bag rounds at Campbell when Campbell began to run away.

The following are excerpts from the Training Division analysis:

"The extended range impact weapon allows officers to deliver force similar to the amount of force used when an ASP Baton is used but from a longer and safer distance. It can be used cases where suspects are violent and there is a desire to "achieve compliance".

Situations that may call for the use of specialty ammunition, a violent subject who is armed with non-traditional weapons like, a baseball bat, a crow bar or a garden shovel, a suspect who is armed with a knife

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or similar weapon and lastly an armed suicidal person who may force officers into a shooting to achieve "suicide by cop"[1].

Lewton states he had concerns about the possibility Campbell came out to attack him and other officers present in the custody team. Lewton did not see Campbell's behavior as compliant. There was a possibility Campbell came out to attack officers but there was also the potential Campbell came out because he was asked to and he was complying with requests made by officers in the communications team and Campbell's hands were on his head and remained there.

Lewton did not de-escalate on the basis of his observations of Campbell's actions. Lewton engaged in little conversation with Campbell. Campbell would not put his hands in the air but Lewton did not ask Campbell to go to his knees or to remain still so they could approach and take Campbell into custody.

Lewton was behind cover and had lethal cover available to him in the event Campbell became an immediate threat. Campbell had stopped as he was told to and was standing still with his hands on his head when shot. Lewton had an advantage and was in a position to talk to Campbell in an effort to de-escalate the situation but he did not.

Lewton said he fired to "gain compliance". Lewton said he wanted Campbell to put his hands up in the air instead of having them on his head. Campbell was reported to be in crisis and despondent over his brother's death. Campbell was engaged in passive resistance and given the officers advantage more talk could have produced more cooperation from Campbell. THE USE OF THE LESS LETHAL WAS NOT CONSISTENT WITH TRAINING."

Based on the totality of the circumstances faced by Officer Lewton including the information available to him at the time, use of this weapon (rounds one and two) to gain Campbell's compliance in raising his hands from the behind the head position was inappropriate to achieve the desired outcome of raising his hands straight in the air. Lewton's continued use of the less lethal shotgun against Campbell (rounds three through six) was based on Campbell running away and Lewton's desire to stop him. Less lethal operators are taught that less lethal munitions can be used to achieve compliance when a suspect is violent. Campbell was not displaying any intent of aggressive physical resistance; he was merely passively resisting Lewton's direction to place his hands straight up in the air. When Officer Lewton decided to fire the less lethal, Campbell had not exhibited any violent behavior, in fact Campbell had stopped as directed by Officer Lewton and had his hands behind his head. Campbell only ran after being fired upon by Officer Lewton with less lethal. Officer Lewton had other options available to him. Such options consist of de-escalating the situation; engaging Campbell in conversation; having Campbell drop to his knees or remain still so he could be approached by officers and taken into custody.

Use of this weapon in the manner used by Officer Lewton is inconsistent with PPB training. Officer Lewton's actions were outside of established performance expectations for his position; and his use of the less lethal shotgun was outside of DIR 1010.20 Physical Force.

[1] LL PP slide 34 & 35

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3. Application of Deadly Physical Force

With respect to the application of deadly physical force in this incident, it is my determination that the use of deadly physical force by Officer Ronald Frashour #40927 did not conform to the requirements of Directive 1010.10 and therefore is **Out of Policy**.

Based on the above, I make the following recommended finding:

Officer Ronald Frashour #40927: **Sustained** for violation of the Manual of Policy and Procedure; Directive 315.30 Unsatisfactory Performance; and **Sustained** for violation of the Manual of Policy and Procedure; Directive 1010.10 Deadly Physical Force.

Discussion:

The deadly force policy of PPB as described in the Manual of Policy and Procedure; DIR 1010.10 states in part:

"a. Members may use deadly physical force to protect themselves or others from what they reasonably believe to be an immediate threat of death or serious physical injury...

b. A member may use deadly physical force to affect the capture or prevent the escape of a suspect where the member has probable cause to believe that the suspect poses a significant and immediate threat of death or serious physical injury to the member or others."

Officer Frashour was aware that Campbell was suicidal, likely was armed with a gun, despondent over the death of his brother and possibly wanted to engage in a "suicide by cop" circumstance. Officer Frashour said he was aware that Campbell had made a statement along the lines of "don't make me get my gun". Officer Frashour stated in his grand jury testimony that he was **unaware** that Campbell had said he wouldn't hurt himself and that Campbell said he was OK and wanted to be left alone. All of these indicators would give Officer Frashour reason to believe that Campbell was a **potential** threat to him and others. It is clear from review of the file that Officer Frashour viewed Campbell as a clear threat during the entire call without considering any other interpretation of Campbell's actions. However, as reported in the Training Division analysis, Frashour also was aware that Campbell was known to be emotionally despondent over the recent death of his brother, in mental health crisis in need of psychological care and not wanted on any criminal charges. Campbell had not directly threatened the officers on the call and to Frashour's knowledge Campbell had not threatened anyone other than himself. Shortly after Frashour's arrival Sgt. Reyna broadcast that police were in text communication with Campbell and that the communication with Campbell was going well. Frashour did not consider that these factors mitigated the potential of the threat.

The following are excerpts from the Training Division analysis of this case:

"Once on scene FRASHOUR ultimately joins the custody team in the center of the lot. Shortly after his arrival the kids came out. While FRASHOUR said he thought it was positive the kids came out because they were safe and there was no hostage situation he also characterized it as bold, he thought CAMPBELL may be considering suicide by cop and FRASHOUR believed CAMPBELL was planning something.

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Just before CAMPBELL came out FRASHOUR hears a report from officers in back of #37 indicating CAMPBELL was looking out the blinds and that caused FRASHOUR alarm. FRASHOUR believed CAMPBELL could be gaining information and planning to attack officers or planning an escape.

CAMPBELL'S pace as he exited the apartment is viewed differently by different officers on scene. When CAMPBELL came out of the apartment FRASHOUR said he was shocked and alarmed at how determined CAMPBELL seemed even though CAMPBELL had his hands on his head and was cooperating with commands.

FRASHOUR was so focused on perceiving a threat from CAMPBELL and on the mechanics of the AR-15 that he did not properly focus on the decision making process regarding the use of deadly force. For example, FRASHOUR talked about switching his aperture sight for closer range shooting and quicker target acquisition when CAMPBELL came within about 15 feet.

PPB trains officers to be flexible and adaptive in tactical situations. FRASHOUR had legitimate concerns about CAMPBELL based on the information he had. FRASHOUR had a heightened concern about the possibility of suicide by cop. Suicide by cop does imply a danger that a subject may display a weapon, shoot at police or act as if armed forcing police to shoot. While that was a concern in this case CAMPBELL did not come out of the apartment with a weapon drawn or in view, instead his hands were on his head and he walked backwards toward officers following commands. When CAMPBELL was first told to stop he did and when he told to walk back slowly he did, he was told to stop a second time and he did. CAMPBELL'S hands remained on his head, he could have taken his hands off his head at any time but he did not. It wasn't until CAMPBELL was told he would be shot that CAMPBELL, known to be suicidal, said go ahead and shoot me.

FRASHOUR was so focused on a threat from CAMPBELL that he did not know what specific commands were being given. FRAHOUR only recalled one command, when CAMPBELL was told to put his hands in the air, FRASHOUR recalled thinking, his hands were already on his head. FRASHOUR also did not know what CAMPBELL said in response to commands even though CAMPBELL was estimated to be only 15 feet from him. While FRASHOUR did not hear what CAMPBELL said he characterized the tone as loud, hostile and aggressive. FRASHOUR concluded CAMPBELL was indicating intent not to comply. FRASHOUR said CAMPBELL was bean bagged and was given a chance to comply after the first round and before the second round even though he estimates there was only 2 seconds between rounds.

FRASHOUR is asked in the IA interview if CAMPBELL reacts in pain to being bean bagged,

MORGAN: Did it appear that any of those rounds after he takes his hand off his head, did it appear that any of those rounds had any affect? Did you see any stumbles? Did you see any pain or reaction? Did you see any of that?
FRASHOUR: No, no.
MORGAN: Other than the initial stumble from the first one, did that appear to you to be a reaction to the bean bag?
FRASHOUR: Well, it had to have been, I mean, yeah.
MORGAN: Did it appear to be somebody who was surprised by sudden pain? How would you describe? Or was it an involuntary reaction to the force hitting him or how would you describe that?

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FRASHOUR: I don't know how to describe. I mean it was very basic. He got hit in the butt or right below and took a very short step forward. I'd be guessing if I said it was because it hurt him because I don't know[2].

FRASHOUR was so rigid in his interpretation of the situation that he does not recognize that being hit by the bean bag gun would cause pain.

There are a number of witnesses to this incident some are police and others citizens. Some say CAMPBELL reached into his waistband, some did not see his hands, and others say he was reaching for where he had just been struck with a bean bag and some thought his hands were moving in a running motion. FRASHOUR said CAMPBELL reached very deliberately with his left hand straight down the middle of his back deep into his waistband. FRASHOUR said CAMPBELL ran and his left hand stayed in his pants. FRASHOUR said he believed CAMPBELL was digging for a gun. FRASHOUR said he believed CAMPBELL was going to pull a gun out and start shooting at police from behind the cover of the car parked in front of #37 and he would not let that happen so he shot.

FRASHOUR said CAMPBELL ran with his back to him and CAMPBELL'S hand remained in his waistband until he was shot and he fell down and only then did CAMPBELL'S hand come out of the waistband. IA investigator Morgan asks how the reaching of the hand was different than someone reaching for a spot in pain. FRASHOUR said it was too methodical and purposeful. Later in the IA interview FRAHOUR responds to a specific question from IA investigator Morgan about the possibility of CAMPBELL being unarmed:

MORGAN: I think that answers the question, yeah. Yeah. Did you at any point in the event, I guess specifically once he emerges from the apartment, did you consider the possibility that he was unarmed?
FRASHOUR: Well, there's always that possibility. I didn't, you know, there's always that possibility and you know, I allowed him the opportunity to give up while he was walking out. I allowed him the opportunity to give up as he's backing up. And I allowed him to get bean bagged and give up. I allowed him to start running and stop running. He could have stopped and proven he was unarmed and complied at any point in that and he didn't. I'm always aware of the possibility that somebody's unarmed or armed. But at the point with the fact that he told us he was armed, at the point he started doing the physical things he did, there is no way I was going, I believed him to be armed. It wouldn't have been reasonable to believe otherwise.
MORGAN: And you discussed obviously, I've asked a couple of times throughout this- -
FRASHOUR: That's okay.
MORGAN: - - the suicide by police angle. Did you consider at any point while the event was unfolding that MR. CAMPBELL was deliberately bating you into shooting him?
FRASHOUR: Meaning did I think he was unarmed and just bating? I never thought him to be unarmed once he started those things. If I thought him to be unarmed I would not have shot him.
MORGAN: And - -
FRASHOUR: And to clarify looking back, I understand he had no gun on him. I totally think he did what he did to look like he could, to get shot deliberately in order to die[3].

[2] FRASHOUR IA transcript p. 20
[3] FRASHOUR IA transcript p.27

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IA investigator RENNA asks FRASHOUR some concluding questions:

RENNA: Would it have made a difference if you knew that he was coming out at the request of one of the officers at the scene as opposed to just walking out of the apartment?
FRASHOUR: Throughout the whole course of the - - I guess it would have shown some compliance on his part and I would have registered that as some compliance on his part. It wouldn't have affected the end result, I can tell you that. I know that's not, I'm just, but yeah, it would have shown compliance on his part and it would have taken some of the alarm off I suppose of what was going on (indecipherable).
RENNA: You indicated that you weren't aware that the apartments connected by that same alcove were vacant. If you had that during the moments, during the time that you were out behind the police car, would that have been helpful information for you to have?
FRASHOUR: It probably would have been helpful, it certainly wouldn't have hurt. It probably would have been helpful to know, just to know where people are.
RENNA: And my last question.
FRASHOUR: Okay.
RENNA: You indicated that you gave MR. CAMPBELL several opportunities to give up or I think that's the word you used.
FRASHOUR: Or comply.
RENNA: Okay. If you had known that he was coming out at the request of officers at the scene uh and then he's got his hands on his head and he's backing up and he slows down and he stops a couple of times at the request of the officers. Isn't that what he was doing?
FRASHOUR: Yeah, that is what he was doing. I (indecipherable) what you just asked.
RENNA: Right. Isn't he in the process of giving up?
FRASHOUR: Well - -
RENNA: Isn't he in the process of complying is what I'm asking?
FRASHOUR: I see what you're saying. Do I believe he was in - -
RENNA: If you connect all those dots - -
FRASHOUR: Right up to that point, right?
RENNA: Up to the point and it sounds like up to the point when he reaches into his pants.
FRASHOUR: Well, not up to that point.
RENNA: Up to the point - -
FRASHOUR: Up to the point of - -
RENNA: - - of not raising - -
FRASHOUR: - - and yelling. I would say the appearance. Up to the point of the yelling I would say, I know I want to say it's hard - - the outward appearance, absolutely, he was doing as directed. Yes. I don't think that was his mindset, but that's me what I think and what I believe, or what I believe now. Yes, he appeared to be compliant. I was uh, for instance, I certainly and it
didn't, wouldn't have shot him when he walked out the door because that's not against the law, that's not non-compliant, that's not aggressive physical resistance or anything. You know, he came out and he backed up, but a point was reached when everything changed. So, I hope I'm asking, answering what you're actually asking and if not, please ask it again.
RENNA: No, I think you're giving your explanation as to when the event changed from - -
FRASHOUR: The event changed – while I was alarmed at his determination of walk and the speed of the walk, that in my mind didn't justify doing anything different to him.
RENNA: Okay. I hope I didn't interrupt.
FRASHOUR: No, go ahead.

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RENNA: My question is just tell me or describe for us if you will how his, you described the tone of his voice and when he turned. How is that not compliant?
FRASHOUR: That's showing the intent to engage in resistance, aggressive or physical resistance. But he's showing, now he's showing the intent because he's verbalizing the intent to not comply mixed with right about in there somewhere he's not putting his hands up when told. So he's not doing it and saying uh, what (indecipherable) what he was saying, but I just perceived it as hostile[4].

FRASHOUR was trained that de-escalation should always be an option. PPB officers are trained that "circumstances may change your situation and warrant de-escalation."[5]

FRASHOUR did have information that CAMPBELL was a potential threat but once on scene FRASHOUR did not consider other available information that may have de-escalated his mindset. FRASHOUR saw CAMPBELL looking out windows as threatening, he saw CAMPBELL coming out as threatening, even though CAMPBELL cooperated with verbal commands, once in the lot FRASHOUR viewed CAMPBELL as loud and aggressive even though he cannot say he heard what CAMPBELL said. When CAMPBELL reached into his waistband after being bean bagged in his back twice FRASHOUR could not acknowledge that those bean bag rounds were painful. After being hit twice FRASHOUR said CAMPBELL reached into his waistband as if for a gun even though he just witnessed CAMPBELL being hit in that area by two bean bag rounds. FRASHOUR said CAMPBELL'S hand remained in his waistband and that he ran way from him with his back to him but he did not think he was just running away. FRASHOUR said he saw CAMBPELL as not complying and said he believed CAMPBELL was given a chance to comply.

FRASHOUR is asked in IA if he ever considered that CAMPBELL may be unarmed and his answer indicated that he never considered the possibility that he may be unarmed.

FRASHOUR is asked in IA if it would have made a difference if he knew CAMPBELL was being asked by officers to come out and he said it would have showed some compliance but would not have changed the outcome. FRASHOUR saw CAMPBELL as showing the intent to engage in resistance, aggressive or physical resistance and as non compliant and he said he did not think compliance was CAMPBELL'S mindset[6].

FRASHOUR was trained that he must reasonably believe that a person is an immediate threat of death or serious physical injury to be justified in the use of deadly force. In this case it is clear that a reasonable officer on scene could conclude that CAMPBELL was reaching for a part of his body just hit by bean bag rounds, in fact there were some witnesses that made that conclusion."

Although the deployment of less lethal bean bag rounds at Campbell did not stop him, a police K9 was available and at the ready. In fact, the K9 was sent by its handler to try and take Campbell down at the moment when Campbell was running away from the direction of officers, just before Officer Frashour fired his rifle at Campbell.

[4] FRASHOUR IA transcript p. 31-32
[5] Tactical Thinking and Planning Lesson plan, section D, De-escalation
[6] FRASHOUR IA transcript p. 31-32

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As set out in the Training Division review, Officer Frashour clearly demonstrated an inability or unwillingness to change his mindset about his role even though the situation appeared to be de-escalating; i.e., updates on communication with Campbell, text messages between Campbell and Quackenbush, release of children and ultimately that Campbell exited the apartment after communicating with the police. All of these actions occurred and Officer Frashour did not de-escalate his own response or mindset.

I cannot conclude that the facts and circumstances presented to and by Officer Frashour would lead a reasonable police officer to believe that Officer Frashour or any other person was facing an "immediate" threat of death or serious physical injury or that probable cause existed to believe that a "significant and immediate threat" of death and/or serious physical injury existed. Officer Frashour's actions were inconsistent with his training. Therefore, Officer Frashour's actions were outside of established performance expectations for his position; and his application of deadly physical force is outside of policy as defined in DIR 1010.10.

4. Application of Police K9:

With respect to the application of a Police K9 in this incident, it is my determination that the use of the Police K9 Officer Jeffrey Elias #29338 did conform to the requirements of DIR 1010.20 Physical Force and therefore is **Within Policy**.

Based on the above, I make the following recommended finding:

Officer Jeffrey Elias #29338: **Debriefing** as to the general responsibilities of a Police K9 Handler at the scene of a tactical incident.

Discussion:
Officer Elias positioned himself adjacent to the custody team and close to Officer Frashour. When Campbell was struck with less lethal rounds fired by Officer Lewton and Campbell began to run and not comply, Officer Elias sent his K9 to "take" or stop Campbell. As the K9 moved toward Campbell, Officer Frashour fired at Campbell with his rifle. Campbell fell and the K9 bit Campbell as he was down. Officer Elias recalled his K9 as a plan was developed for SERT to approach Campbell.

It was appropriate for Officer Elias to send the K9 to Campbell for a "bite and hold" so that officers could gain control of Campbell, because Officer Elias knew he and others were facing a reported suicidal subject who was possibly armed and became uncooperative. Clearly when Campbell began to run, there was insufficient time for Officer Elias to announce the release of the K9, while at the same time directing the K9 to "take".

While the application of the K9 by Officer Elias was within policy, it does not appear that a clear, specific plan to use the K9 was developed or communicated between officers and supervisors on scene should Campbell exit the apartment and resist the police or try to flee the scene. Officer Elias' decision to consult with his K9 supervisor about how to use the K9 in this incident is commendable. That said, it appears many assumptions were made. In his IA Interview, Officer Elias stated "but you know, common sense, they call me there, they know what the dog does, someone runs, the dog will usually get sent". Officer Elias should be debriefed about that issue.

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5. Post Shooting Actions and Procedures:

With regard to Post Shooting Actions and Procedures in this incident, it is my determination that the decisions and actions of Commander Day, Sergeant Birkinbine and officers involved in providing post shooting cover and taking Campbell into physical custody did conform to the requirements of DIR 630.50 Emergency Medical Aid and DIR 1010.10 Deadly Physical Force (Post Use of Force Medical Attention) and therefore is **Within Policy**.

Discussion:
Some officers wanted to approach the subject and others did not feel it was safe to do so. It is often a difficult decision for police officers to be placed in harms way. While notwithstanding that Campbell possibly was armed and one of Campbell's hands could not be seen by officers, some considerations for those on scene might have been that Campbell took a .223 cal rifle shot to the back and showed no sign of movement, the K9 aggressively bit Campbell multiple times with no reaction or movement seen and while under observation, albeit at a distance, Campbell showed no sign of life. Another consideration would be the length of time for SERT to be called, arrive and affect a rescue of the downed subject. Options were available. A police car could have been used as a shield to move officers up to Campbell's position. Or a contact team of officers could have approached Campbell with guns drawn.

However, until recently with this case being the catalyst for change, the Police Bureau as an organization had previously reinforced the practice of not approaching downed subjects who may be armed if it was not safe to do so in the mind of the members on-scene or if the subject's hands are not visible. The established practice had been to contain the subject and initiate a SERT callout as was done in this case. In the past, SERT has been the only unit within PPB with the training and equipment enabling them to make an approach with a ballistic shield or armored vehicle. While PPB has now acquired protective equipment in the form of portable ballistic shields and provided training to PPB line staff so that officers can approach a downed, possibly armed subject with a greater margin of safety, the decisions in this case were subjectively based on past practice. Supervisors and command staff on scene in this incident relied on that organizational practice in their decision making to initiate a SERT callout to approach Campbell.

SERT was called out and responded to the scene. On arrival, SERT was given an immediate mission of providing a "hasty rescue" by approaching Campbell, taking him into custody and ensuring medical aid was provided.

Campbell was handcuffed when taken into custody by SERT. This is a standard practice within law enforcement generally and is taught by our Training Division in post-shooting procedures training, but is often misunderstood by our community or not fully explained to our community. Other than a brief mention in a post-shooting training lesson plan, there is no policy statement about this practice. PPB policy on handcuffing should be amended to reflect why this practice is necessary and how this practice is performed.

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Recommendations:

The death of Aaron Campbell was a tragedy for the members of our organization, Mr. Campbell's family and our community. Understanding that some reviews and change has already occurred, the Police Bureau should use this incident as an opportunity to continue to conduct in-depth review of our operations, policies, training and practices in an effort to refine our approach to public safety. Upon doing so we will ensure that our service to our community is based upon mutual trust and respect. In an effort to actualize change, I make the following recommendations:

1. Revise BOEC dispatch protocols to require that a sergeant is notified to monitor and respond if necessary on all armed suicidal subject calls.

2. Revise BOEC dispatch protocols to require that a sergeant is notified to monitor and respond if necessary when four (4) units or more are on-scene of a particular incident.

3. Revise BOEC protocols to require that dispatchers transmit information clear voice to units on a call involving firearms, including any information involving shots fired.

4. Provide continued training for officers, sergeants and command in critical incident management and in dealing with people who are suicidal or in mental health crisis.

5. Review roles and responsibilities of "on-scene supervisors/commanders" with our personnel at all levels. Modify policy and training as necessary.

6. Review circumstances of when command officers and/or plainclothes personnel should have ballistic vests available to them at the scene of tactical incidents.

7. Revisit and review under what specific emergency circumstances a supervisor should fill the role of an AR 15 rifle operator in the field.

8. Review and amend PPB handcuffing policy to include a policy statement about handcuffing downed subjects that explains why it is necessary and how and when it is to be done.

9. Review responsibilities of precinct sergeants to ensure seamless transition between reliefs at shift change, monitoring of the radio during roll calls and providing adequate supervisory coverage on the street.

10. Develop a training "post mortem" on this case to be presented at annual in-service that identifies what was done correctly and what could have been improved upon.

JAMES C. FERRARIS
Commander
North Precinct

c: File-Captain Brumfield, IAD

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Received & Approved By:
IAD Commanding Officer
Captain Edward Brumfield
Initial EAB
Date 7/6/10

PORTLAND POLICE BUREAU
INTERNAL AFFAIRS DIVISION
Confidential Investigative Report
Sergeant Craig Morgan #38846

Date: **June 4, 2010**
IAD #: **2010-B-0004**
Comp: **Portland Police Bureau**

Citizens Interviewed:

1 Adrienna JONES
2. Courtney JONES
3. Kenneth BOYER
4. Robert MONTGOMERY
5. Ryan PANNELL
6. Diosdado AGUAS
7. William SNOW
8. Tyler CAMP
9. Jenna PETERSON

Bureau Members Interviewed:

	OFFICER	DPSST	ASSIGNMENT	CATEGORY	ALLEGATION(S)
1.	Ronald FRASHOUR	40927	East Precinct	Force	#1
2.	Ryan LEWTON	34674	North Precinct	Force	#2
3.	Sgt. Liani REYNA	28925	North Precinct	Witness	
4.	Sgt. John BIRKINBINE	29351	North Precinct	Witness	
5.	Cmdr. Robert DAY	23474	North Precinct	Witness	
6.	Lt. Derek RODRIGUES	37149	North Precinct	Witness	
7.	Jeffrey ELIAS	29338	K-9	Witness	
8.	James QUACKENBUSH	36875	North Precinct	Witness	
9.	John BOYLAN	41756	North Precinct	Witness	
10.	Tyrone WILLARD	47105	East Precinct	Witness	
11.	David KEMPLE	39589	North Precinct	Witness	
12.	Craig ANDERSEN	46055	North Precinct	Witness	
13.	Matthew MCALLISTER	45405	North Precinct	Witness	
14.	Justin BURNS	47103	North Precinct	Witness	
15.	Sgt. Jan ELLERTSON	23680	North Precinct	Witness	

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Applicable Directives:

1. 720.00 – SERT and HNT Use
2. 850.20 – Mental Health Crises Response
3. 1010.10 – Deadly Physical Force
4. 1010.20 – Physical Force
5. 1050.00 – Less Lethal Weapons and Munitions

Allegations:

1. Was the use of deadly physical force by Officer Frashour within Bureau policy and training guidelines? (Force)
2. Was the use of less lethal force by Officer Lewton within Bureau policy and training guidelines? (Force)
3. Was the response by PPB personnel tactically sound and within Bureau policy and training guidelines? (Procedure)

Incident Overview:

Officers responded to a welfare check call at 12800 NE Sandy Blvd. #37. Adrienna JONES' aunt called 911 at 1622 pm and reported that she was concerned about JONES and her three children. The aunt stated that JONES' boyfriend, Aaron CAMPBELL, was suicidal and armed with a gun. She also indicated that CAMPBELL had attempted to kill himself earlier, and that he might try to force a "suicide by police."

Officer BOYLAN arrived and made contact with Courtney JONES, Adrienna's father. He confirmed the information that Officer BOYLAN had received from the dispatcher. While officers were attempting to trace Adrienna JONES' cell phone to determine if she was indeed at the location, she exited the apartment and was contacted by police at 1703.

JONES confirmed that CAMPBELL was inside the apartment with her three children. Officer QUACKENBUSH then began attempting to contact CAMPBELL via cell phone. He was eventually successful in establishing contact by borrowing JONES' cell phone.

After Officer QUACKENBUSH expressed concern about the children's welfare, the three children came out of the apartment at 1734 and were taken to a safe location. Officer QUACKENBUSH continued to communicate with CAMPBELL via both text messages and voice calls, although the latter efforts were impeded by poor reception.

The communications between Officer QUACKENBUSH and CAMPBELL appeared to be going well. Sergeant REYNA, the officer in charge of the scene, determined that if CAMPBELL

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would promise not to hurt himself, police would leave the scene. Sergeant REYNA then left the alcove to brief her supervisors, who had just arrived at the scene. Sergeant BIRKINBINE, who had arrived earlier and was assisting Officer QUACKENBUSH in his attempts to communicate with CAMPBELL, then told Officer QUACKENBUSH to inform CAMPBELL that police would like him to come outside to ensure that he was okay.

Moments later, at 1807, CAMPBELL emerged from the apartment, walking backward with his hands on his head. Officer LEWTON began giving him verbal commands. After Officer LEWTON decided that CAMPBELL was failing to comply with his instructions, he deployed his less lethal shotgun, striking CAMPBELL in the back. CAMPBELL then began running toward the apartment. Officer LEWTON continued to deploy the less lethal shotgun, with no visible effect. As CAMPBELL reached a parked car next to the alcove to the apartment, Officer FRASHOUR fired his AR-15 rifle once, striking CAMPBELL in the back. CAMPBELL immediately fell to the ground in between the car and some shrubbery.

Officers attempted to visually confirm that it was safe to approach to take CAMPBELL into custody, but CAMPBELL's hands were not visible. The decision was then made to activate SERT. A hasty rescue was executed, and a SERT medic determined that CAMPBELL was dead at the scene.

This incident unfolded over the course of almost two hours. JONES exited the apartment approximately a half hour after police arrived on scene. The children came out of the apartment 31 minutes later. Finally, CAMPBELL exited the apartment 33 minutes after the children. The fatal shot was fired less than a minute later. SERT began their hasty rescue 38 minutes after the lethal shot, and declared CAMPBELL deceased eight minutes later. The incident occurred in the parking lot of a large apartment complex. A diagram indicating the positions of officers and witnesses is included in the file. Night had fallen by the time CAMPBELL came out of the apartment, and lighting was provided by streetlights in the lot, interior lights from neighboring apartments, and the patrol car spotlight, as well as the flashlight on Officer FRASHOUR's AR15 rifle.

This investigation focused on three major points of emphasis. The first area included information gathering and communication between officers at the scene. Some intelligence was not disseminated, and elements of the tactical plan were not communicated to other officers at the scene, specifically the custody team at the patrol car. The second area of emphasis included the events between the time CAMPBELL exited the apartment, and the time Officer LEWTON deployed his less lethal shotgun. Witnesses had varying accounts of the actions taken by both CAMPBELL and police during this time frame. The third area of emphasis included the time between the less lethal deployment and the time Officer FRASHOUR fired the lethal shot. Again, both civilian and Bureau witnesses had differing perspectives on the actions taken by CAMPBELL during this interval.

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Investigative Narrative:

ADRIENNA JONES

Adrienna JONES, a former girlfriend of CAMPBELL and the mother of the children involved in this incident, was interviewed via telephone by Investigator Rhodes on March 2, 2010. JONES said that she was not aware police were on scene when she exited her apartment. JONES left after receiving a text message from her mother that her father, Courtney JONES, was outside and had been trying to reach her. Once outside, officers signaled her over and began questioning her about CAMPBELL and the situation in the apartment. Adrienna JONES asked police if she could go back inside to retrieve her children, but officers told her not to do that.

JONES said she told officers that no one else was in the apartment besides CAMPBELL and her children. She also told police that CAMPBELL was fine and that the children were not in danger. "*Yeah, I was like, I was like Aaron would never do anything to hurt me or the kids. That's why with all the newspapers and everything, I'm like I don't see how they get a hostage situation out of that when he never intended to hurt me or the kids... Yeah. I was like this is not even necessary. Like there's nothing wrong with him. He's fine.*"

While she was waiting outside, JONES began receiving text messages from CAMPBELL. In response, she wrote back and told him "*they want you to come outside.*" CAMPBELL responded by writing, "*don't make me get my gun, I aint playing.*" At that point, JONES' cell phone was taken by Officer BURNS.

JONES and the children were eventually taken down the street to a gas station parking lot. She was therefore not a witness to the events once CAMPBELL exited the apartment.

During her interview with detectives on the night of the incident, JONES described CAMPBELL's suicidal behavior the previous night. She said that CAMPBELL was upset about the death of his brother and consumed a large amount of alcohol. JONES said CAMPBELL held a gun to his head and pulled the trigger several times, but the gun did not fire. Later, the gun discharged when CAMPBELL pulled the trigger while pointing the gun straight up in the air. CAMPBELL also made several suicidal statements the previous night.

COURTNEY JONES

Courtney JONES, the father of Adrienna JONES, was interviewed via telephone by Investigator Rhodes on March 5, 2010. He drove to his daughter's apartment after receiving information from another family member that Adrienna might be in danger because Aaron CAMPBELL was suicidal. Once police arrived, Courtney JONES spoke to Officer BOYLAN and relayed information he had received from other relatives about the situation at the apartment. JONES said he told Officer BOYLAN that CAMPBELL had stated that police were going to have to

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shoot him.

JONES told Investigator Rhodes that he witnessed CAMPBELL walking backward after exiting the apartment. While this was occurring, police ordered the crowd to disperse, so JONES went into a neighbor's apartment. JONES said he then heard shots and walked to the window. CAMPBELL was already on the ground and officers were giving him commands when JONES reached the window.

During his interview with detectives on the night of the incident, JONES claimed he witnessed the entire incident. He stated that he heard CAMPBELL tell officers they were going to have to shoot him. JONES said CAMPBELL then reached into his coat pocket before the less lethal was deployed. When he later testified at the grand jury, JONES said he was inside an apartment and did not witness the incident. When Investigator Rhodes asked if he could explain this inconsistency, JONES replied, "*I mean if that's what it say, then I have to go with that.*" Investigator Rhodes asked JONES if he had been passing along information he had learned from others rather than first hand observations when he spoke to detectives. JONES replied, "*There was a lot of stuff that I probably told them, you know, hearsay and people told me and different stuff like that.*"

KENNETH BOYER

Kenneth BOYER, a neighbor at 4419 NE 131st Pl. #C1, was interviewed via telephone by Investigator Courtney on March 3, 2010. BOYER said he began watching the incident prior to the children exiting the apartment. He also witnessed events once CAMPBELL came out from his apartment across 131st Place.

BOYER said CAMPBELL had his hands on the back of his head and walked backward toward the patrol car at a normal pace. BOYER said he heard several officers yelling commands at CAMPBELL as he backed up. BOYER said one officer then told BOYER to get down on the ground, and CAMPBELL responded, "*if you all want to shoot me, go ahead and shoot me because you're all going to shoot me anyway.*" CAMPBELL then continued to walk backward for several more paces before the less lethal was deployed. BOYER said CAMPBELL's hands were still on his head when the first beanbag shot was fired.

BOYER said that after the less lethal was deployed, CAMPBELL reached back with his left hand and rubbed the left side of his back, where the beanbag round had impacted. BOYER said it was clear CAMPBELL was rubbing the spot in pain, rather than reaching for an object in his waistband. "*Yeah, if you would have seen that you would have knew right, he don't have no gun, because of the way he did that, know what I'm saying. Now, from the back of him, if he would have done that with the right arm, that would have made it look like he was going for a gun, but he didn't do it like that though.*" BOYER said CAMPBELL was jogging back toward his apartment and rubbing his back when the lethal shot was fired.

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BOYER saw the canine unit approach CAMPBELL after the shot, but "*the dog, when the dog got to him the dog realized he was gone, he wasn't a threat to them. The dog turned around and the officers told the dog to heel.*" BOYER said officers then yelled commands at CAMPBELL with no response until the SERT team arrived.

BOYER was interviewed by Detective SLATER on January 31, two days after the incident. In his report, Detective SLATER indicated that BOYER told him, "*I feel in my heart that you all were doing your job.*" The interview was not recorded because detectives did not have a recording device readily available while conducting the neighborhood canvas. At grand jury, BOYER denied making the statement. He said that what he had actually told Detective SLATER was that if CAMPBELL had been armed with a gun and acting in a threatening manner, then the shooting would have been justified. However, since CAMPBELL had his hands up, BOYER believed the police acted improperly. "*He didn't show no threat, no sign. If I knew he was in the wrong, I'd say. But he was in the right. He had his hands on his head the whole time. That's that.*"

BOYER was also asked at grand jury if he had made the statement, "*I don't want to say the cops just killed him for no reason.*" BOYER denied making that statement, and explained that he was afraid of retribution from "*crooked cops.*"

Investigator COURTNEY asked about the discrepancies between BOYER's accounts of the incident. BOYER said Detective SLATER lied in his report about the statements BOYER made during their interview. "*They is lying. They is lying. The officer, I can tell, I can tell he was fishy when he came over here. When he came over here he was acting fishy. He was acting all kind a like tough towards me, he wanted me to be nervous. I knew what kind of game he was playing. Now he going to come over here, he's going to come over here to hear my voice and now he gonna mess up my words. He could have recorded it, I wish he recorded it him over here lying on me. I never said he had a gun. I said, the only thing I did say was if you all see Aaron with a gun, if you seen Aaron with a gun and he pointed it at you all, you ought to have to use deadly force. That's what I told him. The officer, he wouldn't even look at me eye to eye contact when I was talking to him. He disrespected me 100 percent.*"

ROBERT MONTGOMERY

Robert MONTGOMERY, a neighbor who witnessed the event with Kenneth BOYER at 4419 NE 131st Pl. #C1, was interviewed via telephone by Investigator Courtney on March 1, 2010. MONTGOMERY said he witnessed the entire event once CAMPBELL exited his apartment.

MONTGOMERY said he saw CAMPBELL walking backward at a normal pace with his hands on the back of his head. MONTGOMERY said he heard CAMPBELL tell officers, "*If you guys are gonna shoot me, don't shoot me.*" An officer then told CAMPBELL, "*Put your hands up.*"

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When CAMPBELL continued to keep his hands on the back of his head, the less lethal was deployed. "*Yeah, like, he--he--they told him, like, to put his hands up, but he, at that time, he already had his hands up on his head the whole time that he was backing up. Right there, that was clearly, like, he was surrendering and he didn't have nothin', you know, but on his head.*"

MONTGOMERY said that after the beanbag was fired, CAMPBELL grabbed at his back in reaction to pain. "*Yeah, he grabbed his side where, you know, where he was hit by the beanbag.*" CAMPBELL moved back toward his apartment at a "*fast walk.*" Investigator Courtney asked MONTGOMERY what CAMPBELL was doing at the time the lethal shot was fired. He replied, "*Well, they were shooting beanbags at him. He was out to, like, not get shot no more. Either, you know, duck, you know, or whatever. But he didn't want to, obviously, be shot. Nobody wants to get shot with a beanbag gun.*"

MONTGOMERY saw the canine unit approach CAMPBELL and remain for several seconds before being called back by officers. He also heard officers yelling commands at CAMPBELL until the SERT team arrived.

RYAN PANNELL

I interviewed Ryan PANNELL, a neighbor at 12800 NE Sandy Blvd. #36, via telephone on March 2, 2010. PANNELL was inside his apartment with his children when the incident occurred.

When PANNELL first saw CAMPBELL, he was walking backward with his hands on top of his head. PANNELL said he saw CAMPBELL take two steps backward and then stop. PANNELL did not hear any commands given by officers, nor any statements made by CAMPBELL. He said CAMPBELL was standing still, facing away from the officers, with his hands on his head when the less lethal was first deployed. I asked PANNELL if anything else occurred between the time CAMPBELL stopped and the time the less lethal was fired. He said the less lethal was deployed "*without anything else happening, as far as I can tell.*"

PANNELL said that after the less lethal was deployed, CAMPBELL reached backward toward the area of impact. PANNELL believed it was a natural pain reaction. CAMPBELL then began sprinting back toward the apartments. PANNELL took his children out of the window to ensure their safety, and therefore did not witness the events immediately preceding the fatal shot.

PANNELL said that he could clearly see CAMPBELL's rear waist area, including the waistband of his underwear. PANNELL believed he would have been able to see a weapon located there.

PANNELL heard officers periodically giving commands to CAMPBELL after the shot was fired. He also described the area CAMPBELL fell. "*[T]he position that he--that he fell, in between the*

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car and the walkway, it was impossible to see his body, really...I could see his feet sticking out, I could see his back a little bit, but it was really hard to see into there."

DIOSDADO AGUAS

Diosdado AGUAS, who was visiting a friend at 12800 NE Sandy Blvd. #31 at the time of the incident, was interviewed via telephone by Investigator Renna on March 17, 2010. AGUAS said he began looking out the apartment window when he heard officers giving commands to CAMPBELL to back up.

AGUAS said CAMPBELL was walking backward slowly with his hands on the back of his head. CAMPBELL then got "*almost into a running position*" before the less lethal was deployed. "*Yeah, he kind of jerked and then they didn't do anything but then when he took off that's when they shot him.*" AGUAS said he thought officers told CAMPBELL to stop before the beanbag was fired. After the less lethal was deployed, AGUAS said CAMPBELL ran back toward his apartment with his hands still on the back of his head. AGUAS did describe his attention being divided between the officers and CAMPBELL. "*I was just watching both directions and then I saw him kind of running. I can still remember him taking a step and then I looked at the officer, when I looked back at him he was already down somewhat.*"

WILLIAM SNOW

William SNOW, a neighbor at 4419 NE 131st Pl. #C5, was interviewed via telephone by Investigator Courtney on May 5, 2010. SNOW began watching the incident with witnesses CAMP and PETERSON from their apartment when they noticed a large police presence in the parking lot of the apartment complex.

SNOW said CAMPBELL was walking backward immediately as he exited the alcove. He said CAMPBELL's hands were raised "*above his shoulders*" and said it appeared CAMPBELL was "*kind of like showing that he had nothing in his hands.*" SNOW said CAMPBELL was initially walking backward at a "*normal*" pace, but that he appeared to be "*speeding up*" as he approached the patrol car. CAMPBELL did stop when told to do so, and SNOW estimated he ended up less than twenty feet from the patrol car. SNOW heard officers telling CAMPBELL to walk backward and then stop. He also heard commands to "*get your hands on your head.*" SNOW said he also heard an officer telling CAMPBELL to get down on the ground. SNOW believed he heard multiple officers giving verbal commands.

SNOW described what he saw and heard immediately prior to the less lethal deployment. "*And, um, so he's, he's almost like semi-cooperating, you know. And then he starts to give them a little bit of lip, um, and they're basically saying, you know, if you don't, um, do what you're told to do, we're going to use force, and he's like just fucking shoot me, you know. And he starts to, it's*

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almost like he starts to lower his left hand. Not very low, just kind of below his shoulder, and when that happens, he kind of looks back over his left shoulder...And he gets popped with a bean bag gun."

SNOW said that CAMPBELL "*fell forward a little bit*" after being struck with the bean bag round. CAMPBELL then began running back toward the apartment. SNOW said as he was running, CAMPBELL reached into his back waistband with his left hand. SNOW said CAMPBELL did not appear to be reaching back in pain, because the rounds did not appear to strike him in that spot and because the reach was not immediate. SNOW said he "*thought he was reaching for something.*" SNOW did say that because he now knew that CAMPBELL was unarmed, he believed that CAMPBELL may in fact have been grabbing his waist to hold his pants up while running.

SNOW said he saw the canine released "*as soon as [CAMPBELL] was down.*" The dog was called back after a few seconds, and SNOW heard officers giving verbal commands to CAMPBELL until the SERT team arrived.

TYLER CAMP

Tyler CAMP, a neighbor at 4419 NE 131st Pl. #C5, was interviewed via telephone by Investigator Renna on May 5, 2010. CAMP said he began watching the incident when SNOW informed him of the large police presence in the parking lot of the apartment complex.

CAMP did not see CAMPBELL initially exit the alcove. When he first saw him, CAMPBELL was standing in the middle of the lot, facing away from officers with his fingers interlaced on the back of his head. Officers told CAMPBELL to begin walking backward and he did so "*very fast, at a faster pace than anybody would walk forward.*" CAMP heard officers tell CAMPBELL that if he did not slow down, they would be forced to shoot. CAMPBELL then replied, "*Fuck you, shoot me then.*" After making that statement, CAMPBELL continued to back up at the same rapid pace. CAMP said he heard officers tell CAMPBELL approximately three times that they would be forced to shoot if he did not slow down. CAMPBELL then stopped again, turned his head and repeated his statement, "*Fuck you, shoot me then.*" CAMP said CAMPBELL dropped his left hand slightly off his head when he made the second statement. CAMP said he heard the less lethal deployed "*almost instantaneously*" after CAMPBELL yelled.

CAMP said CAMPBELL appeared to be "*stunned*" by the first bean bag round. CAMPBELL then began running back toward the apartment. CAMP said CAMPBELL's left hand was in the middle of his back waistline while he was running. "*Um, and he continued to run, and that's when he reached behind him. And I didn't see anything from where I was. It was kind of dark out, um, but he was reaching towards his, um, his low back, belt area. Um, I didn't know what he was reaching for or what he was doing, but he continued to run with his hand back in that area. And that's when the...shot finally went off.*" Investigator Renna asked CAMP how long

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CAMPBELL was reaching back with his left hand. He said CAMPBELL was initially running while crouched forward at the waist. CAMPBELL then stood straight up, and reached back at that point. "*It was pretty quick. I mean, his hand wasn't there for long. I'd say maybe a second, and then it was the...shot, and he was down.*"

CAMP said he believed the canine unit was released "*at about the same time*" as the lethal shot. CAMP saw the dog on CAMPBELL for several seconds before being called back by officers.

JENNA PETERSON

Jenna PETERSON, who witnessed the event with SNOW and CAMP at 4419 NE 131st Pl. #C5, was interviewed via telephone by Investigator Rhodes on May 5, 2010. PETERSON said she began watching the incident when SNOW informed her of the large police presence in the parking lot of the apartment complex.

PETERSON saw CAMPBELL exit the alcove walking backward with his hands on the back of his head. PETERSON said CAMPBELL was walking "*fairly quickly*" and that officers gave him repeated commands to slow down. Officers then told CAMPBELL to keep his hands on his head or he would be shot. CAMPBELL replied, "*Just shoot me then,*" in a tone that implied "*he really didn't care anymore.*"

In her interview with detectives, PETERSON said CAMPBELL turned his head to look over his shoulder and lowered his left hand to his "*mid-torso.*" At the grand jury, she said his left hand dropped to "*about his waist*" before the less lethal was deployed. Investigator Rhodes asked her to clarify, and PETERSON explained that lowering his left arm appeared to be a "*natural movement*" as CAMPBELL looked over his shoulder rather than a deliberate action to disobey orders.

After the second bean bag round, CAMPBELL began running back toward the apartment. In her interview with detectives, PETERSON said one of his hands was in a running motion, but the other was either pulling his pants up or reaching for an object. Investigator Rhodes asked her to clarify her impressions. She replied, "*I didn't think he was reaching for anything. It seemed like it was just a natural response to pain.*"

PETERSON said she saw the canine unit released as CAMPBELL started running. The dog was on him for several seconds before being called back by officers. PETERSON then heard officers giving verbal commands to CAMPBELL until the SERT team arrived.

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SERGEANT JAN ELLERTSON

Sergeant ELLERTSON was interviewed by Investigator Courtney on May 13, 2010. She was a pre-relief sergeant at North precinct on the day of the incident.

Sergeant ELLIERTSON said she did not hear the call originally dispatched because she was on the phone with a citizen complainant at the time. She first became aware of the call while she was driving to meet Commander DAY and Lieutenant RODRIGUES at coffee and heard officers at the scene ask for an AR-15. Sergeant ELLERTSON said all of the supervisors at coffee were monitoring the call closely. At one point, she called Sergeant REYNA and asked if she was okay. Sergeant REYNA responded that she was fine and did not need any help. Sergeant ELLERTSON said the incident was clearly serious, but that it sounded like it was being handled appropriately by Sergeant REYNA.

OFFICER JUSTIN BURNS

Officer BURNS was interviewed by Investigator Rhodes on April 8, 2010. Officer BURNS said he self-dispatched to the call because it sounded like more officers might be needed. CAD indicated he arrived at 1701, thirty nine minutes after the call began.

Officer BURNS said he initially knew the call involved a welfare check on a female and her children. The female's parents had called 911 because they were concerned they could not reach her and they were afraid she was with a possibly armed boyfriend.

Once Adrienna JONES came outside, Officer BOYLAN asked Officer BURNS to stay with her. Minutes after he brought her to his patrol car, JONES told Officer BURNS that she had just received a text message from CAMPBELL. CAMPBELL asked JONES what was going on, and she replied, "*IDK (I don't know) but they want you to come outside.*" CAMPBELL replied, "*who,*" at which point JONES told Officer BURNS about the text messaging. He then broadcast the information that JONES was texting with CAMPBELL over the radio. As Officer BOYLAN was coming over to talk about the messages, JONES received another text message from CAMPBELL stating, "*Don't make me get my gun, I ain't playing.*" Officer BOYLAN then took JONES's cell phone with him back to the alcove. Officer BURNS said JONES had begun engaging in the text messaging with CAMPBELL without his knowledge.

Officer BURNS continued to sit with JONES as the call continued. He said he did not try to engage her in conversation or elicit any information about CAMPBELL except when officers at the scene called him with specific questions. At one point, JONES told Officer BURNS that CAMPBELL had actually held the gun up to his head and pulled the trigger several times, then fired a shot into the air the previous night. Officer BURNS said JONES provided this information after Sergeant REYNA called him and asked him to find out more specific details

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about CAMPBELL's suicidal behavior. Officer BURNS said he immediately called Sergeant REYNA back with the information after JONES told the story.

Officer BURNS did not witness any of the activity at the scene.

OFFICER CRAIG ANDERSEN

I interviewed Officer ANDERSEN on March 3, 2010. Officer ANDERSEN was working a partner car with Officer Matthew MCALLISTER on the day of the incident. CAD indicated that Officers ANDERSEN and MCALLISTER were dispatched at 1730, a little over an hour after the call began. Officer ANDERSEN said they were dispatched by BOEC after a request was made for more officers to respond to the scene.

Officer ANDERSEN said that at the time they were dispatched, he knew they were responding on a suicidal subject. While enroute to the call, Officer ANDERSEN read through the CAD and discovered that the female and children were now outside the apartment. He also learned that CAMPBELL had a history of assault with a handgun, and that he "*was now kind of making threats, had made some sort of threat.*" Specifically, Officer ANDERSEN knew that CAMPBELL had sent a text message stating, "*Don't make me get my gun, I'm not playing.*"

Once they arrived, Officer LEWTON directed Officers ANDERSEN and MCALLISTER to the apartment complex directly east of the location. They were instructed to maintain visual observation of the front of CAMPBELL's apartment. While they were monitoring the apartment, Officer ANDERSEN said they received one update via radio that officers were texting with CAMPBELL and that it was going well. Officer ANDERSEN said he assumed officers were trying to talk CAMPBELL out of the apartment, but he never received information confirming this fact, and there was no update that officers were asking CAMPBELL to come outside prior to him emerging from the apartment.

Officer ANDERSEN said that when CAMPBELL came out, he had his hands on the back of his head and began walking backward "*very swiftly.*" I asked Officer ANDERSEN how he perceived CAMPBELL's pace. "*I interpreted that as strange and it concerned me for the safety of the officers.*"

Officer ANDERSEN heard officers tell CAMPBELL to walk backward to the sound of their voice. As CAMPBELL continued "*speeding up*", Officer ANDERSEN heard commands being yelled, but he could not recall specifically what those commands were. Because of some shrubs and trees, CAMPBELL disappeared from Officer ANDERSEN's view as he continued to back up toward the patrol car. Officer ANDERSEN heard the less lethal gun deployed "*seconds*" after CAMPBELL disappeared from view. Officer ANDERSEN did not hear CAMPBELL say anything to officers, and did not recall any specific commands that were given in the intervening seconds. Officer ANDERSEN assumed the beanbag was deployed because CAMPBELL was

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failing to comply and was possibly armed. Officer ANDERSEN concluded CAMPBELL was failing to comply with commands because he heard officers yelling louder, and because of CAMPBELL's rapid pace.

After the less lethal was deployed, CAMPBELL reappeared as he was running back toward the apartment. Officer ANDERSEN said the less lethal rounds did not appear to have any effect on CAMPBELL. Officer ANDERSEN said CAMPBELL's hands had "*dropped.*" "*I can't see his hands, but it looked like he was taking a running stride back towards his apartment.*"

After the lethal shot was fired, CAMPBELL fell out of Officer ANDERSEN's view. Officer BOYLAN came to his location with binoculars at one point, and Officer ANDERSEN could hear other officers giving commands to CAMPBELL. Officer ANDERSEN was not privy to any discussions about approaching CAMPBELL or the necessity of calling out SERT.

OFFICER MATTHEW MCALLISTER

Officer MCALLISTER was interviewed by Investigator Courtney on March 3, 2010. Officer MCALLISTER was working a partner car with Officer Craig ANDERSEN on the day of the incident. CAD indicated that Officers MCALLISTER and ANDERSEN were dispatched at 1730, a little over an hour after the call began. Officer MCALLISTER said they were dispatched after a request was made by Officer LEWTON for more officers to respond to the scene.

Officer MCALLISTER said that at the time they were dispatched, he knew they were responding on an armed, suicidal subject. "*We got some information that he had sent a text saying that he had a gun, so that we knew that a gun was involved and that he was suicidal from the information that was coming from Bob BOYLAN.*" Officer MCALLISTER said that as they were arriving, the children exited the apartment, so he believed CAMPBELL was alone in the apartment.

Once they arrived, Officer LEWTON directed Officers MCALLISTER and ANDERSEN to the apartment complex directly east of the location. They were instructed to maintain visual observation of the front of CAMPBELL's apartment. While they were monitoring the apartment, Officer MCALLISTER said Sergeant REYNA updated them via radio that officers were in text communication with CAMPBELL and that it seemed to be "*getting better.*" Officer MCALLISTER said he did not participate in any tactical planning, and that he was not aware officers would be asking CAMPBELL to come outside. "*I mean there was no plan that we're calling him out or anything like that...It was a surprise to us when he actually came out. We didn't, there was no updates on, you know, we're telling him to come out or anything like that.*"

Officer MCALLISTER said CAMPBELL was walking backward as soon as he exited the apartment. CAMPBELL had his hands together on the back of his head. Officer MCALLISTER heard officers tell CAMPBELL to walk backward toward the sound of their voice, then start

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telling him to walk slower as he continued "*moving fast.*" CAMPBELL eventually stopped and looked back over his shoulder once. Officer MCALLISTER did not hear CAMPBELL say anything. Officer MCALLISTER could hear officers giving commands to CAMPBELL once he stopped, but he could not hear what the specific commands were. He then heard the less lethal being deployed. "*It was fast.*" Officer MCALLISTER said CAMPBELL was stopped, facing away from officers, with his hands on the back of his head when the beanbag was fired. Officer MCALLISTER relayed that he was "*surprised*" when the less lethal was deployed.

After the first less lethal round, Officer MCALLISTER saw CAMPBELL stumble forward and then begin sprinting back toward the apartment. Officer MCALLISTER was asked where CAMPBELL's hands were during these events. "*I remember them dropping forward, and then him running, but I don't remember seeing his hands or what his hands were doing at all while he was running, or right after...I remember he, the first bean bag round goes off, and his hands fall forward, and then he takes off.*" Officer MCALLISTER said he could not see CAMPBELL's hands at the time the lethal shot was fired.

After the lethal shot was fired, CAMPBELL fell out of Officer MCALLISTER's view. Officer BOYLAN came to his location with binoculars at one point, and Officer MCALLISTER could hear other officers giving commands to CAMPBELL. Officer MCALLISTER was not privy to any discussions about approaching CAMPBELL or the necessity of calling out SERT.

OFFICER DAVID KEMPLE

Officer KEMPLE was interviewed by Investigator Rhodes on March 4, 2010. He self-dispatched to the call at 1702 after hearing updates on the radio. Once he arrived on scene, Officer KEMPLE was briefed by Officer BURNS. He was told there was an armed suicidal man inside the apartment with three children, and that it was a possible suicide by cop scenario.

Officer KEMPLE initially deployed with his shotgun, but Sergeant REYNA told him to put the gun away so he could be a hands-on member of the custody team. While with the custody team at the patrol car, Officer KEMPLE knew other officers were attempting to contact CAMPBELL by phone. He also received an update on a text message from CAMPBELL stating, "*don't mess with me, I'm serious, don't make me get my gun.*" Officer KEMPLE was asked about other updates he received during the course of the call. "*I wasn't really paying a whole lot of attention to information that was coming in. I was just primarily focused on the apartment.*"

Officer KEMPLE was asked if there was a plan discussed for the custody team. "*Our primary, when we set up our custody team we set up the cars I guess it would be a modified high risk stop. And we did that so if he did come out we could go ahead and treat it like a high risk stop. We were either going to bring him around the front of the car in between the two cars, kind of depending on how things played out. So we were going to treat him as he came out as a high risk stop like a stolen vehicle or something...I think it was just kinda we were going to play it by ear*

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about, you know, how he comes out...we just kind of planned on taking care of business when he came out." Officer KEMPLE believed that a SERT callout was discussed among supervisors and officers in the alcove, but he could not provide any specifics.

Officer KEMPLE assisted the children to safety once they emerged from the apartment. He then returned to his position at the patrol car. Officer KEMPLE said it was "*a surprise*" when CAMPBELL came out of the apartment. He described CAMPBELL walking backward toward the patrol car at a "*normal*" pace, and Officer LEWTON giving commands. Officer KEMPLE said he was using the patrol car spotlight to illuminate CAMPBELL and visually check for weapons at this time. Officer KEMPLE could see CAMPBELL's rear waistline, the band on his underwear, and some skin between the underwear and CAMPBELL's sweatshirt. He did not see a weapon.

Officer KEMPLE said CAMPBELL stopped approximately ten to fifteen feet from the patrol car. He could hear Officer LEWTON giving commands, but he could not specifically recall what was said because he was "*audibly checked out.*" He then heard Officer LEWTON yelling, "*Get your hands up, get your hands up.*" At that point, Officer KEMPLE looked and saw CAMPBELL had his hands "*either a little bit away from his head or on his head, but they're about right there.*" Officer KEMPLE believed Officer LEWTON deployed the less lethal because CAMPBELL was "*not responding at all to the commands.*"

Investigator Rhodes asked Officer KEMPLE if the officers on the custody team considered approaching CAMPBELL when he was stopped in front of the patrol car with his hands on his head. "*We were not going to go to him. We wanted him to come to us and we wanted it on our terms. And that is something we, I don't remember if it was discussed, or if we all, you know, we've all done the high risk stuff so many times, we know where we're going to take somebody into custody and so that was, you know, he follows our commands, we tell him where we want him to go...We tell him exactly what we want him to do and so we were not going to go to him. We wanted him to come to us.*"

Officer KEMPLE said that after the first less lethal round was fired, CAMPBELL "*paused for a second*" and "*his hands started coming down after the first one and then a short time later I believe he took off running.*" Officer KEMPLE was asked where CAMPBELL's hands were when he was running back toward the apartment. He replied, "*his hands started dropping, but I didn't see where they went.*"

Officer KEMPLE said he saw the canine unit at approximately the front of the police car when the lethal shot was fired. After CAMPBELL fell, officers had a brief discussion about approaching him while the dog was engaged. "*[R]ight after he hit the ground ELIAS's dog was on top of him. ELIAS moved to about right here and it was a very, very short discussion, should we go, should we go and then we decided that ELIAS was going to call his dog back. We couldn't see the hands, he's, Campbell's not moving. We've giving commands, he's not responding to any commands and we can't see his hands.*" Officers at the patrol car then had a discussion, and

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Sergeant BIRKINBINE made the decision to activate SERT.

After the lethal shot was fired, Officer KEMPLE heard Officer FRASHOUR state, "*I saw him reaching for a gun in the waistband.*"

Officer KEMPLE also said that he subsequently learned that the initial 911 caller had told BOEC that CAMPBELL had actually fired a shot. He felt this information would have changed the police response, and that it would have made responding officers more "*on edge.*"

OFFICER TYRONE WILLARD

I interviewed Officer WILLARD on March 5, 2010. Officer WILLARD was working a partner car with Officer Ronald FRASHOUR on the day of the incident. CAD indicated that Officers WILLARD and FRASHOUR were dispatched at 1725, a little over an hour after the call was initially set up, after the East dispatcher asked if anyone was close to 12800 NE Sandy Blvd. with an AR-15. They arrived on scene four minutes later.

Officer FRASHOUR read through the call on the MDT while Officer WILLARD drove to the location. Officer FRASHOUR told him they were responding on a welfare check on a man armed with a gun who wanted to commit suicide by police.

Once they arrived, Officers WILLARD and FRASHOUR made their way to the patrol car parked in the complex lot. Officer FRASHOUR replaced Sergeant REYNA as the AR-15 operator for the custody team. I asked Officer WILLARD what his role was, and he said he primarily viewed himself as support for Officer FRASHOUR. Officer WILLARD maintained visual observation of the front windows of the target apartment. Later, when CAMPBELL came out, Officer WILLARD felt his role was as a hands-on custody team member. Officer WILLARD said there was no specific discussion among the custody team about which roles officers would fill.

When they arrived at the patrol car, Officer WILLARD was told the girlfriend was now outside, but that CAMPBELL was still inside the apartment with the three children. Officer WILLARD also learned that CAMPBELL had a "*long history*" and that he was flagged "*resists arrest*" in PPDS. As the call continued, Officer WILLARD remembered hearing Sergeant REYNA provide updates via the radio that police were in text communication with CAMPBELL and that perimeter officers should remain patient. Officer WILLARD said he never received information that Adrienna JONES had told Officer BOYLAN that CAMPBELL's suicidal behavior had all been the night before and that CAMPBELL was doing better today. Officer WILLARD did not recall any conversation about activating SERT prior to the shooting.

Officer WILLARD said he was "*surprised*" when the children came out of the apartment. He did not know that officers were going to request that the children be released. Officer WILLARD

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said the children coming out escalated the situation in his mind because they were too small to be left to walk out alone.

Officer WILLARD said he was "*very much*" surprised when CAMPBELL came out of the apartment. He did not know officers were talking to CAMPBELL about coming outside. Officer WILLARD described CAMPBELL walking "*very quickly*" backward with his fingers interlaced on top of his head. Officer WILLARD said CAMPBELL was mumbling something in a "*mad or aggravated*" tone as he was walking backward. The patrol car spotlight illuminated CAMPBELL's midsection, and Officer WILLARD said he could see the rear waistline and the band on top of CAMPBELL's underwear. Officer WILLARD did not see a weapon.

Officer LEWTON was giving CAMPBELL several commands to slow down and stop, but "*[h]e was just kind of ignoring it and walking fast towards us and that right there once again upped the severity of the whole thing. His body language and his actions, were clearly stating that he was in control, not the police.*" Officer WILLARD said CAMPBELL eventually did stop approximately 15 to 20 feet from the patrol car, "*but it was way too close for comfort.*"

Officer WILLARD said that after CAMPBELL stopped, Officer LEWTON yelled to him, "*we believe you have a weapon, if you reach for that weapon you may be shot.*" CAMPBELL responded by looking over his shoulder and yelling "*just fucking shoot me*" twice. Officer WILLARD said this response concerned him because he had "*never*" heard a subject respond in that manner.

After making that statement, CAMPBELL began dropping his hands and Officer LEWTON yelled at him to get his hands up. CAMPBELL continued to move his hands until they were at chest height, with both hands to his left side. Officer LEWTON then fired the less lethal shotgun twice. I asked Officer WILLARD why he believed the beanbag was deployed. He replied, "*Failing to comply and starting to lower his hands. I pictured beanbags as being a compliance tool.*"

I asked Officer WILLARD if there was any discussion among the custody team about approaching CAMPBELL when he was stopped in front of the patrol car. "*I thought it would have been strange for us to walk up and around the patrol car. I wouldn't have pictured taking him into custody there personally...Because of how close he was to the patrol car, it would have been very awkward, tripping over each other if we got a custody team and a lethal cover going out and around the patrol car and then to him.*"

Officer WILLARD said after the beanbag was deployed, CAMPBELL stumbled forward and then began "*sprinting full speed*" back toward the apartment. Officer WILLARD described CAMPBELL reaching with both hands to his back left waistband while running. "*[H]e's turning both his hands to his lower left almost as if he is digging for something. And I'm watching, I don't know if I said it, I know I was thinking it is he's reaching, he's reaching. Panic started setting in...I mean, he was definitely digging and reaching for something. His movement was*

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very obvious and aggressive and there's something back here. I don't know what he was reaching for, but I was expecting something to come up." Officer WILLARD said CAMPBELL's left hand was "*in a back left pocket or into his pants.*" Officer WILLARD said he was "*expecting*" Officer FRASHOUR to shoot based on what he had observed. He later added, "*If it was me holding the rifle, I would have shot, absolutely.*"

Officer WILLARD said that after CAMPBELL fell he saw the canine unit sprinting toward him. He believed the dog was released "*almost the same time*" as the shot. Officer ELIAS eventually called the dog back, and Officer WILLARD repositioned himself to attempt to get a view of CAMPBELL's hands and body. Officer WILLARD left the patrol car with Officer FRASHOUR, and was therefore not privy to much of the discussion about approaching CAMPBELL or the necessity of calling out SERT.

OFFICER JEFFREY ELIAS

Officer ELIAS was interviewed by Investigator Courtney on March 18, 2010. He was working with his canine partner, Bono, on the day of the call. Officer ELIAS responded after being requested by Officer LEWTON. CAD indicated Officer ELIAS was dispatched at 1724, a little over an hour after the call was initially set up. He arrived on scene ten minutes later.

Officer ELIAS had heard some details of the call while scanning the various radio nets. He knew that there was an armed suicidal subject, and that there were children involved. While enroute to the call, he read CAMPBELL's PPDS history and learned he had been arrested for domestic violence, resisting arrest, and assault with a handgun.

By the time Officer ELIAS arrived, the children were already out of the apartment. Officer ELIAS went to the alcove and joined Officer QUACKENBUSH and Sergeants REYNA and BIRKINIBINE while they discussed the plan for the incident. "*Well, they wanted to make contact with him and that was the thing to make sure if he was a threat to himself or not and to get him help. He needed help, if he was a threat to himself they wanted to get him help. If he wasn't then it was going to change things and we'd just go away. So it was kind of, they were planning on how to determine that and while they were talking about how they were going to do that, get that kind of information.*"

Officer ELIAS said he suggested that the sergeants check with their supervisors or consult with SERT. "*[Y]ou want to run that up the chain, like maybe talk to a lieutenant or maybe talk to a SERT sergeant or something and say hey, this is what we got. I always like to talk to someone if I have time and I even called my sergeant and told him what was going on.*" Officer ELIAS said Sergeant REYNA told him that they were not going to call SERT.

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Shortly after he arrived, Officer ELIAS learned that CAMPBELL had sent a text message stating, "*Make the police leave or I'm going to get my gun.*" Officer ELIAS said that message "*heightened things*" in his mind.

Officer ELIAS did not remember receiving specific updates about how the communication with CAMPBELL was progressing, other than an "*elementary*" update that they were trying to make contact. Officer ELIAS said he never received information that Adrienna JONES had told Officer BOYLAN that CAMPBELL's suicidal behavior had all been the night before and that CAMPBELL was doing better today.

Officer ELIAS was asked if he was given a specific role at the scene. "*No. It's just kind of a known thing. I mean like I said, you got the bean bag, the long rifle and the dog. And everyone knows the dog, you know, the dog's job is basically if someone runs, tries to run away or comes at us or tries to escape or just because the dog's going to get the bullet in certain circumstances. So, it all depends on the way the guy acts too.*"

Officer ELIAS saw CAMPBELL exit the apartment walking backward at a "*brisk*" pace with his fingers interlaced on the back of his head. During his detective interview, Officer ELIAS described CAMPBELL's pace as "*slow.*" He clarified by stating, "*He was like, it wasn't slow and it wasn't really fast, but it wasn't slow enough to feel comfortable. He just, he seemed like he was on a mission.*" Officer ELIAS said CAMPBELL looked back over his shoulder at officers several times, which caused him concern.

Officer ELIAS said Officer LEWTON told CAMPBELL to slow down and then stop. Once he stopped approximately 25 feet from the patrol car, Officer LEWTON told CAMPBELL to put his hands up and "*put your hands up and if you don't put your hands up you're going to get shot.*" CAMPBELL responded to this by saying, "*fuckin' shoot me then.*" Officer ELIAS said Officer LEWTON fired the less lethal shotgun "*seconds*" later. Officer ELIAS was asked if he knew why Officer LEWTON ordered CAMPBELL to put his hands up when they were already on the back of his head. "*Yeah, it's farther away from his waistband and also it picks up the jacket, you know, what you're wearing so you can actually see inside the waistband. Through our training and experience I figured he was gonna have him put his hands up and that's part of our training and then you turn around, have him turn around and get on his knees...And go into a prone handcuffing position.*" Officer ELIAS said he was not surprised when the less lethal was deployed because CAMPBELL "*wasn't complying to the orders that Officer LEWTON was giving him.*"

Officer ELIAS was asked if there was any discussion among the custody team about approaching CAMPBELL when he was stopped in front of the patrol car. "*Not that I can recall, no. I don't think we'd want to go up to a guy that's potentially armed especially with the action/reaction thing, that wasn't even discussed...I mean don't want to leave a position of semi cover and expose yourself to someone that's potentially armed and volatile and made threats.*" Officer ELIAS was also asked if he considered sending his dog when CAMPBELL was stopped in front

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of the patrol car and not complying with the command to put his hands up. He replied, "*I didn't feel it applicable to send the dog on him at that time...I mean on the use of force scale, it's kind of like an impact weapon.*"

After being shot with the beanbag, Officer ELIAS saw CAMPBELL "*stumble and take a step like he was going to go down.*" CAMPBELL's hands came "*off his head down towards his waistband area like he's gonna, like go down...I thought to myself, good, he's gonna go down. But instead of going down he like tripped, like someone tripped him, and he tripped and then took another step and just started getting speed running.*" Officer ELIAS said CAMPBELL's hands were pumping as he was sprinting back toward the apartment and were "*down by his waistband area.*" Officer ELIAS was asked to assess the threat CAMPBELL posed as he was running back toward the apartment. "*Oh, I was thinking it's really bad. I mean he's running. First of all I'm thinking he's armed with a gun and he's running back towards a position of cover, which the car or the apartment right there. I mean, it's kind of a no-brainer... Uh, well, basically we have the same we have some cover and concealment, basically he's going to shoot out with us and you know, we don't have a tactical advantage, where if he's out in the open we have a tactical advantage. And we like to have the tactical advantage when we deal with people. We don't want to put ourselves out there to get hurt.*"

Officer ELIAS actually released his dog and gave him the take command prior to the lethal shot being fired. Officer ELIAS said he did not specifically announce to the other officers that he was releasing his dog, "*but you know, common sense, they call me there, they know what the dog does, someone runs, the dog will usually get sent.*"

Officer ELIAS's dog reached CAMPBELL and began biting him moments after he hit the ground. Based on his lack of reaction to the dog, Officer ELIAS concluded that CAMPBELL was dead. He suggested uniform members approach CAMPELL and take him into custody immediately. "*And uh, I'm like, I looked at him because my dog was biting the guy and I said hey, can we go get this guy? When the dog's on him is the time to do it if we're going to go up there. So basically with the dog doesn't give us time, when he's biting someone, the dog - - he might have a plan to hurt us, but he's going to be more zeroed in on the dog and that's the time when we need to go up there if we're going to do it. And uh couldn't come to a plan, so I said I need to take the dog off. Can't just let him sit there and bite him.*"

Officer ELIAS then instructed officers to retrieve binoculars from his car to see if they could get a visual on CAMPBELL's hands. When this was unsuccessful, Sergeant BIRKINBINE made the decision to activate SERT.

Officer ELIAS also said that he subsequently learned that the initial 911 caller had told BOEC that CAMPBELL had actually fired a shot. He felt this information could have significantly changed the police response. "*And that would have maybe steered stuff different, I don't know, but I mean that would have heightened things a lot more knowing that he had a gun that he actually discharged. And I don't know why that didn't come out, I mean that's kind of common*

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sense first of all and it seemed like it's dispatching 101. I don't, I mean, I don't know how that didn't forwarded to us. Kind of ridiculous."

OFFICER JAMES QUACKENBUSH

Officer QUACKENBUSH was interviewed by Investigator Rhodes on March 17, 2010. Officer QUACKENBUSH answered on the radio when dispatch asked if anyone was able to cover on a welfare check call at 12800 NE Sandy Blvd. CAD indicated he was enroute at 1624 and arrived at 1633. Officer QUACKENBUSH knew he was responding on a report of an armed suicidal male who might be inside an apartment with his girlfriend and three children. Officer QUACKENBUSH also reviewed CAMPBELL's PPDS history while enroute to the call.

After speaking briefly to Courtney JONES and confirming that the children were inside, Officer QUACKENBUSH moved into an alcove to establish visual observation of the target apartment. Once Sergeant REYNA arrived, she assigned Officer QUACKENBUSH to make phone contact with CAMPBELL in an effort to determine his mental state. "*Um, you know, we wanted to get a call in to get a feel for where he was at, what his mentality is... You know, just try to establish a rapport. You know, find out if we can, um, what, it was really just about just initially trying to make contact, and finding out what his mentality was...And seeing if this was really like, is he really intent on hurting himself? Does he have a gun? Or is this just something that's being blown completely out of proportion?*"

Officer QUACKENBUSH did not remember anyone discussing calling out SERT/HNT at any point prior to the shooting. He did recall a conversation where Officer ELIAS asked for instruction about what to do with his dog if CAMPBELL exited the apartment. "*And basically, the direction at that point, is we're not letting him go back in the apartment if he comes out, you know, we're going to send in the dog and make sure he does not go back in the apartment.*" Officer QUACKENBUSH could not recall who gave Officer ELIAS those instructions.

Officer QUACKENBUSH said that Sergeant BIRKINBINE provided him with advice and guidance about his communications with CAMPBELL throughout the incident. He was asked how information he gained from CAMPBELL was relayed to Sergeant BIRKINBINE. "*Well, he's right next to me, and I was doing all the talking. So there wasn't a lot of information to pass along from Mr. CAMPBELL.*" Officer QUACKENBUSH did not know how Sergeant BIRKINBINE may have passed along information about the phone calls to other officers on the scene.

Officer QUACKENBUSH said the phone connection was "*extremely poor,*" with large amounts of static and interference. He described his attempts to have a conversation with CAMPBELL as "*pretty much impossible.*" When Officer QUACKENBUSH was asked if he ever broached the topic of the gun with CAMPBELL, he explained that he mentioned the weapon, but he was not able to get a response from CAMPBELL about it. "*[W]hen he'd respond you couldn't really tell*

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what was being said...I mean, there wasn't enough clarity on the line and that sort of thing to get that kind of information." Officer QUACKENBUSH said he only remembered CAMPBELL making one statement during their initial conversations. "*But the only thing that I remember him saying clearly was something to the effect of why don't you guys just go away and leave me alone.*"

After CAMPBELL made the statement about going away and leaving him alone, Officer QUACKENBUSH "*used that opportunity to segue into well, it's not, I'm not opposed to that, it's not a terrible idea, but, you know, we know you have three little ones in there with you and we're concerned about their welfare...And I don't know that we can just walk away not knowing what's going on with the situation.*" CAMPBELL did not verbally respond, but moments later Officer QUACKENBUSH heard custody team officers shouting that the children were outside.

Officer QUACKENBUSH described a discussion between the sergeants about their goals for the call after the children exited the apartment. "*Those discussions were myself, Sergeant REYNA, Sergeant BIRKINBINE. I recall for certain being present for that sort of thing. Sergeant REYNA seemed to be leaning towards, this is probably something that we can just walk away from, that we don't need to force the issue, sort of thing. Sergeant BIRKINBINE wanted to get more clarification, sort of thing, and we eventually came to the understanding of...or Sergeant BIRKINBINE I should say, he wanted to nail down Mr. CAMPBELL's mental state if at all possible and just try to...he didn't see any harm in trying to re-establish contact and sort of finding out, AARON, are you suicidal? Are you going to hurt yourself? And maybe to further try to get a guarantee from him, I promise, I swear, that I will not hurt myself if you guys leave for the night. And then maybe our consciences would be clear with just leaving. And so, that was sort of the goal.*"

Officer QUACKENBUSH said that when he received a text message from CAMPBELL that indicated he would "*never*" hurt himself and "*joked*" with police about their ability to text message, Sergeant REYNA broadcast to other officers on the scene that they were having positive communication with CAMPBELL.

Officer QUACKENBUSH said all of his attempts to communicate with CAMPBELL were supervised by Sergeants BIRKINBINE and REYNA. "*I never made a phone call or sent a text or anything until I was directed, you know, and being sure that, hey, we're ready. You know, people are in place. Go ahead and make the call...And with the text messages, I kind of showed them, you know, and that sort of thing.*"

Officer QUACKENBUSH was asked to describe his conversation with CAMPBELL immediately prior to CAMPBELL exiting the apartment. "*[T]he gist of what I was trying to say was that we were sort of trying to make an introduction and introduce the idea of, hey, we're not here to arrest you. We're not here to, you know, to hurt you or anything like that. We want to get you some help. You know, there are crisis tools and resources available, and we would like to look to the idea of you coming out and talking to us if you're...if that's something you're willing*

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to do. But we're not going to come breaking your door down...We're not going to come, you know, tearing your house apart. We're not going to do anything like that, you know. So, it was kind of floating the idea and bring the ball into Mr. CAMPBELL's court a little bit, about what he wanted to do in the situation, and how he wanted to respond to what was going on...But there were never any...there was never any, you know, um, Mr. CAMPBELL, you need to come out right now with your hands up. This is what we're going to do. And that sort of thing, it wasn't anything like that. It was just sort of putting the idea out there...If you want to come out and talk to us, that's great, but we're not going to force the issue."

Officer QUACKENBUSH was asked to clarify statements he made during his detective interview and grand jury testimony that appeared to indicate he had directly told CAMPBELL to come outside. "*I was, there was not the intent or the, it was definitely not intended to, direct him you know - we need you to come out, that sort of thing. It wasn't my intention, um, at that point, at least, to direct him to come out but, you know, it was more just, hey, if you want to come out and talk to us, we would like to explore that...It was probably not the best way to word that.*"

Officer QUACKENBUSH said CAMPBELL did not verbally respond when he brought up the subject of CAMPBELL coming outside. Officer QUACKENBUSH said he was "*surprised*" when he heard custody team officers yelling that CAMPBELL was out. Officer QUACKENBUSH said he was "*ready to run up and give him a hug*" when he saw CAMPBELL had exited the apartment.

Officer QUACKENBUSH described seeing CAMPBELL walking backward with his hands on the back of his head. He stopped approximately ten feet from the patrol car. Officer QUACKENBUSH could only see CAMPBELL's head due to parked vehicles between the alcove and patrol car. At the grand jury, Officer QUACKENBUSH said it appeared CAMPBELL showed "*hesitation*" in responding to commands. When asked to clarify this, he said he believed CAMPBELL was failing to comply because "*the commands seemed to be getting more intense*" and seemed to be "*escalating.*" Officer QUACKENBUSH also said he heard officers commanding CAMPBELL to "*get on the ground.*" No other witnesses reported hearing that particular command. When asked about this, Officer QUACKENBUSH explained that he could not recall what specific commands were given. "*Not, not specifically. When you hear that, you sort of...your mind kind of kicks into, oh, it's okay, we're in, yeah, put your hands on your head, back up to the sound of my voice, you know. So it kind of goes on autopilot, and I couldn't, I couldn't sit here and tell you exactly what was being said verbatim.*" Officer QUACKENBUSH did not hear CAMPBELL say anything to the custody team.

Officer QUACKENBUSH was asked to describe CAMPBELL's position at the time the first less lethal round was fired. "*My recollection is just simply this: He was standing with his hands on the back of his head.*" Officer QUACKENBUSH was asked if he knew why the beanbag had been deployed. "*No. Not from where I was standing.*"

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After the first less lethal round was fired, Officer QUACKENBUSH described CAMPBELL running back toward the apartment. "*That was when he sort of seemed to move forward, hands come down. You know, I kind of lose sight of him for a second, and then I see his head popping back up again, but obviously in that forward trajectory, suggesting that he was running.*"

Officer QUACKENBUSH could not see exactly where CAMPBELL's hands went while he was running. CAMPBELL was out of Officer QUACKENBUSH's line of sight at the time the lethal shot was fired.

After the shot, Officer QUACKENBUSH was assigned by Sergeant BIRKINBINE to shout commands at CAMPBELL to see if there was a response. He was not privy to conversations about the ability of uniform patrol to approach CAMPBELL or the necessity of a SERT callout.

OFFICER JOHN BOYLAN

Officer BOYLAN was interviewed by Investigator Renna on March 4, 2010. He was the primary officer dispatched when the call was initially broadcast. He arrived on scene eight minutes later, at 1630. Officer BOYLAN said he initially received information to check on the welfare of a female whose boyfriend was distraught about the death of a brother.

When he arrived on scene, Officer BOYLAN was approached by Courtney JONES, who insisted that his daughter was in the apartment and expressed concern that she was not answering her phone. While he was still gathering information, Adrienna JONES came out of the apartment. Officer BOYLAN began gathering information from her about the situation.

Adrienna JONES told Officer BOYLAN that CAMPBELL had a handgun that he had placed inside a sock, which was in the pocket of the jacket he was currently wearing. Officer BOYLAN said this information was key in the decision to not let JONES back into the apartment to retrieve her children. It also made it clear to responding officers that a dynamic entry into the apartment would be unsafe. JONES also told Officer BOYLAN that she thought the police presence could "*escalate*" the situation with CAMPBELL.

Adrienna JONES also spoke to Officer BOYLAN about CAMPBELL's current mental state. "*I talked to her and said, 'Hey, this is the information that we're getting,' trying to verify what was going on. She was saying, 'Hey, that happened last night.' But she was trying to make it sound like it was better today. That those threats and his desire to kill himself and having the gun out, it happened the night before. And trying to verify...I think I tried to ask her about his drinking, was he still drinking. And I tried to get his, I guess, his state, mental state at that moment, if that makes sense...The way she made it sound to me that was he was, it wasn't as bad as it was. It was worse the night before. It wasn't that way now is the way that I was hearing it presented to me.*" Officer BOYLAN was asked if this information from Adrienna JONES changed his perception of the call. He replied, "*Basically, what she was telling us, everything is okay now. It*

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didn't seem like things were, it wasn't aggravated. He wasn't a problem now. It was the night before. Yet the other information was, no, he's still a problem. So, that's kind of the problem we faced...I mean, on the one hand, she was in there, she could see him; but on the other hand, maybe she was trying to protect him as well. I don't know. It's hard to say...I have no proof of this, but maybe she was trying to make it less than it really is to protect him. We don't know. I didn't know, so I could only take it at face value, what she was telling me." Officer BOYLAN did not know if any other officers were standing close enough to hear this conversation. He did not broadcast this information to other officers on the scene.

Officer BOYLAN said that after a discussion between himself, Officer QUACKENBUSH, and Sergeants REYNA and BIRKINBINE, the decision was made to attempt phone contact with CAMPBELL. Officer BOYLAN said there was no discussion about activating or consulting with SERT/HNT at that time.

Officer QUACKENBUSH's first attempt to call CAMPBELL on his Bureau-issued Nextel was unsuccessful. A short time later, Officer BURNS, who had been sitting with Adrienna JONES, broadcast that she had just received a text message from CAMPBELL. Officer BOYLAN went to retrieve her cell phone and looked at the text message. "*And the message said, basically, 'I'm going to get my gun. I'm not playing around.' So, I obviously broadcast it over the radio so other officers would know that.*" Officer BOYLAN then gave JONES's cell phone to Officer QUACKENBUSH to use to attempt to contact CAMPBELL.

Officer BOYLAN said that the children were released shortly after Officer QUACKENBUSH broached the topic with CAMPBELL. Once officers began using text messages to successfully communicate with CAMPBELL, Sergeant REYNA broadcast that information over the radio.

Officer BOYLAN said he was "*surprised*" when CAMPBELL came out of the apartment. "*Because, again, my impression was as we go along, we were almost done. It was just, 'Hey, can we get your word that you're not going to hurt yourself, and then this is over. We're going to walk away.' I believe, in my mind, I was thinking it was almost done. We'll wrap this up and get out of here. And then, boom, someone, I heard yelling, 'Hey, he's coming out.' So, that, as far as surprised me, it did.*"

When he heard officers yelling that CAMPBELL was out of the apartment, Officer BOYLAN left the alcove and stood behind the patrol car in the lot with the custody team. When he first saw CAMPBELL, Officer BOYLAN said he was stopped and facing officers. Officer BOYLAN said he was then given a command to face away, and he began walking backward at a "*normal*" pace. Officer BOYLAN said CAMPBELL's hands were behind his head, but he did not know if CAMPBELL did that on his own or if it was in response to a command.

CAMPBELL stopped approximately 15 to 20 feet from the patrol car. Officer LEWTON was giving him commands, when CAMPBELL began looking over his left shoulder. "*The problem was, when he started looking back over his shoulder, at one point Officer LEWTON said, 'Hey, if*

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you don't comply, you may be shot.' Something along those lines. And I heard, AARON say, 'Well just go ahead and shoot me, shoot me, go ahead and f'ing shoot me.' Something along those lines. So at that point, it's not good. Obviously, the tension was starting to rise, and we wanted this to deescalate, not escalate, so that was a concern." Officer BOYLAN said that other than looking back over his shoulder, he did not witness CAMPBELL engage in any non-compliant behavior. CAMPBELL's hands were still on his head when the beanbag was fired. Officer BOYLAN was asked if he knew why the less lethal was deployed. He replied, "*I didn't see anything.*"

Officer BOYLAN described CAMPBELL's reaction to the beanbag round. "*He basically took a step forward, his arms came down a little bit. Almost like the momentum of the shot kind of pushed him forward...It was kind of like things almost froze there for a second. I don't know if he was trying to think what he was going to do, but just for a second or two, it was like that. And then he took off. He took off running. I mean sprint.*" Officer BOYLAN said CAMPBELL's hands appeared to be going toward the front of his waistband as he was running away.

After the lethal shot was fired, Officer BOYLAN moved to a position closer to the building in an effort to see CAMPBELL's hands. He then took binoculars and went to a position east of the lot to try to see enough to determine if it would be safe for uniform officers to approach CAMPBELL. Officer BOYLAN was not privy to any conversations about the necessity of calling out SERT. He did feel that uniform officers could have approached CAMPBELL safely, "*based on the fact that there was no movement at all.*"

COMMANDER ROBERT DAY

Commander DAY was interviewed by Investigator Renna on March 31, 2010. Commander DAY said he was with Lieutenant RODRIGUES on the way to a staff meeting when the call was initially dispatched. Commander DAY said the call did not initially raise any concern because it was a "*routine radio call.*" During the staff meeting, Sergeant ELLERTSON spoke to Sergeant REYNA via telephone, and relayed that Sergeant REYNA was on scene and did not need any assistance.

When Sergeant REYNA broadcast that officers on scene were setting up for a loud hail, it was decided that Lieutenant RODRIGUES would drop Commander DAY off at the precinct and then respond to supervise the scene. While they were enroute back to the precinct, Commander DAY also heard updates that an AR-15 rifle was needed on the scene, that the children were out of the apartment, and that CAMPBELL had sent a text message stating, "*Don't make me get my gun, I'm not playing.*" These additional updates indicated that the call had "*elevated quickly*" and Commander DAY decided to respond to the scene himself.

Commander DAY said he spoke to Lieutenant RODRIGUES about the possibility that the call could evolve into a SERT callout while they were on the way back to the precinct. "*And I see*

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that as kind of planting the seed in the Lieutenant's mind. You know, part of my job, Lieutenant RODRIGUES is a new lieutenant, he's new to this assignment, you know, so I'm also, as well as offering insight, kind of mentoring, getting him thinking the way I'm thinking. You know, hey, this is starting to ramp up. We need to be aware of what's our options, you know, what are the qualifications for SERT, etc." Commander DAY did say that he did not feel that SERT should be activated at that time, and stressed that the decision to activate SERT should be made by the on scene supervisor.

Commander DAY said he had not spoken to Sergeant REYNA prior to arriving on scene. He said he did not want to interrupt her or add to her stress because he knew she would be busy coordinating the tactical incident. Commander DAY also felt checking in with the sergeant would be more appropriate for the lieutenant rather than a captain.

Once he arrived on scene, Commander DAY contacted Sergeant REYNA via radio to have her meet and brief him on the situation. Investigator Renna asked Commander DAY if he had ordered Sergeant REYNA to come to his location, or if he had simply requested she meet with him. "*Um, I would say I certainly requested, you know, identified myself as the Captain, and requested that...I believe I requested that the Sergeant or an officer involved in this, you know, respond to my location. But I may have requested specifically Sergeant REYNA. I can't remember exactly. But, it was definitely, it was definitely a request, an order to do so. I don't remember if I said I'm ordering you to come out, or if I would like so-and-so, you know, to come to my location. But, as the Captain on scene, I'm sure it would be interpreted as such.*" Commander DAY said Sergeant REYNA did not express any objections or concerns about coming to his location. If she had done so, Commander DAY said he would not have ordered her to brief him in person at that time. "*Well, typically, it's the responsibility of the on-scene supervisor to either advise me, or whoever is making the request, if they're unable to do so, you know, if they're unable to leave the scene for whatever reason, then they would advise me, hey, I can't come because it's not safe, or, you know, I need to stay here and have control, what do you need, we can have the dialogue over the radio or the telephone.*"

Sergeant REYNA informed Commander DAY that the girlfriend and children were out of the apartment, and that officers were in text communication with CAMPBELL. While she was speaking to him, Sergeant REYNA received a phone call from Officer BURNS, who was speaking to Adrienna JONES away from the scene. Officer BURNS told Sergeant REYNA that he had just learned that CAMPBELL had held the gun up to his head and pulled the trigger several times, and later actually fired a shot into the air on the previous night. Sergeant REYNA passed this information on to Commander DAY and explained that it was newly acquired intelligence.

Commander DAY said Sergeant REYNA's recommendation was that police could walk away from the incident. Lieutenant RODRIGUES, on the other hand, felt that police had an obligation to stay because CAMPBELL presented too much risk. Commander DAY described the conversation about their options as "*tense*." Commander DAY said he was weighing these two

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opposing opinions and beginning to ask clarifying questions of Sergeant REYNA when CAMPBELL exited the apartment.

Investigator Renna asked Commander DAY if he considered or discussed activating SERT/HNT at that time. "*Well, I hadn't made a final decision as to whether or not we were going to stay or go. You know, that was still on the table. So, you know, there was certainly reasons to consider both. And I was still trying to gather more information to make a recommendation, you know, to take charge of the scene, and you know, right now I had a sergeant telling me, I think we ought to walk away, and I had a lieutenant saying, I think we need to stay. And, so, that's when I began my questioning of, you know, further explanation, understanding. But, at that point, we did not have a SERT call-out, we didn't have, you know, any of the barricaded felon where he's expressed, you know, his intent. We didn't have a charge, an intent to harm or kill another, we didn't have a sniper situation. You know, we didn't have the typical outline components for a SERT call-out. There is a section in Directive 720.00 that is kind of the catchall for if you need the expertise and the training and the equipment that SERT brings, and I'm aware of that. Um, but once again, I didn't feel like we needed; I knew that we had plenty of officers on scene, we had equipment, and we were having dialogue with the, with Mr. CAMPBELL to my knowledge, and so that's also a positive sign. And if we're engaging in conversation, that, that there might be an opportunity there to resolve this.*"

Commander DAY said that when Sergeant REYNA came to brief him, that left Sergeant BIRKIBINE in charge of the scene. He also said that at the time CAMPBELL exited the apartment, he was not yet the incident commander, because he had not been fully briefed and assumed command at that time. Commander DAY said that in his mind he became the incident commander after the lethal shot was fired.

Commander DAY did not witness the events once CAMPBELL exited the apartment because he was around the corner of the building on Sandy Blvd. He said he could hear commands being shouted, followed by the less lethal and lethal shots, but he could not hear specifics and did not see what was happening.

After the shot was fired, Commander DAY had a phone conversation with Sergeant BIRKINBINE about taking CAMPBELL into custody. "*I was very pointed with Sergeant BIRKINBINE. Are you sure? Are there other options? Can we use a car? Can we, you know, approach safely? You've got a lot of resources there. I knew we had less lethal, I knew we had a dog and so forth. And we had a very specific discussion about various options to approach him. And, um, I remember Sergeant BIRKINBINE's comments to me were, you know, this is not something we would typically do, it's not something I think we could do safely, and, um, at the end, he said, you know, if I ordered him to do so, then he'd be willing to take a team up and do it.*" Commander DAY then made the decision to activate SERT.

Commander DAY was asked what activities took place in the ten minutes between the time the shot was fired and the time SERT was activated. "*I knew that medical had been requested and*

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started immediately after the shots were fired. Probably within, um, a minute or so of the shooting, Mr. CAMPBELL's father and brother, I believe – they were family members – arrived at the scene. Um, they showed up and parked in the driveway entrance, you know, and in direct line of sight of everything that was going on, shortly after. And they started to get out of the car, and so...I cannot remember who it was, if it was Sergeant REYNA or Lieutenant RODRIGUES, somebody contacted them, and we kind of moved them out of the line of sight around the apartment complex where we were at. There were some officers that showed up and we asked them, you know, to kind of help us to begin to create a little broader perimeter here because of people showing up. Um, so dealing with those family members, trying to make sure that we had proper perimeter containment, and then my conversation with Sergeant BIRKINBINE, staging medical...um, I know there was a request, you know, for the binoculars. That thought was put out over the air, that, I believe, Officer ELIAS wanted. Those are some of the things that I recall." Commander DAY said that once Sergeant BIRKINBINE concluded that uniform personnel could not safely approach CAMPBELL to take him into custody, there was no delay in the activation of SERT.

LIEUTENANT DEREK RODRIGUES

Lieutenant RODRIGUES was interviewed by Investigator Courtney on March 30, 2010. He heard the call initially dispatched while he was with Commander DAY driving to Starbucks for a staff meeting. Lieutenant RODRIGUES said he remembered hearing that the call involved a possibly armed suicidal male who was distraught over the death of his brother. While at the staff meeting, Lieutenant RODRIGUES monitored the call, and he described his confidence in Sergeant REYNA's handling of the situation. "*I think she was handling the call very well. I mean, she was calm. I was monitoring her voice. She was very clear in her direction. She assembled a custody team. There was an inner perimeter established. There was officers, she requested a beanbag gun. There was an AR-15 request for the front. From I heard on the radio, I thought she was handling the situation very well.*" Sergeant ELLERTSON also called Sergeant REYNA and confirmed that she did not need any help.

Lieutenant RODRIGUES said he became more concerned about the call when he heard CAMPBELL sent a text message about getting his gun. "*When she came out, I guess he sent her a text basically saying don't play I'm gonna get my gun. At that point for me I felt that now it was time to go respond to the scene. So, that changed it for me when he made that comment. Up until that point it was no indication that he wanted to hurt anybody.*"

While enroute to the call, Lieutenant RODRIGUES called Sergeant REYNA for a status update. She said they had just received a positive text message from CAMPBELL and that things appeared to be going well. He called again once he arrived on scene, and at that point, Commander DAY told him to have Sergeant REYNA come to their location for a briefing. "*When I was talking to her, and I can't remember if I actually got off the phone or Captain DAY was still there, he said why don't you have her come toward us. So, and I can't remember if, like*

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I said, it was phone but I did call her and I can't remember if I told her on the phone hey LIANI come back, if you can make your way safely come back to us or said it on Tac 2." Lieutenant RODRIGUES said he knew Sergeant BIRKINBINE was on scene, and he assumed Sergeant BIRKINBINE was in charge while Sergeant REYNA was called back to brief her supervisors.

Once she arrived, Sergeant REYNA told Commander DAY and Lieutenant RODRIGUES that no crime had been committed and that she believed police could walk away. She then received the phone call from Officer BURNS detailing CAMPBELL's actions with the gun the previous night. Lieutenant RODRIGUES did not believe that police should leave the scene at that point. "*I said, well I got some concerns for not just officer's safety but safety for the community and maybe Ms. JONES if we just left the scene...And I felt that, you know, at a minimum I said at a minimum I think maybe we should post somebody or something.*" As he was beginning to discuss the options with Commander DAY, Lieutenant RODRIGUES heard officers shouting that CAMPBELL had exited the apartment.

Lieutenant RODRIGUES did not witness the events once CAMPBELL exited the apartment because he was around the corner of the building on Sandy Blvd. He heard officers giving commands of "*walk back*" and "*keep your hands up,*" followed "*several seconds*" later by the less lethal.

After the shooting, Lieutenant RODRIGUES set Officer FRASHOUR up with a peer support officer and ensured witness officers were separated and given proper instructions. He did not participate in the decision making process about the ability of uniform officers to approach CAMPBELL or the necessity of a SERT callout.

SERGEANT JOHN BIRKINBINE

Sergeant BIRKINBINE was interviewed by Investigator Renna on April 23, 2010. He first became aware of the incident when he turned on his car radio at the beginning of his shift and heard officers requesting an AR-15 rifle. Sergeant BIRKINBINE decided to respond to the scene at that point. CAD indicated he arrived on scene at 1721, approximately one hour after the call began. Sergeant BIRKINBINE said he learned via the radio enroute to the call that officers were dealing with a suicidal subject with children inside a residence.

When he arrived, Sergeant BIRKINBINE met with Sergeant REYNA and Officers QUACKENBUSH and BOYLAN in the alcove. The custody team was already in place at the patrol car in the lot by this time. Sergeant BIRKINBINE said he offered to provide assistance to Sergeant REYNA in managing the call, but she did not have any tasks to delegate to him. "*I just said, 'I'm here to help, what can I do for you?' And she said 'nothing.' She said she had it handled and she didn't need me to do any specific assignment, perimeter or resources or...she had no direction for me and she went back to giving direction to officers mentioned in the incident...I didn't have a job. I didn't have a function. She didn't give me something she needed*

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me to do. I was there purely to offer my support to her as another sergeant." Sergeant BIRKINBINE then decided to assist Officer QUACKENBUSH in his communications with CAMPBELL. "*I wanted to make myself available as a resource to Officer QUACKENBUSH. I know that he's not a negotiator. I know he's an excellent police officer and he's a good communicator, but I know that in that situation it was possible for me to bring some expertise to the situation to help him think of things to say or set a strategy or to maybe evaluate information that came back from Mr. CAMPBELL's side of the conversation if there was a conversation. But to in essence be Officer QUACKENBUSH's coach or his second or his support officer in that situation. Whenever we deploy negotiators in an HNT call-out, we always deploy them in twos. There's the primary negotiator and there's always a second we call it and that person's job is to funnel intelligence to the negotiator. It's also to take what the negotiator says and they relay it back to a sergeant. It's also a filter for information coming in to the negotiator and so we always deploy people in the negotiation in twos. And I thought in this situation since I didn't have another assignment from Sergeant REYNA, I would partner myself with Officer QUACKENBUSH and assist him.*"

Investigator Renna asked Sergeant BIRKINBINE his assessment of the call once he arrived. "*Well, my assessment, I didn't have, I guess I didn't have a lot of information. I knew that we had a subject inside an apartment who we had information that he had had a gun and there were three little kids in the apartment also and that the mother of the little kids was outside talking with the police. But I didn't know, I didn't know if this was a hostage situation because I didn't know if anyone had asked him to release the kids. I didn't know if he, I don't know if anyone had asked him to come out and talk to us. I didn't know if he was barricaded from a standpoint of telling the police, sending a message to the police hey don't come in here. Uh, I didn't know that he even knew that were there. So, I really didn't have a lot of information other than some information about him specifically, but I didn't know about the incident really where we were at that point.*"

Sergeant BIRKINBINE was asked if he considered calling out SERT/HNT at that point. "*We weren't to the place in our call where we needed SERT or HNT. We hadn't even tried to make contact with Mr. CAMPBELL yet. We didn't have him telling us I'm not coming out or you're not coming in. We hadn't even, we weren't there. So, you know, this was no, in my mind when I got there and after I learned a little bit about it, this was really no different than what patrol sergeants and offices do on a daily basis...This was really pretty textbook when it comes to how to run a tactical situation or a potential tactical situation.*"

Once Officer QUACKENBUSH began attempting to communicate with CAMPBELL, Sergeant BIRKINBINE was asked if anyone was specifically assigned to relay updates to the custody team and other officers on the call. He said he did not know if anyone was given that assignment, but that Sergeant REYNA was broadcasting information she learned from listening to Sergeant BIRKINBINE and Officer QUACKENBUSH. Sergeant BIRKINBINE added that there was very little information available to be shared. "*Our conversations, when we got to actually have a conversation with Mr. CAMPBELL, they were very short and they were very one-sided...So,*

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when the call ended, either Mr. CAMPBELL hanging up on us or because the phone had problems, there was very little information to put out on the air. Usually it consisted of, it would have consisted how we put it out, we had a short phone call with Mr. CAMPBELL or we had the short phone call with the subject. That would have been the limited scope of it. There really wasn't very much information to put out."

Sergeant BIRKINBINE described technical difficulties with JONES' borrowed cell phone throughout the incident, including static and dropped calls. He was asked if he considered using other, more reliable methods of communication. "*We didn't discuss a loud hail. We don't have a throw phone. HNT has throw phones and they hadn't been called out. We had, we had the girlfriend's cell phone and I don't know if the reliability problem was interference from the building or the quality of the cell phone or if Mr. CAMPBELL was...the phone would go dead and I don't know if it was the phone making it go dead or Mr. CAMPBELL hanging up on us or both. But there was no other medium discussed because we had the girlfriend's phone and we thought that was probably a pretty good, pretty good use for that.*"

Sergeant BIRKINBINE said that once Officer QUACKENBUSH broached the topic of the children coming out of the apartment, the kids immediately appeared outside. "*And so it was so quick that, and it wasn't a conversation we had with Mr. CAMPBELL, it was information, hey this is, we really need to have those kids out of there and the phone went dead instantly. There was no response back. There was no ability to give a direction of how we would like the kids to come out. There was no ability to have Mr. CAMPBELL say yeah I think that's a good idea. There was nothing and those kids just came out. We weren't prepared for it because usually, in my experience, there is a conversation with the person on the other end of the phone.*"

After the children were secured, Sergeant BIRKINBINE began discussing options with Sergeant REYNA. "*Well, I was willing to, I was willing to walk away and withdraw police presence. But I also felt like we had a responsibility to make sure that we weren't, that we weren't gonna have to come back later. I felt we had a responsibility to make sure that the girlfriend and the three kids had a place to go. This was their house. This wasn't Mr. CAMPBELL's house. So, I was concerned about leaving him and then thinking maybe that this girlfriend and these three kids would walk back into a potentially dangerous situation. It's an apartment building and so I was concerned about neighbors...I felt like we needed a lot of assurance from Mr. CAMPBELL through a conversation or through a face-to-face conversation or something...I felt like there had to be something pretty significant for us to leave, significant in the way that it allowed us to be very, very confident that he wasn't gonna harm himself or harm other people. I was willing to do, but I thought we had a relatively high threshold before we could just leave as police officers. I thought we had a, I think we have a pretty significant responsibility. And those were conversations that I had with Sergeant REYNA.*" Later, Sergeant BIRKINBINE further described his desire to have CAMPBELL come out of the apartment for a face-to-face conversation. "*I was still concerned that, I was concerned up to a point where we actually got to see him, to physically talk to him. That was one of the things that was really going to make me feel confident in being able to leave was is he willing to come out and talk with us so that we can*

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have a face-to-face conversation so he can tell us, you know, this has been a hard time and I this, you know, there's a lot of drama here but I really am okay...And we really want them to come out so we can make sure that that person is safe, that that apartment is safe and that resident is safe. It's a pretty standard thing for us to do." I asked Sergeant BIRKINBINE if the fact that CAMPBELL had expressed a desire to commit suicide by police had affected his opinion about the desirability of having CAMPBELL come outside. He replied, "*I didn't think about it like that.*"

Sergeant BIRKINBINE was asked to describe the conversations between himself and Sergeant REYNA between the time the children exited the apartment and the time CAMPBELL came outside. "*She and I were, we had different thresholds of, my threshold for leaving was higher than hers, my ability to walk away. I think she was frustrated with me at times because she had in her mind a plan and a vision of how this was supposed to go and how it was supposed to happen and for us to be able to withdraw and I was asking her questions and talking about what I thought our responsibility was and what if this and what do we do here and those were things that I think she had already worked out in her own mind and since she was the on-scene supervisor, she was managing those things...And so I think she was a little frustrated with me because she already knew where she was going with this and I kept almost dragging her back into having those conversations with me when she was already past that. She had already decided how she wanted to get to the end result of this. So, she was, it was never, it was never rude. It was never, we were never fighting. We were never arguing. We just were coming at trying to figure out, trying to communicate. She was very busy and she was running the incident and some information I didn't have that I felt I needed and so it was tense but it was never argumentative.*"

After Sergeant REYNA left the alcove to brief Commander DAY and Lieutenant RODRIGUES, Officer QUACKENBUSH received a text message from CAMPBELL asking why officers were communicating via text message rather than calling him on the phone. Sergeant BIRKINBINE then told Officer QUACKENBUSH to place a phone call to CAMPBELL. "*It sounds like he's, I took that as it sounds like he's wanting us to call him and QUACKENBUSH felt the same way. So, I said let's call him. If he wants to talk, let's talk to him.*"

Sergeant BIRKINBINE was asked if he told Officer QUACKENBUSH to have CAMPBELL come outside. "*I told him to tell Mr. CAMPBELL we'd like you to come out or are you willing to come out or, you know, if you'll come out and talk to us we can get this thing wrapped up, something to that effect...I was putting it out there or I had Officer QUACKENBUSH put it out there from a standpoint of he has sent us a text message. It sounded like an invitation to call. Let's call and let's just cut to it because we don't know how much time we're really gonna have here. The last conversation was super short and let's just tell him, you know, 'we're not here to hurt you. This would be a lot easier if you would come out and talk to us.'*" Sergeant BIRKINBINE said he wanted Officer QUACKENBUSH to bring up the topic of coming outside, "*hoping it would lead into some conversation.*"

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Sergeant BIRKINBINE said that as soon as Officer QUACKENBUSH broached the topic of coming outside, the phone went dead. Officers announced that CAMPBELL was outside moments later. "*I'm assuming he hung up, the phone went dead. So, there was no, there was no verbal response from Mr. CAMPBELL to my knowledge. There was nothing that said 'okay I'll come out' or nothing to the effect of 'how would you like me to come out' or nothing. It was the exact same pattern that it was when we asked for the kids. It was 'hey we really, we really need those kids.' Phone went dead and the kids came marching out. It was the exact same pattern of, so there was no opportunity to give directions.*"

Sergeant BIRKINBINE said he did not broadcast to the custody team and other officers that Officer QUACKENBUSH would be talking to CAMPBELL about coming outside. He was asked why he did not share this information. "*Well, I wasn't, I wasn't putting it out there asking him to surrender, asking him to, we were putting it out there for discussion. 'Hey, this would sure be a lot easier if you would come out and talk to us' or 'we'd really like to have you come out' hoping it would lead into some discussion. Within just a few seconds he was out the door. So, that's why I didn't put it out because I really didn't know what the end result was gonna be, so I didn't put anything out to the uniform officers because I didn't have an end result, I didn't know what was gonna happen.*" I asked Sergeant BIRKINBINE if the fact that CAMPBELL had complied so quickly after Officer QUACKENBUSH brought up the topic of releasing the children made him believe that CAMPBELL might come outside himself as soon as the topic was raised. He replied, "*It didn't really occur to me because, um, I took, I took the kids coming out so quickly as almost a sense of okay let's get them out of here. Let's just be done with the kids so that they aren't a part of this any more. Um, I didn't believe with, I didn't believe that was gonna, I didn't believe the reaction would be the same.*"

Once he heard officers yelling that CAMPBELL was outside, Sergeant BIRKINBINE moved to the front of the alcove to observe the events. CAMPBELL was already in the middle of the lot facing away from officers with his hands behind his head. Officers at the patrol car were telling CAMPBELL to walk backward toward them, and he was doing so "*pretty fast.*" When asked how he interpreted CAMPBELL's pace, Sergeant BIRKINBINE stated, "*I thought it was odd but I wasn't at that point concerned about it.*"

Sergeant BIRKINBINE said he looked away briefly while speaking to Officer QUACKENBUSH, then returned his focus when he heard the commands "*escalated.*" When he looked back, CAMPBELL was stopped in front of the patrol car, facing away from officers with his hands still on the back of his head. Sergeant BIRKINBINE said Officer LEWTON was giving the command to "*put your hands up, put your hands up.*" Sergeant BIRKINBINE did not know if that meant CAMPBELL had lowered his hands while his attention was diverted, or if Officer LEWTON wanted CAMPBELL to put his hands straight up above his head.

Sergeant BIRKINBINE said he did not see CAMPBELL take his hands off the back of his head at any point prior to the less lethal deployment. He also did not see CAMPBELL turn toward the custody team or hear CAMPBELL say anything to officers. Sergeant BIRKINBINE did not hear

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any commands or warnings specifically referring to the less lethal. Investigator Renna asked Sergeant BIRKINBINE if he personally witnessed CAMPBELL engaging in any conduct that would have qualified as aggressive physical resistance, and he replied that he did not.

Sergeant BIRKINBINE said he was not surprised when the first bean bag round was fired because CAMPBELL had not been complying with Officer LEWTON's commands. "*Because whatever was happening in that instant where Officer LEWTON escalated his voice and Mr. CAMPBELL was noncompliant, given the totality of that there may be a gun involved, that he was not compliant with what was going on it did not surprise me that a beanbag was deployed to gain compliance.*" Sergeant BIRKINBINE was asked what specifically CAMPBELL had done that constituted a failure to comply. "*He was asking him to do something different that he was doing because he kept asking him to put your hands up, put your hands up and Mr. CAMPBELL was not, he wasn't changing, he wasn't moving so whatever he was asking him to do he wasn't doing.*"

The first less lethal round appeared to knock CAMPBELL off balance. After the second bean bag round, CAMPBELL began running back toward the apartment. Sergeant BIRKINBINE said CAMPBELL's hands came down in front of him while he was running. "*Uh, I didn't see his hands, his hands come down in front of him like he was running but like he was also trying to keep his pants up or something, like he was trying to kind of hold something in front. I don't know if that meant he was trying to hold his pants up and grab his belt or, but he was running but he was also hunched forward a little bit to me as he was running.*"

Sergeant BIRKINBINE described why he was concerned about CAMPBELL running back toward the apartment. "*Because we still had the unknown of where that gun was and we didn't know if it had been left in the apartment. We didn't know if he had it on his person. I didn't know if he was trying to get back to the car that was parked in the parking lot, if he was just trying to get back to the car. I didn't know if he was running because he was, and decided he really didn't really want to give any more and he wanted to engage the police. I didn't know if he was trying to get back into the apartment because that was a safer place for him and he wanted to engage the police from there. I just didn't know what his motive was. He had made the step to give up by coming out and had come out backwards with his hands up, although he was walking real fast back towards the police. But then something changed and his, he made a different decision but I didn't know what that decision was. So I was concerned.*" Sergeant BIRKINBINE specifically expressed concern that if CAMPBELL reached a parked car, he would have cover and concealment and would have neutralized officers' tactical advantage.

After the lethal shot was fired, Sergeant BIRKINBINE went to the custody team and removed Officer FRASHOUR from the line. He did not hear Officer FRASHOUR make any statements. Sergeant BIRKINBINE described his efforts to determine if it would be safe for uniform personnel to approach and take CAMPBELL into custody. "*My concern was where he fell and the unknown of the gun and we deployed some people to get a look at him, to try to see if we could get a better visual on him both from the north and also with binoculars from the east and*

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try to determine can we get there safely. And so that was my, my response was can we do it safely and if we can we will...And I had a conversation on the phone with Captain DAY immediately after the shot was fired and we talked about, I detailed out for him my reasons for not making that approach. And it really was all about safety." Sergeant BIRKINBINE specifically remembered Officer ELIAS expressing a desire to go up and take CAMPBELL into custody immediately without waiting for a SERT callout.

Sergeant BIRKINBINE did not feel he was ever in charge of the call. He was asked who was in charge when Sergeant REYNA went back to brief Commander DAY and Lieutenant RODRIGUES. "*Well, it was never handed off per se that she was not in charge any more. Typically, in the ICS model that we operate under, she is still in charge of the incident until she is relieved of command by someone there who can relieve her of command, whether it's a higher ranking person or...she is still in charge of that incident. So, just because she's not present in the alcove it doesn't change the command structure just by her changing locations. So, in my mind I thought she was still in charge of this. She's going to brief the captain and lieutenant. They're gonna get briefed. They're gonna assume command. That's typically what happens.*"

SERGEANT LIANI REYNA

I interviewed Sergeant REYNA on March 30, 2010. As she was logging on, Sergeant REYNA heard Officer LEWTON requesting a supervisor to the scene, and she broadcast that she would respond. CAD indicated that Sergeant REYNA was dispatched at 1648 and arrived at approximately 1701.

Sergeant REYNA read through the call on her CAD and learned that officers were conducting a welfare check on Adrienna JONES and her three children. Family members had called 911 because they were worried that CAMPBELL was armed and distraught over the death of his brother. They feared he was suicidal and were concerned because they were not able to reach JONES on the phone. Sergeant REYNA also looked through CAMPBELL's PPDS history and saw a charge for attempted murder with a handgun.

I asked Sergeant REYNA how she assessed the call based on this initial information. She replied that it was a "*routine call.*" She said there was no indication that she was dealing with a barricaded suspect or a hostage situation. I asked if she considered calling SERT/HNT at this time. She said she did not, "*because that's like pulling the trigger before you even see the target. You don't know what you have. You're, you need to go assess it and make an intelligent decision...And I'm very well aware of policy 720.00 and the requirements for SERT. They did not apply here at this time.*" I asked Sergeant REYNA if her past history with SERT played into her decision to not activate them on this incident. She replied, "*Absolutely not. I won't hesitate to call out SERT when I need them. And I also trust when I call them, they'll come and they'll help.*"

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When she arrived on scene, Sergeant REYNA was briefed by Officer LEWTON. He did not have any new information that was not already in the call. Officer BOYLAN was talking to Courtney JONES when Sergeant REYNA arrived. As soon as he came over to begin briefing the sergeant, Adrienna JONES walked out of the apartment.

Officer BOYLAN began talking to JONES, with Sergeant REYNA standing nearby. JONES said she had not been answering the calls from her relatives because everyone in the apartment had been sleeping. JONES also expressed concern that the police presence could "*escalate*" CAMPBELL. Sergeant REYNA said she did not hear JONES tell Officer BOYLAN that CAMPBELL's suicidal behavior had been the night before and that he was doing much better on the day of the incident. She did not believe this information was ever broadcast or shared with other officers on the call.

Once JONES came outside, Sergeant REYNA explained her plan for the incident. "*And we really need to have a conversation with him about where he's at emotionally and mentally and is he going to be okay to leave there with the family. I didn't want to say, okay, ANGIE, you're fine. Bye. And then he does one of the homicidal familiacidal things, and we could have been at a point to intervene in that. So, it was really important to have contact with him, but my concern also was, she said he would escalate if he knew we were there, so what's he going to do with the three children now. And that posed a, you know, it posed a strategic question, a tactical question, okay, what do we do and how are we going to safely contact this man without escalating him as she says.*" Sergeant REYNA said she briefly discussed entering the apartment and taking CAMPBELL into custody while he was still sleeping. However, when she asked for more details about the gun, JONES said she had last seen it inside a sock, which was inside a pocket of the jacket CAMPBELL was currently wearing. This information "*negated*" any thought of making entry into the apartment, and Sergeant REYNA said she then decided to attempt to contact CAMPBELL via telephone.

Sergeant REYNA assigned roles to the officers on the scene. She said she chose Officer QUACKENBUSH to call CAMPBELL because he was a "*really good communicator.*" She said she knew that he was "*extremely articulate*" from reading his reports. Sergeant REYNA also said Officer LEWTON "*was showing really good judgment with his ability to set the perimeter.*" Officer LEWTON suggested they request AR-15s to cover the front and back of the apartment, and Sergeant REYNA concurred and told him to go ahead and order them. Officer LEWTON also requested a canine officer respond to the scene. Sergeant REYNA told Officer LEWTON to retrieve his less lethal shotgun, and had Officer KEMPLE store his regular shotgun in his patrol car so he could be a hands-on custody team member. Sergeant REYNA said the officers on scene displayed good team work as they organized the tactical aspects of the call. "*It seemed like everyone just worked really well together and they knew what needed to be done. They just worked to get it done...And they were keeping me informed too, so I knew what they were doing.*"

Sergeant REYNA said she was in charge of the custody team. I asked her if the officers were provided with any specific rules of engagement. She replied, "*Standard rules were applying.*

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That's all we operate under in patrol, standard rules of engagement." I asked if Sergeant REYNA felt the members of the custody team understood they were dealing with a suicidal subject rather than a criminal suspect, and she said they did. She did not give any specific instructions to the custody team. "*No. I mean, custody teams know what they're doing. I knew these officers would know what to do.*" Sergeant REYNA added that she planned to move from the alcove to the patrol car and coordinate the custody team's response if CAMPBELL came outside.

Sergeant REYNA said she had initially joined the custody team and provided long cover with her AR-15. She said she felt comfortable managing the call and serving as a custody team member while Officer QUACKENBUSH made the initial call to CAMPBELL. When that was unsuccessful, Officer FRASHOUR replaced her as the AR-15 operator so that she could continue to supervise the incident.

Along with designating Officer QUACKENBUSH as the communications officer and organizing the custody team, Sergeant REYNA made additional tactical decisions at the outset of the call. She assigned Officer BURNS to keep in "*constant communication*" with Angie JONES. Sergeant REYNA also established an outer perimeter and assigned a reaction car in case CAMPBELL came out of the apartment and attempted to flee on foot. Sergeant REYNA said she did not evacuate any neighbors because she was told by the apartment manager that the units surrounding JONES's apartment were vacant.

Officer QUACKENBUSH's first attempt to contact CAMPBELL was unsuccessful because CAMPBELL immediately hung up the phone. I asked Sergeant REYNA if this made her reconsider her decision to not activate SERT. She said it did not because CAMPBELL's actions were reasonable in her mind. "*I mean, personally, if I were upset, if I lost a family member, the last person I'd want to talk to is the police. I absolutely would not want any police contact. Because I didn't do anything. I'm upset. My family has died, and I don't need to talk to you. Leave me alone.*" A short time later, Officer BOYLAN broadcast that CAMPBELL had sent a text message stating, "*don't make me get my gun, I ain't playing.*" Sergeant REYNA said this did not make her reconsider using SERT because "*it's understandable. He doesn't want to talk to the police.*"

When Sergeant BIRKINBINE arrived, he asked Sergeant REYNA if she needed any help. She said no, so Sergeant BIRKINBINE began helping Officer QUACKENBUSH in his attempts to communicate with CAMPBELL.

I asked Sergeant REYNA if anyone was specifically assigned to relay information gained from Officer QUACKENBUSH to the other police on the scene. She replied, "*Well, what I envisioned was that information coming to me so I could tell the custody team and actually people on the air, because that's what I did later down the road when QUACKENBUSH told me some texts that were coming through. I heard it from QUACK, so then I turned and I broadcast it.*"

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Sergeant REYNA said she was surprised when the three children came out of the apartment a short time later. She was not aware that Officer QUACKENBUSH had broached the topic of releasing the children to CAMPBELL, and Sergeant BIRKINBINE did not tell her that conversation had taken place. She explained why this information would have been important to her as the incident proceeded. "*And then QUACKENBUSH is talking to him about, you're not under arrest. We're here to make sure you're okay, and we can't leave until we know the children are safe. So, we're not going to be able to leave until the children are safe. Well, that's what sent the children out. I guess he didn't say it like, send them out, but it shows that, oh, okay, if I want the police to leave, then I need to send the children out. That really helps my decision making, like, we should be leaving. And, you know, if BIRKINBINE overheard that, he should have told me. I mean, really, he should have communicated that with me.*" Sergeant REYNA said she had two conflicting thoughts about CAMPBELL releasing the children. She initially was pleased that the children were out of harm's way, but she then feared CAMPBELL had released the children to get them out of the way so he could commit suicide by police.

I asked Sergeant REYNA to describe her view of the incident once the children were released. "*Well, I mean, things are going well in terms of what I had envisioned when I took this incident. I had envisioned containment, isolation, communication and ultimately leaving, with or without him. That's how this call was going to go. That was my mission plan from the get go. We had the containment, we now had him isolated, and the question was, which way is it going to go from here? Is he going to let us help him, or, again, is he going to come out with a gun and force us to shoot him. And that's the worst case scenario. That's the scenario we did not want to happen. But, we needed to try to have a conversation with him to see if we could get him some help. And so, I had a huge sense of relief once the children were out because now I knew the woman was safe and the children were safe, and all I was dealing with was him. And, if he wanted to come out and let us help him, let us take him to the hospital, that would have been the ideal solution. If he told us to go pound sand, didn't want to come out, then we were going to walk away. And I articulated that mission to the people in the alcove, and I had conversations with the officers, we can't force him out. If he doesn't want to come out, we're going to leave.*"

As she was preparing to have Officer QUACKENBUSH contact CAMPBELL again, Sergeant REYNA said she had a "*disagreement*" with Sergeant BIRKINBINE about police options for the incident. Sergeant REYNA felt she could use force, including less lethal and the canine, if CAMPBELL came out of the apartment and tried to either run away or run back inside "*because you can use force on someone to prevent them from committing suicide...I knew that I wanted to keep him from hurting himself if he came out. And I didn't want to have to shoot him. I absolutely was doing everything in my training and power to prevent an officer-involved shooting. And I felt that I had set everything up to protect that and to prevent it. And I'm willing to use less lethal force on someone to avoid lethal force.*" Sergeant BIRKINBINE questioned this, and Sergeant REYNA said she "*got really irritated... It was like he was questioning me in front of the officers, and I had already considered that.*" Sergeant REYNA also said Sergeant BIRKINBINE appeared to have a different plan in mind for resolving the incident. "*[B]ased on*

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his questions, it was evident to me that he wanted to stay and talk this guy out. And he didn't want to leave."

Sergeant REYNA's thought process regarding having CAMPBELL come outside was influenced in large part by the fact that CAMPBELL had expressed a desire to commit suicide by police. "*And a suicide by cop is an extremely unusual circumstance. It's not just someone wanting to kill themselves; they want us to kill them. And the problem is, we need to talk to the guy, which puts us face to face with him. I mean, ideally, the way to prevent suicide by cop is you take the police out of the equation. They can't accomplish the mission. But we still need to check on him. So we're in a conundrum. So, we had to be prudent and set up a tactical plan.*"

Sergeant REYNA said that once Officer QUACKENBUSH began communicating with CAMPBELL again, he showed her a text message stating, "*Never...wow u guys text too...u get kudos.*" She asked Officer QUACKENBUSH how he interpreted that message, and he said he believed CAMPBELL was saying he did not want to hurt himself. At that point, Sergeant REYNA broadcast to other officers that they were having positive text communication with CAMPBELL. Sergeant REYNA told Officer QUACKENBUSH that she wanted him to clear up any ambiguity with CAMPBELL and extract a promise that he would not hurt himself. "*So, as soon as I got that from QUACKENBUSH, I put it out over the air, talked to QUACKENBUSH about that 'never' statement, and I said, 'well, you need to button that down. Make him promise.' I want you to text him, promise me you're not going to hurt yourself. And I told people we're almost done, we're almost done. He sends that, we're going to leave.*"

As she was telling Officer QUACKENBUSH to get CAMPBELL to promise that he would not hurt himself, Sergeant REYNA was called to brief Commander DAY and Lieutenant RODRIGUES, who had just arrived on scene. "*I want to button this down so I can get us out, but now we've got command staff showing up. And they want to know what's happening now. Right now. This instant...So then, as I tell QUACKENBUSH, make him promise he's not going to hurt himself, then I get ordered to leave my position and go brief Captain DAY. And I remember just thinking, I can't believe this is happening because I, you know, he wants me to come to him.*" Sergeant REYNA said Commander DAY's instructions to her were clear. "*I can't remember the specific verbiage, but to me it was a very clear order.*" I asked Sergeant REYNA if she considered telling Commander DAY that she was not able to break away from the alcove to brief him at that moment. She replied, "*I thought there was a lull in the action, because I was just waiting for that text, the response from the text.*"

Sergeant REYNA said that Sergeant BIRKINBINE was left in charge of the custody team and Officer QUACKENBUSH when she left the alcove. I asked her if she specifically discussed this with Sergeant BIRKINBINE and she replied that it was "*intuitive.*" I asked Sergeant REYNA if Commander DAY had taken over as incident commander prior to CAMPBELL exiting the apartment. She stated, "*Even though he didn't verbalize it, it was my impression the moment he ordered me back that he was taking incident command.*"

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Sergeant REYNA began briefing Commander DAY, then received a phone call from Officer BURNS. He told her he had just learned from JONES that CAMPBELL had held the gun to his head and pulled the trigger several times, as well as fired one shot into the air, the previous night. Sergeant REYNA said this new information did not change her opinion and she still felt police could leave if CAMPBELL promised not to hurt himself. Lieutenant RODRIGUES felt that police needed to stay. Sergeant REYNA said Commander DAY was still weighing the information when CAMPBELL came outside.

Sergeant REYNA said she did not know Officer QUACKENBUSH would be talking to CAMPBELL about coming outside when she left the alcove. "*Absolutely not. That was not the mission.*" Sergeant REYNA also said she did not hear any information over the radio indicating that officers would be talking to CAMPBELL about exiting the apartment.

Because she was around the corner of the apartment building on Sandy Blvd., Sergeant REYNA did not witness any of the events once CAMPBELL came outside. She said she could hear officers yelling commands, but she could not hear what those commands were. She did not hear CAMPBELL yelling anything at the officers. Sergeant REYNA said she heard the lethal shot and that she was "*devastated.*"

After the shooting, Sergeant REYNA assisted in securing the crime scene. She overheard part of the conversation between Sergeant BIRKINBINE and Commander DAY about the ability of patrol officers to safely approach CAMPBELL to take him into custody. Sergeant REYNA said Sergeant BIRKINBINE wanted to activate SERT, and that Commander DAY agreed.

Sergeant REYNA said that she subsequently learned that the initial 911 caller had told BOEC that CAMPBELL had actually fired a shot. She said this information was significant and could have changed the police response. "*I would have had more officers there sooner. We would have been able to get things set up much more quickly, which I think would have moved things along faster.*"

Sergeant REYNA also provided a written list of suggestions to improve future performance. The three topics discussed included: "*1. The incident commander's responsibility is to develop the mission. It is the responsibility of secondary supervisors to know the mission and support the mission; 2. No independent action by secondary supervisors without advisement of the incident commander unless there is an immediate safety issue; 3. Higher ranking supervisors should not pull the incident commander out of their physical location unless there is a clear and articulable need to do so.*"

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OFFICER RYAN LEWTON

I interviewed Officer LEWTON on March 25, 2010. He decided to respond to the call after hearing Officer QUACKENBUSH broadcast that he had eyes on the apartment and subsequently looking the call up on his MDT and seeing it was in his district. CAD indicated that Officer LEWTON dispatched himself at 1638 and arrived at 1646. Officer LEWTON said he knew he was responding to a welfare check, but he did not read or hear any other details about the call before he drove to the scene.

When he arrived, Officer LEWTON saw Officer BOYLAN speaking to Courtney JONES. Officer BOYLAN said there was a suicidal male in an apartment with a female and her three children. Officer BOYLAN also told Officer LEWTON that he had looked at CAMPBELL's PPDS history, and that CAMPBELL had a "*violent history.*" Officer LEWTON then spoke to Officer QUACKENBUSH, who added that the man wanted to commit suicide by police. Officer LEWTON did not know where Officer QUACKENBUSH had received that information. At that point, Officer LEWTON got on the radio and requested a supervisor respond to the scene. He said he wanted a sergeant "*to kind of coordinate the call.*"

Officer LEWTON said he considered the possibility that the incident involved a hostage situation. "*I guess it was just a scenario that I had in my mind. I didn't really have any facts that this was actually a hostage situation. Um, all I knew is that we had a suicidal guy that wanted to commit suicide by police, and...there were three kids in there and the woman, inside that apartment with him. So, I guess, hostage situation was something that just came to my mind that could have been a possibility.*"

While he was waiting for Sergeant REYNA to arrive at the scene, Officer LEWTON contacted the apartment complex manager and obtained contact information and names for the residents of the apartment in question. When Sergeant REYNA arrived, Officer BOYLAN began briefing her, but seconds later Adrienna JONES came out of the apartment. Officer LEWTON overheard some of the conversation between JONES and police.

JONES told officers that CAMPBELL "*definitely*" had a gun. She also expressed concern about the police presence. "*I had heard her say something like, we've got him calmed down now, and then she was like, don't go in there because you're just going to aggravate the situation.*" Officer LEWTON did not remember specifically hearing that CAMPBELL's suicidal behavior had all been the previous night, and that he was doing much better on the day of the incident. Officer LEWTON did not know if the information provided by JONES was ever shared with other officers on the call.

Officer LEWTON said Sergeant REYNA had him retrieve his less lethal shotgun from the car shortly after she arrived. The officers then began discussing their tactical options. After Sergeant REYNA decided against making entry to the apartment, a patrol car was moved up and parked in the lot to provide cover for the custody team.

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Officer LEWTON said he decided to call for an AR-15 rifle. He explained that he "*wanted more of an accurate weapon there, especially at a distance.*" Officer LEWTON also called for a canine officer to respond for containment in case CAMPBELL came out and tried to run. Officer LEWTON did not participate in or overhear any conversations about activating SERT/HNT, and he did not remember thinking about SERT himself.

I asked Officer LEWTON who was in charge of the custody team. "*Well, I kind of believe I kind of took primary there because I did...I actually made verbal commands and that kind of stuff, but we really worked together as a team, so I, there was really no one, no set person in charge of the custody team...Um, but I mean, we were also under the command of Sergeant REYNA and, you know, I guess, Sergeant BIRKINBINE, who were in the alcove there.*" Officer LEWTON said there was no discussion of specific rules of engagement or guidelines for the use of force.

I asked Officer LEWTON if Sergeant REYNA provided specific instructions on what to do if CAMPBELL came out of the apartment. He replied, "*Um, we were not given any specific instructions from Sergeant REYNA, but my, I had in my mind if he did come out, we were going to address him and take him into custody, and then investigate from there as far as what we needed to do.*" I asked him what they would be taking CAMPBELL into custody for at that point and he replied, "*Um, some sort of, probably going to be a mental hold.*" Officer LEWTON said the custody team never discussed a specific plan about how to take CAMPBELL into custody if he came outside. Officer LEWTON said he did not overhear or participate in any conversations about not letting CAMPBELL back into the apartment if he came outside.

Officer LEWTON said that once the custody team was in place, no one walked back and forth between the alcove and the patrol car to share information. He said he received updates about the efforts to communicate with CAMPBELL via the radio. Officer LEWTON said he remembered hearing that CAMPBELL had sent a text message stating, "*don't make me get my gun, I aint playing.*" He said this told him "*we have a serious, serious situation on our hands right now.*" Officer LEWTON also remembered hearing one other update that officers were in text communication with CAMPBELL and that they were "*getting somewhere.*"

Officer LEWTON said that he did not know officers would be talking to CAMPBELL about letting the children out. "*And I had no indication that they were going to come out at all...all of a sudden the three kids just appeared from the alcove.*" Officer LEWTON said he remained at the patrol car while other officers escorted the children to safety. I asked Officer LEWTON how he interpreted CAMPBELL releasing the children. "*It was almost to me like it was more threatening, like, this guy inside is serious. He's sending out these kids, and I, yeah, I thought it was a little bit more serious after he sent the kids out.*"

I asked Officer LEWTON if he was aware that officers were talking to CAMPBELL about coming out of the apartment. He replied, "*Um, I believed that was a situation that was going to happen. No one actually specifically told me, but I just assumed that someone was going to try*

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and talk him to come out of the apartment." Despite this, Officer LEWTON said he was "*very surprised*" when CAMPBELL appeared out of the alcove.

Officer LEWTON described what happened when CAMPBELL first came out of the apartment. "*Um, he comes out of this alcove right here. He's facing away from us, so he's facing south. And he is sidestepping very quickly. My first thought was that he's been arrested by the police many times because he thinks he knows exactly what we want him to do. So he's sidestepping, sidestepping to about the center, right there. And that's when I addressed him. I tell him, 'stop.' And then I tell him, 'walk back slowly towards the sound of my voice.' So he starts taking these giant steps and almost starts like running back towards the, walking backwards or running back towards the sound of my voice. I'm telling him, 'slow, slow, slow down.' And he's not doing it. He's not slowing down. He's still coming back fast at me. I finally tell him, 'stop.' And he stops. And this is like right about here, right. And I tell him, I tell him, um, I tell him again, 'walk back slowly towards the sound of my voice,' because I want, the reason why I told him to stop was because he was coming at us way too fast, and I wanted to slow the situation down and take control of it again. And, um, he then starts walking slowly towards the sound of my voice 'til about right here, and this is probably about ten to fifteen yards away from our police car. Probably ten. And I tell him, 'stop,' again. And that's when he stops.*"

Officer LEWTON said CAMPBELL immediately had his hands on the back of his head, and that he did this on his own rather than in response to police commands. Officer LEWTON said CAMPBELL was wearing jeans and a jacket. He could see CAMPBELL's underwear because the pants were slightly sagging. Officer LEWTON could not see any skin above the underwear. Officer LEWTON described the lighting conditions as "*pretty good.*"

I asked Officer LEWTON how he interpreted CAMPBELL's fast pace while walking backward. "*I felt as if, um, he was coming back really fast for my comfort, and it was almost as if he was sucking us in. Do you know what I mean? To, you know, almost planning on attacking us...I mean, closing, closing distance on us to, you know, get a better shot off or attack us or whatever he was going to do.*"

When CAMPBELL stopped, he was facing south away from officers, with his feet shoulder width apart and his hands behind his head. Officer LEWTON described what happened next. "*And that's when I tell him, 'do exactly as we say or you will be shot.' And, um, he then turns to me, he then kind of holds like this and kind of just turns around like this, and says something like, just go, he said something like, 'go ahead and shoot me.' Um, and I tell him, I tell him, um, and then he moves back, so he's not like continuing to look at us. He looks back and says, 'go ahead and shoot me', and he moves back and starts facing south again. Um, I tell him, 'put your hands straight up in the air,' because my plan was to move him into the, I guess, the high risk prone position that we're taught in defensive tactics. I was going to have him go down to his belly with his arms out, palms up and cross his legs, and that kind of stuff. So that was my whole plan. I tell him, so I was going to have him put his hands straight up in the air, and then I was going to have him turn around and face me, and then I was going to have him go down to the ground.*

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Um, I tell him, 'put your hands straight up in the air,' and he just kind of, he stays there. I tell him, and I tell him again, I said really slowly, I said, 'put your hands straight up in the air.' And he just stays there again. Um, and he was not putting his hands straight up in the air. He was standing there. And that's when I fired my first bean bag round at him."

I asked Officer LEWTON to describe CAMPBELL's tone when he said, "*go ahead and shoot me.*" He replied, "*It wasn't like, it wasn't screaming, it was just a, just a, I don't care type tone, I guess. Go ahead and shoot me.*"

Officer LEWTON said he told CAMPBELL to put his hands in the air, waited two to three seconds, again told him to put his hands in the air, waited "*maybe two seconds,*" and then fired his bean bag gun. Officer LEWTON said CAMPBELL was motionless, facing away from officers with his hands "*clasped on top of each other*" on the back of his head when he fired the first less lethal round. I asked Officer LEWTON if he felt it was possible CAMPBELL was confused by his commands. "*Um, I think he understood the commands that I was giving him. Because I, because just by telling him to slow down and stop, walk backwards to the sound of my voice, slowly, he did it. The second time I told him to stop, he was following my commands then. I don't think there was any confusion about when I told him to put his hands straight up in the air.*"

I asked Officer LEWTON to articulate how CAMPBELL's behavior constituted aggressive physical resistance. He replied, "*The totality of circumstances, with a person that I believed was armed, not following my commands. Um, I felt that was, that would more than justify aggressive physical resistance, because of the potential that he's armed, he's suicidal and he's not doing what I told him to do.*" He later added that he felt CAMPBELL's statement "*go ahead and shoot me*" was alone enough to constitute aggressive physical resistance under the circumstances. Officer LEWTON said no one had ever replied in that manner to his commands. Officer LEWTON further expanded on what he meant by the totality of the circumstances. "*We knew he was armed. We knew he was suicidal. We, um, he was not doing what we were telling him to do. Um, we have the information about him going and getting his guns, and that he was not playing around. And that we told him, or he turns and tells us, go ahead and shoot me. And I tell him to put his, and he's walking, he's just assuming that he knows what we want him to do, and he's just doing it. He's not following any commands. He's not doing what we tell him to do. He's just doing what he thinks needs to be done, he's just doing what he wants to do, you know, and he's not doing what we tell him to do.*" I asked Officer LEWTON why he checked the box for "physical resistance" rather than "aggressive physical resistance" on the use of force form. He said he checked that box on the advice of his attorney.

I also asked Officer LEWTON to explain why he felt it was important for CAMPBELL to take his hands from the back of his head to a position straight up in the air. "*Um, because I wanted to, first of all, I was going, it opens up the palms so I could see if there is any weapons in the palms. And it also kind of, if he's putting his hands straight up in the air, it will naturally lift your whatever type of clothing, jackets, that kind of stuff, up so when we turn him around, we could*

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check his palms and his front waistband area." Officer LEWTON said his goal in deploying the less lethal was to "*gain compliance, to have him realize that, okay, it's time to put my hands straight up in the air now.*"

I asked Officer LEWTON why he told CAMPBELL "*do exactly as we say or you will be shot*" when he stopped. He replied, "*Um, that's, you know, how we're trained in bean bag school. It's just we're trying to give a, some sort of, some sort of warning prior to deploying the, deploying the bean bag gun.*" Officer LEWTON said he did not have any reason to believe he would be deploying the less lethal imminently at the time he gave the warning. I asked Officer LEWTON if he considered varying his commands to CAMPBELL in consideration of the fact that he was a suicidal subject rather than a criminal suspect. He replied, "*No...because everything was happening so fast that, um, I felt as if I needed to act at that point in time.*" I asked him why he felt he needed to move quickly at that point. "*Because, um, because it goes back to, um, he was uncontrolled. He was standing there, he was uncontrolled, he was not following our commands. And it goes back to, was he just trying to bring us in...one of my thoughts was, was he trying to bring us in. Was he planning, is he going to turn around and start shooting at us? Is he going to pull a gun out of his waistband and start shooting at us? He wasn't doing what we were saying to, so, I mean, from the information that we had, he was armed and suicidal and, um, I felt as if we needed to take immediate action.*"

I asked Officer LEWTON if he considered taking CAMPBELL into custody while he was standing still with his hands on the back of his head. He replied, "*Um, we wouldn't, I was not going to do that because it would have put, I believe that it would have put the custody team – FRASHOUR, or not, KEMPLE and WILLARD, where are we going to go up and grab onto him – in a very dangerous situation because he was not controlled at all. He was just standing there uncontrolled, just, I mean he could have done anything. He could have turned, grabbed a gun and shot FRASHOUR, or shot WILLARD and KEMPLE. So, um, I was not going to go up there and put hands on a guy until we have him on the ground face down with his arms, palms up.*"

Officer LEWTON described CAMPBELL's reaction to the first less lethal round. "*Um, the first round hits him in the rear end. He kind of takes it, kind of like, he kind of like takes it and sucks it in, you know, and then there was a, probably a one- to two-second pause where I believe that he was making a plan and thinking about what he was going to do next. Um, because I'm sitting there watching him, because he just kind of takes it and just kind of, you know, just kind of pauses. And then his hands start to come off his head, um, and he starts to take a step, and his right shoulder kind of just kind of starts to move back towards this apartment 37. In my mind that, my mind is that he was starting to run. He was going to start running. Um, and that's when I fired a second bean bag round at him.*" Officer LEWTON said he fired the second bean bag round to gain compliance and get him to put his hands above his head. I asked him to articulate why CAMPBELL running was a concern to him. "*Um, because, because he is now moving, and, um, I think it goes back to that, I believed he was armed. We were having an armed, suicidal guy not doing what we were telling him to do, and he was starting to move now.*

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And, um, it was the option that I had available to me in my hands, and that's, that's what I started using."

Officer LEWTON said he fired four more rounds at CAMPBELL as he was running. Officer LEWTON said he was firing as fast as he could, and that the less lethal rounds appeared to have "*no effect at all*" on CAMPBELL. Officer LEWTON heard Officer FRASHOUR fire the lethal shot as he was firing his sixth bean bag round.

Officer LEWTON said he lost sight of CAMPBELL's hands after they came down below his shoulders. He said this was in part because he was "*so focused*" on targeting CAMPBELL's rear end. Officer LEWTON said CAMPBELL was running "*quickly*" toward the front of a parked car at the time the lethal shot was fired.

I asked Officer LEWTON to describe the threat level CAMPBELL posed as he was running. "*Very high...I believed he was armed, I believed he was suicidal, I believed that, um, that, and he was not doing what we were telling him to do. And I took that as a very high threat level.*"

Officer LEWTON said that after the lethal shot, Officer FRASHOUR turned to him and stated something like, "*He was reaching for his waistband. I thought he was going for a gun.*"

Officer LEWTON said that after the shot, CAMPBELL fell in front of a parked car, and Officer LEWTON could only see his feet. Officer LEWTON saw the canine reach CAMPBELL almost immediately after he fell to the ground. Officer LEWTON said Officer BOYLAN retrieved binoculars in an effort to get a better view of CAMPBELL and Officers QUACKENBUSH and KEMPLE were shouting commands to CAMPBELL, with no response. Officer LEWTON participated in a discussion with Sergeant BIRKINBINE about the ability of uniform officers to approach CAMPBELL and take him into custody. "*There was a discussion, but specifically, I did not like going up there without any type of shield because I didn't like the, I felt we wouldn't have adequate cover to go up there and do, and take him into custody.*" Sergeant BIRKINBINE ultimately concurred and made the decision to activate SERT.

Officer LEWTON said he has been certified as a less lethal operator for six years. He had deployed the weapon on approximately ten previous occasions.

At the conclusion of the interview, Investigator Renna asked Officer LEWTON if knowledge that CAMPBELL hadn't been displaying any suicidal behavior on the day of the incident would have changed the police approach. He replied, "*I think it might change the entire call. I think it might change, if he's not suicidal, I think it might change the entire call altogether...To us maybe not even responding to the call. I don't know, I mean, but, I mean, I think him being suicidal was a huge part of this call from the beginning.*"

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OFFICER RONALD FRASHOUR

I interviewed Officer FRASHOUR on April 1, 2010. Officer FRASHOUR was working a partner car with Officer Tyrone WILLARD on the day of the incident. They responded to the incident when the East precinct dispatcher asked if anyone with an AR-15 was available to go to a call at 12800 NE Sandy Blvd. CAD indicated that Officers FRASHOUR and WILLARD were dispatched at 1725, a little over an hour after the call began. They arrived on scene four minutes later.

Officer FRASHOUR read through the CAD entry while Officer WILLARD drove to the call. He learned that they were responding to a suicidal man with a gun who had recently attempted suicide. Officer FRASHOUR also knew there was a female and her children inside the apartment with the suicidal male. I asked Officer FRASHOUR his understanding of the incident when he first arrived on scene. "*Well the main thing is the call could have taken a number, it could have gone a number of ways, but I you know, I was thinking it could be a hostage situation if this is a suicidal person holding the woman and children there and he's armed. That would be a hostage thing, you know, concerned that he'll hurt the kids, not just hold them hostage, but hurt the kids because he's suicidal. I received information there was, that he made some kind of a reference to suicide by cop. So I was processing all that information, these are possibilities that I'm becoming aware of.*"

Officer FRASHOUR explained how the information about suicide by police affected his view of the incident. "*That's uh, that was a big red flag. I know from training and experience that people who are suicidal can be irrational, they can be hostile, they can be aggressive, they can be homicidal. And then you throw in suicide by cop meaning the way they want to die is by uh, initiating, or taking some kind of drastic action that would cause the police to have to use lethal force against the person. Quite often that's shooting at the police, which is deadly force directed at the police in order to get the police to shoot that person and then, when I hear that he's talking about doing that, I have to be very aware of his potential use of deadly force, the subject's potential use of deadly force.*"

I asked Officer FRASHOUR if he had in mind that he was dealing with a suicidal subject rather than a criminal suspect. He replied, "*Well, I think my initial response hearing the call and reading at least the part that really stood out in me was protection of the other people in the apartment. Protection of the people. Whether or not that means dealing with a crime that's taking place or not, oftentimes you sort that out later. So my mindset was protection of the other people. Dealing with whatever needs it is finding out what MR. CAMPBELL needs now. Does he need to go to the hospital? Is there a prime reason to go jail or both? I think that my initial response was just the welfare of the other people there and the welfare of him, second to the welfare of all the other people there.*"

Officer FRASHOUR said he did not participate in any conversations or have any thoughts about activating SERT. I asked him why, and he replied, "*it was just too early...Because it was still*

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evolving and I, yeah, I didn't have enough information yet."

When he arrived, Officer FRASHOUR replaced Sergeant REYNA as the AR-15 operator for the custody team at the patrol car in the complex lot. She informed him that the female was now out of the apartment, but that the children were still inside. Sergeant REYNA also directed Officer FRASHOUR to ensure he was focused on the correct apartment and alcove.

Officer FRASHOUR did not receive any specific instructions from Sergeant REYNA about the use of force, and there was no discussion of specific rules of engagement. He also did not hear any conversation about not letting CAMPBELL back into his apartment if he came outside. Officer FRASHOUR said he viewed his role as "*lethal cover*" for the custody team and that it was "*very much understood*" that he was there in that role. He said there was no discussion among the custody team about a specific plan for taking CAMPBELL into custody if he exited the apartment.

Shortly after arriving, Officer FRASHOUR learned that CAMPBELL had sent a text message stating, "*don't make me get my gun, I aint playing.*" I asked Officer FRASHOUR how he interpreted that message. "*He's saying, 'I'm armed.' That he's saying, I mean that statement says a lot of things. That he's saying, 'if I don't like what you're doing I'm going to use a firearm.' Don't make me get my gun, why else would you get your gun except to shoot at people.*"

Officer FRASHOUR said he did not know the children would be coming out of the apartment. He was not aware that they had been released after Officer QUACKENBUSH broached the subject with CAMPBELL. Officer FRASHOUR said he was relieved when the children were released, but it also concerned him. "*At the same time it's like well, they were too, way too young just to be released in the parking lot by themselves. Why isn't an adult coming out? Why is he releasing the kids? Well, maybe he's ready to make good on suicide by cop and he cares enough about the children to not have them be hurt.*"

Officer FRASHOUR said he asked if there was anyone left inside the apartment with CAMPBELL after the children were released, and he never received a satisfactory answer. Officer FRASHOUR stated that he did not have any reason to believe anyone else was in the apartment with CAMPBELL. Officer FRASHOUR remembered getting one update that officers were in text communication with CAMPBELL and that it was "*going well.*" He also learned that CAMPBELL was in possession of a gun that was last seen in a sock inside his coat pocket. Officer FRASHOUR never heard that JONES told Officer BOYLAN that CAMPBELL's suicidal behavior had all been the previous night, and that he was doing much better on the day of the incident. He also never heard that the apartments that shared the alcove with JONES's apartment were all vacant. Officer FRASHOUR said the updates he received were via radio. Other than one time Officer LEWTON left the patrol car to direct Officers ANDERSEN and MCALLISTER, Officer FRASHOUR said no one was walking between the custody team at the patrol car and the contact team in the alcove. Officer FRASHOUR said he was not wearing an

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earpiece, but that he was able to monitor radio updates via his lapel mic. "*I've worn earpieces on and off that work. I have an earpiece. I don't commonly wear, I don't wear one. And I'm very well, I'm just conditioned and used to listening to my radio on my lapel mic.*" Officer FRASHOUR said he was not aware of any requirement that AR15 operators wear an earpiece.

Officer FRASHOUR said that just before CAMPBELL came outside, he heard officers in the back broadcast that CAMPBELL was looking out the window. This "*alarmed*" Officer FRASHOUR "*because he's trying to gain information. If he wants to attack officers he's tracking down where they are. If he just wants to escape he's at least just figuring out an escape route.*"

Officer FRASHOUR said he did not know Officer QUACKENBUSH was going to be talking to CAMPBELL about coming out of the apartment. Officer FRASHOUR said he was "*shocked*" when CAMPBELL appeared.

Officer FRASHOUR said CAMPBELL had his hands on his head with his fingers "*interlaced or very close*" and walked "*very quickly*" to the middle of the parking lot. Officer FRASHOUR said he was "*alarmed by how determined he seemed. I've seen a lot of people come out to give up and I'd never seen anyone do it the way he did it. It just wasn't right. Uh, normally people move slow, normally people put their hands straight up in the air, but it was the determined way he seemed to be moving and uh, it wasn't slow. Normally people are slow, they're methodical, they do not run quickly and have something bad happen. That didn't seem to be the case with him and I noticed that right away.*" I asked Officer FRASHOUR how he interpreted CAMPBELL's pace. He replied, "*I mean like he had a plan. Like he was resolved in deciding what he was doing. He wasn't unsure. He didn't seem to be unsure of himself.*"

Officer FRASHOUR said there was some ambient light in the parking lot, but that he used the flashlight on his AR-15 to illuminate CAMPBELL. He said CAMPBELL was wearing a dark jacket with a "*busy pattern*," "*loose fitting*" pants, a white tee shirt and white sneakers. Officer FRASHOUR did not remember seeing CAMPBELL's underwear.

CAMPBELL stopped facing away from officers, although Officer FRASHOUR did not know if he did that on his own or in response to a command. Officer LEWTON then told CAMPBELL to start backward, and he then began walking backward toward the patrol car "*too quickly.*" Officer FRASHOUR said Officer LEWTON then told CAMPBELL to stop. CAMPBELL did so, and stopped approximately fifteen feet from the patrol car. Officer FRASHOUR said CAMPBELL was facing south away from officers with his hands still on the back of his head at this point. Officer FRASHOUR said he did not have any indication that CAMPBELL was not following commands at this time. Officer FRASHOUR said he did not hear what specific commands were being given to CAMPBELL, but that they were not "*out of the ordinary.*"

Officer FRASHOUR said Officer LEWTON then told CAMPBELL, "*put your hands up.*" He specifically remembered hearing that command because it initially surprised him. "*And that was*

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one of the only commands now thinking back that stood out because I thought to myself briefly, well, they're already on his head. And then I thought well, but, that is how we are supposed to do it."

Officer FRASHOUR said CAMPBELL then looked back at officers over his left shoulder and "*yelled*" something in an "*aggressive and hostile and loud*" tone. Officer FRASHOUR said he did not hear specifically what CAMPBELL yelled, but he knew from the tone it was not cooperative. "*He was not trying to communicate any intent to comply.*"

Officer FRASHOUR did not remember hearing any additional commands between CAMPBELL yelling and the first bean bag round being fired. He estimated that Officer LEWTON fired the less lethal approximately two seconds after CAMPBELL turned and yelled at the officers. Officer FRASHOUR said that other than yelling and not moving his hands from the back of his head to a position straight up in the air, he did not see CAMPBELL fail to comply with any orders. I asked Officer FRASHOUR why he believed the bean bag was deployed, and he replied, "*To get compliance and to get him to put his hands up in the air.*" I asked Officer FRASHOUR if he was surprised when the less lethal was deployed. He replied, "*Uh, I don't know if surprise is the right word, but well, yeah. Yeah.*"

I asked Officer FRASHOUR if the situation was being treated similarly to a high risk stop. He replied, "*yeah, that would be accurate.*" I asked if there was any discussion about modifying the commands or procedures to account for the fact that CAMPBELL was a suicidal subject rather than a criminal suspect. Officer FRASHOUR replied, "*I don't think we have a difference in our, we don't do it differently. We do it the same way every time. Maybe slight modifications because of terrain features because mental people can all of the sudden attack you just like a criminal could also attack you, so we would have done it the same.*"

I asked Officer FRASHOUR if there was any discussion about moving up and taking CAMPBELL into custody while he was standing still with his hands on his head in front of the patrol car. He said there was no discussion, and that it would not have been tactically safe to do so. "*Well, we don't train to do that. It does happen occasionally. Again, making adjustments for situations. I mean that situation wouldn't have dictated that. Not when he's telling us he's armed. Not when, not in that situation, you don't, we don't want to walk up on him still standing with his hands behind his head, no. There was no conversation. We wouldn't have done that either...It, it's just we don't train that way. It's just not the safest practice for everyone, including him. Um, you have to adjust your team differently for approaching. Uh, you have backdrop features if you have to shoot. Let's say it's totally, for example, if he stays standing and has his hands on his head and the decision is made to approach and take him into custody. Well the lethal force officer who have had to move, me. I'm still, you still have to have a lethal force officer, but now my backstop is uh, assuming he didn't move and he's still facing south, my back is I believe is Prescott Street, or an open field or something back there, it's not a wall. And when you prone people out your backstop is the ground. It's at least safer for bystanders. Uh, uh, if all the sudden a subject is taken into custody from standing and decides to run, it's much easier to*

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do when you're standing. It's a lot harder to get up off the ground and run. There's just a very good reason why we always do it prone out and I don't see any reason why we would have done it different."

Officer FRASHOUR said that after the first bean bag round struck him, CAMPBELL "*stumbled forward.*" CAMPBELL's hands stayed on his head. Officer FRASHOUR then said CAMPBELL was given additional commands by officers, although he does not remember the specific orders. Officer FRASHOUR said the second less lethal round was fired approximately two seconds later. Officer FRASHOUR said that after the initial stumble, the remaining bean bag rounds did not appear to have any effect on CAMPBELL.

After the second less lethal round, Officer FRASHOUR saw CAMPBELL regain his balance and stand straight up. "*He just adjusted himself. He got himself set is the way I, like in an athletic stance is the way I'm remembering it. His feet were uh, you know, shoulder width apart and he was looking south and he was balanced and upright with his upper body.*" Officer FRASHOUR said CAMPBELL then reached into the back of his pants with his left hand, and began running back toward the apartment a moment later.

"*The left hand comes off the head, reaches very deliberately...And I described it before, straight down the middle of the back, I mean I'm watching the hand go down and it goes all the way down inside his pants, inside his waistband, not grabbing his belt, he didn't grab his belt. Wasn't reaching for a wallet, into his pants in the middle, kind of on butt crack is where his hand went and that was uh as his feet were still set is how I remember this and I remember thinking right away like oh what, phrase that actually came to my mind was 'oh my gosh what are you doing, don't do that, that's just dumb.' And what I was telling myself was he's grabbing his gun. I can't believe he's doing that, all those statements take place like right away. Uh and as he does that, like right as his hand gets in his pants uh, he turns to his right and starts to run and I am sure from the outside looking in that that was like almost one big fluid move, I'm sure that diving his hand in his pants and turning to run was pretty fast, but my mind broke it down in real, in chronological...As he ran, he was running, but his left hand stayed in his pants and I've seen people run away from the police before with baggy pants. I've never seen anybody, well, I don't think I've ever seen anybody grab the back of their pants and run away. It's always they grab their pants in front and run, it's easier to run that way. His right arm was pumping and running, sprinting. His left hand was down the back of his pants. It stayed there and I believe he's digging for that gun.*"

Officer FRASHOUR described the concern he felt as CAMPBELL ran toward the parked car and the alcove. "*He starts to run straight at the silver Volvo. I had already mapped out, I had been there long enough to map out escape routes and safe places to cover for him. I knew that, just like I was behind that car looking at his walk. I knew that that Volvo provided him hard cover. I knew that if he bypassed that Volvo that brick wall, which I had also used as hard cover, it was hard cover for him, protecting him when he was going to pull out a gun and start shooting.*" Officer FRASHOUR also said he did not realize the alcove did not open up to the back of the

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building, so he was afraid CAMPBELL could run through and confront officers who had been guarding the back. Officer FRASHOUR also expressed concern that CAMPBELL could be heading back toward his apartment, and Officer FRASHOUR did not know if that apartment was now empty. However, Officer FRASHOUR explained that those threats were secondary in his mind. "*That threat, I want to make clear, the idea of I don't know where he's going, if he can pass through, if there's other people in apartments, I was aware of those things, those are serious things, but those were secondary to what was going to happen to us in the parking lot right now. A gun is coming out and shooting now.*"

Officer FRASHOUR described his thought process as he decided to use deadly force. "*And it's almost like I was waiting for him to have a chance to have an empty hand. I think I, I think I was justified in deadly force when the hand went in the pants based on all the information that we've been talking about, knowing he's armed and yelling. Oh, I knew I was justified then, but that wasn't when my decision to use deadly force was made, not when he first reached, not when he first ran, but when he continued to run and continued to have a hand in his pants. It's like I was waiting for him to give up, but I knew he cannot get to the front of the Volvo, the direction he was running, I can't let him get to the Volvo. And he gets to the Volvo, his hand is still down in the back of his pants and I remember getting a sight picture and I remember like going and taking my eye off the front site and looking back at the hand again and it was still there and I remember thinking the word jumped into my mind, gun. And I remember thinking that gun, I mean the way he's moving it, it looks like he's pulling, he's about to pull it out. He's going to start shooting at the police. I cannot let him shoot at the police. I cannot let him do it from a position of cover behind that car. I've got to shoot him. I mean that just all came right to my mind, I thought I have to shoot him and I did. It was almost like the training totally just kicked over.*"

I asked Officer FRASHOUR to explain exactly what CAMPBELL was doing at the time he fired the lethal shot. "*He was in the act of running. He was facing directly southwest, almost west because he was getting to the point in front of that car, facing straight away from me... Um, his right hand was free, but his left hand was in his pants until I shot him I saw his hand come out as he fell... It looked like he was trying to remove something and I believed it to be he was trying to remove a gun to fire on the police. I mean not just try to remove a gun, trying to remove it and fire on the police behind cover.*"

I specifically asked Officer FRASHOUR why he shot. He replied, "*I shot him because I believed he presented an immediate threat of death to the other officers at the scene and myself.*" He further explained. "*Because uh, uh - - I had the information that he was in possession of a firearm from the beginning of the call. That he had tried to kill himself. That he was still armed. That he had mentioned suicide by cop. All of the factors that I know of what suicide by cop means. That I know a suicidal person is rational sometimes and could be threatening and aggressive and homicidal. That he himself, not just from someone else's word, sent a text message saying, "Don't make me get my gun." That was huge. Why would I not believe you when you're going to tell me you're going to get your gun. I have to believe you. He said that,*

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that, the determined, the plan he appeared to have when he walked out of the apartment, I don't know what it was, but it looked like he had a plan. He knew what he was doing. The fact that he was looking out the blinds. Why are you looking out the blinds? There's no other reason than to see the police outside. Okay. The yelling at us, verbally telling us no, now I'm not going to do what you say. Uh, the refusing to put the hands up. Uh, the reaching in the back. Now, now because I believe he's armed because of all those things I just said, he told us don't make me get your gun. And the girl said he had it on him, on his person. Okay. She said he had it on his person and he said I got a gun. Okay, now he's reaching. Now he's digging for a gun. Uh, and running away. Well, running away, no matter why he's running is not complying. But I believe he was running for hard cover, uh, to shoot that gun to kill some cops before he gets killed. Maybe he's not suicidal anymore and he just wants to kill some cops. It doesn't really matter. I'm not going to let, I am not going to let that happen. And he's running at that car and he is going to pull a gun out because he told us he was going to pull a gun out. I'm going to take him at his word at that point. I'm going to assume that he's making a threat he's serious about it and I shot him."

I asked Officer FRASHOUR to describe the understanding of the Bureau's use of deadly force policy. He replied, "*I understand I can fire when I have the probable cause to believe that someone is in a death - - in an imminent or immediate danger of death or serious physical injury. To affect a capture, if the, if to let the person escape presents a great risk of death or serious physical injury, weigh the risks. Um, I acted under the part that says immediate threat of death or serious physical injury.*" I then asked him to describe his understanding of the word immediate in that policy. "*Immediate meaning uh, it's going to happen right now. Right now, in a couple of seconds, I don't mean 30 minutes, okay. Uh, I also believe he was in the act of doing that. In the act of making good on the threat, pulling the gun out while moving to cover. That's immediate even though he's, I will never say, I haven't said I saw the gun and he certainly wasn't shooting at us, that's immediate too because it's happening, but when it's about to, I mean it was still happening. It was still happening right now and I know in action/reaction that when I, when the gun is pointed at me and already firing I am way behind the curve and I am not going to get shots off on him before he gets shots off on us.*"

I asked Officer FRASHOUR if he could articulate how CAMPBELL's hand motion was different from someone responding to pain from the impact of the less lethal. "*Well, it just seemed too methodical if he was doing it on purpose. Uh, uh, a sharp quick pain that you're not waiting for, I would think someone would, their whole body would move in response, violently arch your, you know, arch your back and grab and your feet will move and it wasn't. It was, he made a conscious motion with his hand down into his pants.*"

I asked Officer FRASHOUR how he could tell CAMPBELL was running toward cover rather than simply running away from the police. "*Well, it all, it all goes down to back to his threats of using a gun, getting the gun, don't make me get it, I'm serious, or do you think I'm joking, don't make me get my gun. It has to do with the things he was saying like that. That has to do with the way he was reaching. It has to do with all of those other things that I already covered, all the*

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way to the fact that he's filling his mission, his plan and it's getting kind of covered. And then there's some things about it that are just very hard to put into, like intuition that the training and experience, the hairs on the back of your neck and your conscience telling you. That too. I mean I've seen people run away from the police just to get away and he wasn't running away from the police just to get away. I have a hard time putting it into words. He just wasn't."

I asked Officer FRASHOUR why he felt he could not allow CAMPBELL to reach the Volvo since he was armed with a superior weapon. "*I can't let him get behind the car because that car will stop the bullets from that rifle. Yes it is a very, uh, it can be a very accurate rifle, but the more of him hiding behind a car there is while he's shooting gun, the less of him I have as a target, I could have missed. I could miss. I am very confident with that rifle, very much. I know my abilities with it. I know my training with it, but I had much more of a target while he's outside of the car versus hiding behind it. That car will stop AR-15 rounds, the rounds we use, they will not penetrate it. It is a superior weapon and that's true, but it doesn't matter because his weapon is very deadly, very much just as deadly and maybe he wouldn't have been shooting at me. Maybe he would be shooting at the other officers, other places in the parking lot, but I'm the lethal cover for other, I'm protecting the other officers as much as myself. So, just because I have a better gun and a more accurate gun doesn't mean I can allow him to get himself into a better advantage. And I can't, there's no way I can allow him to have the upper hand...Just because a weapon is not accurate doesn't mean bullets won't hit people.*"

Officer FRASHOUR said that at the time he fired, he did not realize Officer ELIAS had released his canine. However, Officer FRASHOUR made it clear that even if he had known the dog was on the way, he still would have fired a lethal shot. "*In fact, I can even tell you that even if I had seen the dog running I would have shot him anyway, it wouldn't have mattered because he was pulling a gun out. That wouldn't have weighed on my decision, I don't think.*"

After the shot, Sergeant BIRKINBINE came up to the custody team. Officer FRASHOUR told him that he had used deadly force, and Sergeant BIRKINBINE arranged for another AR-15 operator to come up and relieve him. When the new AR-15 operator arrived, Officer FRASHOUR told him what had happened. "*I said, probably added a little bit of you want to start explaining and also because I wanted to make sure he understood the seriousness of why this man got shot. I told him he was reaching for a gun and he went behind cover. I didn't say I think he had a gun like I was trying to defend myself. I wasn't trying to justify it. I said to him he was reaching for a gun and he was behind cover.*"

Officer FRASHOUR then left the patrol car and reported back to Lieutenant RODRIGUES. He was not privy to any conversations about the ability of patrol officers to safely approach CAMPBELL or the necessity of a SERT callout.

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Investigator Comments:

Most witnesses interviewed by Internal Affairs were also previously interviewed by detectives and testified at the grand jury. Unless noted above, the reader can assume that testimony in all forums was consistent.

Numerous attempts were made to contact civilian witnesses Nicole FIVECOATS and Aubrey CROSSLEY, with no success. A review of their detective interviews and grand jury testimony indicated that neither would likely provide information that would substantially affect the internal investigation.

When she called 911, JONES' aunt, Sherry STEWART, told the call taker that CAMPBELL had actually held a gun to his head and pulled the trigger four times, then fired a shot into the air on the previous night. The BOEC call taker entered information into the call that CAMPBELL had tried to kill himself earlier, but the specific information about the gun was never entered into the CAD. Officers on scene did not learn this information until JONES told Officer BURNS just before CAMPBELL exited the apartment. Having this information at the outset could have significantly affected the police response. The omission also could have had serious officer safety repercussions.

The ten minute gap between the shooting and the activation of SERT was largely taken up by attempts to determine if officers at the scene could safely approach CAMPBELL to take him into custody. Supervisors were clear that once it was decided that CAMPBELL could not be safely approached by uniform personnel, there was no delay in activating SERT for a hasty rescue.

All responding officers agreed that they never received any information that CAMPBELL had threatened anyone other than himself with harm. Officer FRASHOUR noted that CAMPBELL may have committed a crime by being in possession of a firearm in violation of the terms of a restraining order. Other than that, no officers indicated they ever received information that CAMPBELL had committed a crime.

Officers explained that they understood that CAMPBELL was a suicidal subject rather than a criminal suspect. However, there was no consideration of varying commands or the tactical plan to account for that fact. Officer LEWTON gave standard commands to CAMPBELL, including telling him that if he didn't obey orders he would be shot. The tactical plan was largely indistinguishable from a high risk stop. Officers were asked if they considered moving forward to take CAMPBELL into custody when he was stopped in front of the patrol car with his hands on his head. They consistently replied that they would not have considered altering their tactics to attempt this approach.

As noted at the outset, the internal investigation focused on three primary areas of concern. The first was the dissemination of information and communication between officers at the scene.

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When she exited the apartment, JONES spoke primarily to Officer BOYLAN. In the course of that conversation, she told Officer BOYLAN that CAMPBELL's suicidal behavior had all been the previous night, and that he was doing better on the day of the incident. Officer BOYLAN appeared to be the only one who heard that statement. Sergeant REYNA remembered JONES telling police that their presence could escalate the situation, but she did not hear the specific information about his mental state. Officer BOYLAN never broadcast the information he learned from JONES to the other officers on scene.

Officer BURNS was assigned to sit with JONES while the incident unfolded. Sergeant REYNA expected him to remain in "*constant communication*" with JONES, but he did not appear to make any effort to gather information on his own. Officers only learned about CAMPBELL actually firing a shot on the previous night after Sergeant REYNA called Officer BURNS and specifically asked him to gather information about CAMPBELL's suicidal behavior.

Sergeant REYNA said she had a discussion with officers in the alcove about not letting CAMPBELL back into the apartment if he came outside. However, this decision was never communicated to the officers on the custody team at the patrol car in the lot.

During a conversation with CAMPBELL, Officer QUACKENBUSH mentioned that police would not be able to leave until they knew the children inside were safe. CAMPBELL did not verbally respond, but moments later the children exited the apartment by themselves. Sergeant BIRKINBINE and Officer QUACKENBUSH never broadcast that the children had actually come outside after police broached the topic. Sergeant REYNA explained that this information would have helped her decision making. She said it would have indicated that CAMPBELL was complying with police requests to persuade officers to go away and leave him alone.

Sergeant REYNA and Sergeant BIRKINBINE had a strong difference of opinion about how to resolve this incident. Sergeant REYNA was comfortable walking away once she received assurance from CAMPBELL that he would not hurt himself. Sergeant BIRKINBINE, on the other hand, felt strongly that he wanted to have a face to face conversation with CAMPBELL to ensure he was okay. The two had a lengthy discussion about these options after the children came out of the apartment. Sergeant BIRKINBINE said that Sergeant REYNA was the incident commander, and that he would honor her decision about when to leave. However, when Sergeant REYNA left the alcove to brief her supervisors, Sergeant BIRKINBINE almost immediately told Officer QUACKENBUSH to talk to CAMPBELL about coming outside.

When Sergeant BIRKINBINE made the decision to have Officer QUACKENBUSH broach the subject of coming outside with CAMPBELL, he did not broadcast this fact to the custody team. Sergeant BIRKINBINE stated he did not do so because he did not anticipate CAMPBELL responding so quickly. Officers on the custody team consistently stated they were surprised when CAMPBELL suddenly appeared out of the alcove. The fact that custody team officers were not aware that CAMPBELL would be coming out, or that he was doing so after police broached the topic, may have caused some initial confusion and elevated the tension level of the

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encounter.

No one was specifically assigned to communicate updates between the contact team and the custody team. Sergeant REYNA stated she assumed that role herself. She did, in fact, broadcast that officers were in text communication with CAMPBELL and that it seemed to be going well. However, Sergeant REYNA was no longer present in the alcove when Officer QUACKENBUSH raised the idea of coming outside to CAMPBELL. No replacement officer was assigned the task of communicating information to the custody team after Sergeant REYNA was called back to brief Commander DAY. Sergeant BIRKINBINE said he would have shared any information gained from Officer QUACKENBUSH's attempts to communicate with CAMPBELL, but that there was nothing to broadcast because the conversations were so one-sided.

There was also some confusion about who was in charge of the scene at the time of the shooting. Sergeant REYNA said she felt she had fully briefed Commander DAY, and that he had taken over as incident commander. Commander DAY, on the other hand, said he was still gathering information and had not yet assumed command on the call. Sergeant REYNA, Commander DAY, and Lieutenant RODRIGUES all felt that Sergeant BIRKINBINE had been left in charge of the custody and contact teams when Sergeant REYNA moved from the alcove to conduct the briefing. However, there was no specific discussion about this shift in responsibilities, and Sergeant BIRKINBINE said he never believed he was in charge of the call.

The second primary area of investigative focus concerned the timeframe between CAMPBELL exiting the apartment and the deployment of the less lethal shotgun.

Almost all witnesses agreed that CAMPBELL emerged out of the alcove and began walking backward with his hands on his head. There were significant variations in the description of CAMPBELL's pace. Civilian witnesses CAMP and PETERSON, as well as Officers FRASHOUR, WILLARD and ANDERSEN all described CAMPBELL's pace as unusually fast.

Other witnesses, including BOYER and MONTGOMERY and Officers ELIAS, KEMPLE and BOYLAN, described CAMPBELL's pace as normal. These differing accounts can likely be explained by Officer LEWTON. He described CAMPBELL initially walking backward at a very fast pace. However, after being told to stop and then begin walking backward at a slower pace, CAMPBELL complied and finished walking backward at a normal rate.

Once he stopped, witnesses differed significantly on what they perceived CAMPBELL was doing immediately prior to the less lethal being deployed. Several witnesses heard CAMPBELL state "*go ahead and shoot me*" or "*just fucking shoot me then.*" Others did not hear CAMPBELL say anything. Civilian witnesses SNOW, CAMP and PETERSON, as well as Officer WILLARD, all said CAMPBELL lowered his left hand off his head prior to the bean bag round. Other witnesses, including BOYER, MONTGOMERY and PANNEL and Officers BOYLAN, MCALLISTER and KEMPLE, stated that CAMPBELL's hands appeared to be on his head when the less lethal was deployed.

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Significantly, the less lethal operator, Officer LEWTON, was clear that CAMPBELL was standing still with his hands on his head when he fired the first bean bag round. Officer LEWTON explained that he made the decision to use the less lethal because CAMPBELL was not complying with his orders to move his hands from the back of his head to a position straight up in the air. Officer LEWTON did not make any reference to concerns about CAMPBELL dropping his hands.

The third area of investigative focus involved the timeframe between the first less lethal round and Officer FRASHOUR's use of deadly force.

Almost all witnesses agreed that CAMPBELL's hands came down off his head after the bean bag was fired. They also agreed that CAMPBELL ran back toward the apartment after the second less lethal round. However, there were significant discrepancies regarding where CAMPBELL's hands were at the time of the lethal shot.

Witnesses BOYER, MONTGOMERY, PANNELL and PETERSON all described CAMPBELL reaching back to where he had been hit with the bean bag round. They all stated he appeared to be rubbing the spot in pain rather than reaching for an object.

Officers ANDERSEN, MCALLISTER, ELIAS, KEMPLE and BOYLAN all said they lost sight of CAMPBELL's hands, but that his arm movements appeared consistent with someone running.

Civilian witnesses SNOW and CAMP both said CAMPBELL reached back with his left hand to his rear waistband area and appeared to be grabbing for an object. Officer WILLARD described CAMPBELL reaching back with both hands toward his rear left waistband area. These witnesses were clear that they did not feel CAMPBELL was simply reacting to the pain of the bean bag round.

Officer LEWTON said he did not see CAMPBELL's hands once they dropped off his head, although he was "*focused*" on targeting CAMPBELL's rear end. Several witnesses, including Officer FRASHOUR, had specifically described CAMPBELL digging in that area with his left hand.

Officer FRASHOUR, who fired the fatal shot, said CAMPBELL reached well down into his rear waistline with his left hand and appeared to be trying to pull out a gun. He was clear that the action appeared deliberate, rather than a pain response.

There was also some dispute about when the canine unit was released. Some witnesses thought the dog was sent after the lethal shot was fired, while others felt it was almost simultaneous. Officer ELIAS said he actually released the dog and gave a take command as soon as CAMPBELL began running. Significantly, however, Officer FRASHOUR was clear that he would have chosen to fire even if he had known the dog was about to reach CAMPBELL.

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Exhibits:

1. Detective Case Binder for PPB Case #10-8352
2. CAD printout of 911 call
3. Scene diagram
4. Officer interview notices, checklists, and rights waiver forms
5. DSS audio files and related interview transcriptions
6. Investigative Chronological Record
7. Investigative Report

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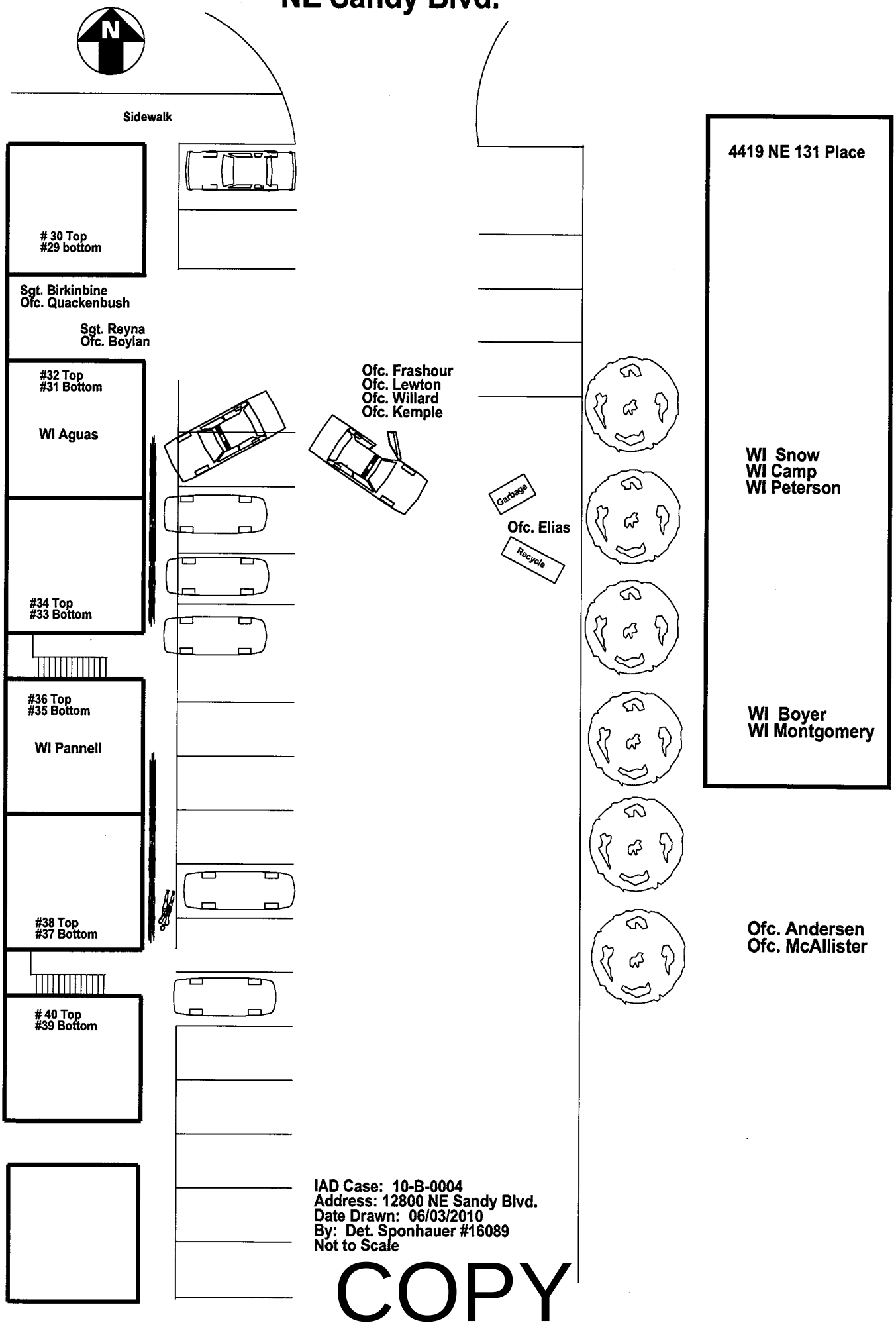
NE Sandy Blvd.



IAD Case: 10-B-0004
Address: 12800 NE Sandy Blvd.
Date Drawn: 06/03/2010
By: Det. Sponhauer #16089
Not to Scale

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PORTLAND POLICE BUREAU
INTERNAL AFFAIRS DIVISION
Confidential Taped Statement
Investigator Jon F. Rhodes DPSST #16753

Interview Date: **March 2, 2010**
IAD #: **2010-B-0004**
Complainant: **Aaron Campbell**

Interviewed: Adrienna Jones

RHODES: Jon Rhodes, Tuesday March 2nd, attempt to reach Adrienna Jones, Internal Affairs Division case 2010B0004, Portland Police Bureau Investigation case is10-8352.
(dial tone-ringing)

JONES: Hello
RHODES: Is this Adrienna?
JONES: Yes.
RHODES: Adrienna, my name is Jon Rhodes. I'm an investigator with the Portland Police Bureau.
JONES: Uh-huh.
RHODES: And I'm working the Internal Affairs Division.
JONES: Okay.
RHODES: And I'm involved in the review of, unfortunately, what happened with Mr. Campbell.
JONES: Uh-huh.
RHODES: It sounds like you're outside. Can you talk for awhile, or are you coming and going?
JONES: Yeah, I'm going to be in my house in the next 15 minutes. Can you call me back?
RHODES: Yeah.
JONES: Okay, thanks.
RHODES: Do you want me to call you back on this same number or is there a different number?
JONES: Yeah, the same number.
RHODES: Okay, I'll call you back in 15 minutes.
JONES: All right, thanks.
RHODES: Okay, good-by.
RHODES: It is now 1415 hours and I'm calling Adrienna Jones back. (Dial tone-ringing)
JONES: Hello.
RHODES: Adrienna.
JONES: Uh-huh.
RHODES: It's Jon Rhodes again.
JONES: Uh-huh.
RHODES: Are you all settled in?
JONES: Yes.
RHODES: Okay. Well, just to explain again, I'm one of the investigators in the Internal Affairs Division. We're responsible for reviewing the entire incident and ensuring that everybody complied with all bureau directives and that they acted in an appropriate manner, so. I don't call intending to ask you questions that have already been asked.
JONES: Uh-huh.

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RHODES: Because when you went to the Grand Jury, of course, it recorded all of that, as you probably know.
JONES: Yeah.
RHODES: And then they made transcriptions of it, so I've read it all, and you actually gave them a lot of details. So I'm just not going to ask you to go through a lot of that stuff all over again.
JONES: Okay.
RHODES: So, what I wanted to find out from you is when you went out of your apartment that night, and all the police were there, you didn't have any idea that they had been called at that point, is that correct?
JONES: No, no I didn't.
RHODES: And as I understand it from looking at the reports from your Grand Jury, you went out there because somebody…you were trying to get a hold of somebody? Like one of your relatives?
JONES: No, I went out there because my mom texted me and told me that my dad was outside.
RHODES: Oh, I see.
JONES: And I looked out the window and seen he was out there.
RHODES: Okay. What's your dad's first name? Is that Courtney?
JONES: Uh-huh.
RHODES: Okay. Because I was going to try and follow up with him too, but I haven't…did he testify at the Grand Jury?
JONES: Yeah.
RHODES: Okay. I want to read that first so I don't ask him a bunch of questions that he's already gone over.
JONES: Uh-huh.
RHODES: So, when you went out and realized all the police officers were there, how far away from the apartment were you when, you know, they came up to you and started talking, or did they flag you down and wave at you and say, come here, come here, sort of thing? How did that work?
JONES: I was walking out toward…where I seen my dad at cause he was on the street.
RHODES: Oh, okay.
JONES: And they came…
RHODES: On Sandy Boulevard?
JONES: Yes.
RHODES: Okay.
JONES: They came from around the corner and…
RHODES: The officers?
JONES: Yeah.
RHODES: Okay. And then, do you remember, the officers that you talked to initially, do you remember who they were?
JONES: Um, I only know the one that who was with me the whole time, because he gave me his card.
RHODES: Okay.
JONES: But I don't remember all of the other ones.
RHODES: Okay. The guy that gave you his card, what was his name?
JONES: Um, I'd have to go find it. I'll have to look for it.
RHODES: Okay. Was it a guy?
JONES: It was a guy.

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RHODES: Okay. And when you say that he was with you the whole time, was he one of the officers that contacted you right away?
JONES: Well, I…it was another police officer. I don't remember who it was, who was the one. And then there was another…a lady too.
RHODES: Okay.
JONES: Who asked me questions, you know, like, where he was in the house, and…
RHODES: Right.
JONES: And where was the gun and all this other stuff, And they told me to go stand on the side of the building, and this other officer that was with me the whole time asked me if I wanted to sit in his car.
RHODES: Okay. That was nice of him, I suppose.
JONES: Yeah.
RHODES: Okay. So the first two officers that came around the corner, those two people were different than the officer whose car you sat in?
JONES: Yes.
RHODES: Okay. And you don't remember the names of those two officers?
JONES: No, I don't even think that they ever told me their names. They just started asking questions.
RHODES: Okay. And one of them was a female?
JONES: Uh-huh.
RHODES: Okay. Did you notice anything about her uniform that was different? Did she have stripes on her shoulders, or what did you notice?
JONES: Yeah, I didn't really notice. There was a lot going on. And I was trying to figure out what was going on.
RHODES: Right. So there was a female officer and a male officer.
JONES: Uh-huh.
RHODES: Okay. And do you remember what they asked you at first?
JONES: Um, the first thing they asked me was, did I live in, you know, apartment 37. And I was like, yeah. And then they asked me who all was in there, and I told them my kids, my three kids, and Aaron.
RHODES: Okay.
JONES: And then they were asking me like where he was at in the house and where the kids were at in the house. And then they were like, well, can you give us his number so that we can call him?
RHODES: Right.
JONES: And I was like, well, that's not going to work because he doesn't answer numbers he don't know.
RHODES: Okay.
JONES: So, then after that, they told me to stay in because I was well can I just go back in the house and get my kids. And they were like, no. And so, then they made me stand on the side of the apartment.
RHODES: Did they tell you why they wouldn't let you go back in to get your kids?
JONES: No.
RHODES: Okay. And at that point, did they take your phone or ask you to, so they could use your phone to call him?

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JONES: No, after that they asked me for his number. And then when the officer that I was with seen the test message about him saying, don't make me have to go, you know, get my gun, then that's when he took my phone and took it to the other officers that were already out there.
RHODES: Okay.
JONES: I don't know which one he gave it to, though.
RHODES: So of the two officers that contacted you first, the female officer and the male officer, one of those officers, you showed your cell, the text message to or was it....
JONES: Yeah, I was sitting in the car, and he was...he had opened the door, and that was at the same time that he had texted my phone.
RHODES: Uh-huh.
JONES: And then he seen what it said, and then that's when he took my phone.
RHODES: Okay.
JONES: And gave it to the other officer.
RHODES: So that wasn't the officer who gave you a card that you spent all the time with?
JONES: Yeah, that was. He was the one who took my phone and gave it to the other officer. Let me see if I can find his card. (to child in background) Go turn off the light in the bathroom for me.
RHODES: So, what were you thinking that you could do when they told you that they weren't going to let you go back in to get your kids? What did you think would work to get the kids to come out?
JONES: Then I was thinking like...cuz after that, when I was standing on the side of the apartment, is when he text me and was like, what's going on.
RHODES: Right.
JONES: And I was like, I don't know. I was like...and then I was trying to text him back and tell him that they wanted him to come outside, but he just kept sending me text message after text message. So I couldn't even send a text message back.
RHODES: Right. Couldn't get a word in.
JONES: Uh-huh.
RHODES: Was there a police officer standing with you then?
JONES: Yeah, that was the same police...the officer that let me sit in his car. He was right next to me.
RHODES: He was with you the whole time?
JONES: Yeah.
RHODES: Okay. So how long...I don't know, maybe it's a little hard to tell, but thinking back, but the first two officers that you were with, how long were you with them?
JONES: Not that long. They just, you know, asked me for his number and asked the questions that they ask. And then after, when I told them that he wouldn't answer the phone because it's a number that, you know...if it's a number that he don't recognize, he won't answer it.
RHODES: Right.
JONES: And so then they were like, okay, well, you need to go stand over there.
RHODES: Was that true, or did you just not want them to phone him?
JONES: No, I know he don't answer numbers that he don't know.
RHODES: Okay, but he would, well that's true. Any luck finding the card?
JONES: I'm looking still.
RHODES: Okay. Well, when we're done, before we, before I hang up, I'll give you my phone number and my name so that if you find it later, you can call me back.

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JONES: Okay.
RHODES: I probably can tell who it is. (Small child talking in the background) What's that little tyker trying to tell you?
JONES: He started talking about the cartoons on the TV.
RHODES: Okay, so when you were telling the officers about you wanted to go back in and get your kids, did you say anything to them about being afraid of the safety of your kids at that point? I know you told the Grand Jury that.
JONES: I didn't want them to run in the house. I know Aaron wouldn't have done anything to the kids, but, you know, I know how Portland Police is. Like if they felt threatened in any kind of way then they'll just run up in the house and what ever.
RHODES: Okay.
JONES: And I didn't want my kids to get caught in the crossfire for nobody.
RHODES: Yeah. Alright. Did they say what they were going to do about that, to try and get them out of there?
JONES: No. At that point in time, all I seen was a whole bunch of other police officers rolling up and they had their little sniper rifles and was going, surrounding the apartment and everything, so I'm like, this is going to turn out terrible.
RHODES: Yeah. I know you told the Grand Jury that you didn't call the day before because you were afraid that if the police showed up, then Aaron would, like, maybe get in a shootout with them or something.
JONES: Yeah, because, I mean, the way somebody acts when they're under the influence and the way they act when, you know, they're sober, is two different, you know, totally different ways.
RHODES: Yeah.
JONES: Okay, I found his card here.
RHODES: Okay.
JONES: His name was Justin Burns.
RHODES: J-u-s-t-i-n?
JONES: Uh-huh.
RHODES: And how does he spell his last name?
JONES: B-u-r-n-s.
RHODES: Okay. And does the card say which precinct he works at?
JONES: Um, it says Bureau of Police, 449 NE Emerson.
RHODES: Okay. That's North Precinct.
JONES: Uh-huh, yah, that's North Precinct, Yah.
RHODES: Did you know him, did you ever see him?
JONES: No, I didn't.
RHODES: And then, I don't know if any of the medical stuff has come back yet on Mr. Campbell in terms of what his toxicology was, but do you think he was under the influence the night that all this happened?
JONES: No, he wasn't drinking that day.
RHODES: Okay.
JONES: He was drinking the night before; stop Name of child

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RHODES: Okay. So when the first two officers that you were talking to, anything else that you told them about before they had you stand on the side of the building with Officer Burns? Or was it Officer Burns that stood with you?
JONES: Yeah. He was on the side of the building with me.
RHODES: Okay. Where did the other two officers go then?
JONES: They went back to the first little hallway or whatever it is. The first apartment is right there, and I guess they were right there.
RHODES: An alcove sort of thing?
JONES: Yeah. Then I guess they were talking to each other trying to figure out how to get him to send the kids out.
RHODES: Okay. Did you guys have a landline in your house? Another phone?
JONES: No.
RHODES: Just the cell phone?
JONES: Uh-huh.
RHODES: Okay. Did you ever see…the first two officers that you talked to, they kind of went off into that little opening area.
JONES: Uh-huh.
RHODES: Did you see them get on the radio and talk about what kind of stuff they got from you?
JONES: No. I didn't hear anything. I was back there. They told me to stand on the side of the apartment, and then that's when Officer Burns asked me if I wanted to sit in his car.
RHODES: Uh-huh. And then you were going back to his car, and that's when that text comes across, you know, what's going on.
JONES: Uh-huh.
RHODES: What else did he say? Is that when he said don't make me get my gun?
JONES: Yeah, that was the last text message that he sent to my phone.
RHODES: Okay. And that was the one that said something about, don't make me get my gun, or I'm not playing, or something like that?
JONES: Yeah.
RHODES: So at that point the officer took your phone.
JONES: Uh-huh.
RHODES: Okay. Then I think, did you ever find out what they were doing with it? Did they explain it to you?
JONES: They were texting him from my phone to get him to come outside.
RHODES: Thinking that he would see it and know it was you or it was your phone.
JONES: Yeah. But when I got my phone back, they left a couple of text messages in my phone still, so, you know, the officer told Aaron who he was that was texting him and that it wasn't me.
RHODES: Right. I think that was probably the best thing to do.
JONES: Uh-huh.
RHODES: He'd recognize your text probably.
JONES: Yeah.
RHODES: So that was probably something he needed to do. How far away… when Officer Burns got your cell phone from you, what did you see that he did with it?

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JONES: I seen him walk over…well, I seen him walk and go give it to…but the way he was parked was in the grass, so we were further back from…you know, I couldn't see down the parking lot to where my apartment was. So he walked over that way and gave it to one of the officers.
RHODES: So you couldn't see anything that happened when Aaron came out at all?
JONES: Huh-uh. We were…after the kids came outside, they got in the car with my dad, and then Officer Burns, you know, took me over to the gas station parking lot of the 76.
RHODES: So that was even further away?
JONES: Yeah. So that's where we were the whole time, me and the kids, put that back Elijah.
RHODES: So besides child what were the other kids' names?
JONES: child and child
ELIJAH: And me, and me mom.
RHODES: Did he just say and me mom?
JONES: Yah, (laughs)
RHODES: Okay. Are they all old enough…I mean, was any one of them old enough to tell you what was going on inside with Aaron?
JONES: Um, well, my oldest daughter, I asked her. I said, did your daddy say anything to you guys before you were left out of the house.
RHODES: Uh-huh.
JONES: And she was like, no, he just said that the police wanted us, and that's when he sent, you know, the kids outside with no shoes or shirts on.
RHODES: Oh. How old is child
JONES: She's 5.
RHODES: Oh, okay. Do you have a 192.502(2) ? Have they got a hold of you and said, well, you should have them, you know, go talk to, I don't know, somebody at the 192.502(2) or something like that?
JONES: I have a 192.502(2) but they didn't say none of that.
RHODES: Does your 192.502(2) know about it?
JONES: Yeah, she knows. And my jobs worker, she said that she wouldn't make me do, you know, go look for a job, but she said she wanted me to go 192.502(2)
RHODES: So you've got a 192.502(2) and then a jobs worker? Is that what you said?
JONES: Yeah.
RHODES: Who's the 192.502(2)
JONES: Her name is 192.502(2) I don't really know her. I called her after it all happened and told her what happened.
RHODES: Okay. Do you have her phone number handy?
JONES: Um, I think, let me see.
Rhodes: Because they should probably offer you some more, you know, like services for the kids, I would think.
JONES: Yeah.
RHODES: Who does she work for? 192.502(2)
JONES: Yeah. She works for 192.502 but both of …she works for the 192.502(2) but both of my workers are at the 192.502(2) building, or the 192.502(2) or whatever it's called.
RHODES: 192.50 is too?

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JONES: Uh-huh.
RHODES: Oh, okay. Well, what's the 192.502(2) Is that the one out on 102nd ?
JONES: Out on 102nd, yeah.
RHODES: So it's 192.502(2)
JONES: Uh-huh.
RHODES: Okay. And then what's the jobs case worker's name?
JONES: Her name is…I think it's Tayna
RHODES: Okay. I bet you Shelly probably knows that.
JONES: Yeah. I've only talked to 192.502 (2) ike twice since she became my new worker. It's like all my dealings have been through my jobs worker.
RHODES: Right. So you've talked to Shelly since it happened?
JONES: Yeah, shhh (to kids in the background) I'm on the phone.
RHODES: If they get too bad, I'll call you back, they're starved for your attention. So, what did 192.502 (2) tell you?
JONES: Um, she really didn't say too much. I mean, I've been trying to…because what the situation that happened, you know, at the apartment, I no longer stay there, so, you know, me and the kids, we've been staying wherever we can. But we really don't have anywhere to stay.
RHODES: Where are you staying now?
JONES: Like I'll spend the night at a friend's house, or right now I'm spending the night at a friend's house, just wherever we can stay.
RHODES: You're just kind of bouncing around. Well, that's maybe something tha 192.502 (2) can help you with.
JONES: Yeah, they told me that I have to find the apartment in the end. You know, after I find an apartment, then they might be able to help me.
RHODES: So, like 192.502(2) or something?
JONES: No, I don't have 192.502(2) yet. That's why I've been talking to a District Attorney named Illa, and she said…
RHODES: She's an Advocate from the DA's office.
JONES: Yeah.
RHODES: Okay.
JONES: And she's been helping me try to find an apartment and the funds to move into somewhere.
RHODES: Has somebody been bothering you, like, I don't know, …I know, didn't Aaron used to hang out with, I don't know, there was the Bolds family guys, or was it…does that ring a bell?
JONES: Um,…
RHODES: I mean, the Bolds brothers, or Duckets brothers or something?
JONES: Huh-uh.
RHODES: Do any of those names ring a bell?
JONES: No, not to me.
RHODES: Okay. Has anybody come and bothered you about, you know, why did you call the police, or why did you do this, or why did you do that? You know, people that seemed to be friends of Aaron that you don't know?
JONES: I mean, like Aaron's wife, she's been having a problem with me.
RHODES: Oh. What has she been doing?

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JONES: She's been, just like, you know, writing me on FaceBook saying about how she's mad about what happened, and that it's my fault. And she tried to fight me one time when we were in a lawyer's office.
RHODES: So she sent you like a message on FaceBook?
JONES: Uh-huh.
RHODES: Okay. What's her name?
JONES: Ayanna.
RHODES: Ayanna?
JONES: Uh-huh.
RHODES: How does she spell it? Do you know?
JONES: A-y-a-n-n-a, I think.
RHODES: A-y-a-n-n-a?
JONES: Uh-huh.
RHODES: Okay. What's her last name?
JONES: Well, she was married to him, so I'm guessing Campbell.
RHODES: Oh, Campbell.
JONES: Yeah.
RHODES: Are they still married?
JONES: Yeah, well, they were going to get a divorce before he died, but no, they didn't get around to it, though. Yeah.
RHODES: She has one baby with him?
JONES: She has two.
RHODES: Two children?
JONES: Uh-huh.
RHODES: Oh.
JONES: And I have two.
RHODES: Yeah. So where did she try to…you mean, she actually tried to physically get in a fight with you, or just stuff on Facebook?
JONES: No, well, she jumped in our face one time when we were at an attorney's office.
RHODES: Over this?
JONES: Yeah. She thinks that it's my fault that he's dead.
RHODES: Who's office was it?
JONES: It was one of the attorneys working on the case for us, well, for his mom, against the police.
RHODES: Oh, okay. Do you know who it is?
JONES: I'd have to look for his card.
RHODES: Oh, okay. So it wasn't in the District Attorney's office because those are all lawyers too.
JONES: Yeah.
RHODES: So did somebody see that? I mean, did they…
JONES: Yeah, well, Aaron's mom and Aaron's grandma and Aaron's stepdad and the two attorneys, the two lawyers that were in there, they all were watching her act up.
RHODES: Told her to knock it off, act her age?
JONES: Yeah. But she doesn't want to do that.
RHODES: Okay. Did you hear, you know, when they were talking to you when you come out about Aaron…what was the sense that you were trying to give them about whether or not your kids were in

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danger in there? Did you say anything about that? Did you want them to…Did you tell them, oh, my kids are fine in there with Aaron, he's not gonna do anything.
JONES: Yeah, I was like, I was like Aaron would never do anything to hurt me or the kids. That's why with all the newspapers and everything, I'm like I don't see how they get a hostage situation out of that when he never intended to hurt me or the kids. And that's what I told the detective that night too. I'm like, I know he wasn't going to hurt me or the kids.
RHODES: Yeah.
JONES: Actually, not his kids because he loves his kids.
RHODES: Yeah. Well, two of them were.
JONES: I mean, he was there when child was born and he named her and everything even thought she isn't his.
RHODES: Uh-huh.
JONES: So, I mean, you know, she calls him Dada just like everybody else did.
RHODES: Well, you know, maybe to explain a little bit about what they were thinking is that…Did you tell them that you thought it would be best if they just left?
JONES: Yeah. I was like this is not even necessary. Like there's nothing wrong with him. He's fine.
RHODES: Yeah. Had you told them at that point about what he had done, you know, like the day before when he had been drinking?
JONES: No, I told the detective that after everything had already happened and he was dead, and he kept asking me the same questions over and over, and then at the end of the conversation, at the end of the night, he was like, well, yeah, you know, because they were letting me on to believe that he had killed himself.
RHODES: Yeah.
JONES: But then at the end of the whole conversation he was like, well, we killed him. And I was like…Well, he was like, what do you think happened to him? I was like, well, I'm guessing he's dead if the police is still here.
RHODES: If everybody in the world was still there…
JONES: And I was like even asking the officer that was with me the whole time, is there not an ambulance coming. I mean, we've been out here for hours, and he's still laying on the ground. And he was like, well, they had an ambulance on call, but they told him not to come. And so that's why I don't understand how they could say he was out there for 30 minutes when he was out there way longer than that.
RHODES: Well, the people that came out in the camouflage gear and the helmets and all that stuff.
JONES: Uh-huh.
RHODES: They had some medics that are assigned to them that work for the police, or for the fire bureau, so they're are emergency medical technician people, and they're advanced medics.
JONES: Uh-huh.
RHODES: So they're attached to that unit. So they would have been up there to make the medical assessment.
JONES: Yeah. Later, what I found out, like the day of his funeral, was that, you know, they said that they had handcuffs on him and let the dogs bite him and, you know, all types of stuff. And I'm like, what was all that for?
RHODES: Well, when the…I can't really explain the…I know they sent the dog up there at some point to try and get him to respond. And then when the SERT people go up, the very first thing that

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they always do, even before they make a determination as to whether or not somebody is alive or not, is they handcuff them.
JONES: Oh.
RHODES: Just to make sure if he's…if the person is still alive that they don't, you know, try to grab a gun or something like that. So they do that, and then they check them medically, which takes like two seconds longer.
JONES: Uh-huh.
RHODES: And then obviously they made the determination, the medical people that came up to check him and determine that he was deceased, and it was pointless to try to bring in an ambulance, so at that point, they have to freeze everything, it becomes a crime scene.
JONES: Uh-huh.
RHODES: So they just don't touch anything more. They don't move anybody, they don't move anything. They just leave it as is because that's what you want really, in terms of leaving everything undisturbed so that the investigators can come up and document everything and take photographs and do whatever other things they need to do.
JONES: Uh-huh.
RHODES: So, you know, it doesn't look good, but that's just kind of a procedural thing in that regard. But we're tasked with looking at everything.
JONES: Yeah, and then another thing I don't understand is why did he have to shoot him with the assault rifle that he had?
RHODES: Well, that's what we're trying to figure out.
JONES: Yah, cuz I mean, if they say he got shot six times with the bean bags, then that doesn't make any sense. And now I have to deal with my kids saying every day that they miss their daddy.
RHODES: I know. I mean, I don't know, but I kind of understand.
JONES: Yeah.
RHODES: Well, do you have something to write my name down and my phone number?
JONES: Yeah.
RHODES: I bet you the kids could run and get you some crayons.
JONES: Uh-huh. What is it?
RHODES: Last name is Rhodes, R-h-o-d-e-s. And my phone number is 503-823-0686.
JONES: Okay.
RHODES: So, if you call here to try to give some information, you know, about one thing or another, or somebody else to talk or anything else that you can think of, you can just call. And if I don't answer, just leave a message and I'll call you back.
JONES: Okay.
RHODES: I'm just looking at the stuff that you told the Grand Jury just to make sure that I don't forget to ask you something. But I really was mostly concerned or wondering about the kind of things that you were telling the officers when you first came out because that's not really in the Grand Jury…Deputy District Attorney's didn't ask you a lot about that. They just kind of asked you about what led up to things.
JONES: Yeah.
RHODES: So that's why I was kind of picking your brain about what you remember about telling the officers and what the officers did and where you went and all that kind of stuff.
JONES: Uh-huh.

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RHODES: Okay. Do you know…there's a guy we're trying to get a hold of named Kenneth Boyer? Do you know his phone number?
JONES: Let me see. It's phone number
RHODES: Is that a house number?
JONES: Yeah, that's his house phone.
RHODES: Does he have a cell number?
JONES: No. He doesn't. He only has a house phone.
RHODES: Where does he live?
JONES: He's lives right directly in front of my old apartment.
RHODES: Oh.
JONES: On the other side of the gate, in the next apartment.
RHODES: Oh, so he's at the Sandy Terrace.
JONES: No, he's at the…I think it's called the Darrin's Place. It's like right on the parking lot right there, and then the apartment right there. He's in the apartment right there.
RHODES: It's next door.
JONES: Uh-huh.
RHODES: Okay. Can you think of anybody else that we should talk to?
JONES: No, not that I know of.
RHODES: Okay.
JONES: No, because I don't really know who all was out there after everything happened.
RHODES: Okay. so, other than Aaron's wife, Ayanna, has anybody else come and bothered you and talked to you about what you should say or what you shouldn't say or who you should talk to or who you shouldn't talk to, that kind of stuff?
JONES: No. I've been getting a lot of anonymous calls from people playing on my phone, but I don't really know who that is.
RHODES: How about text messages?
JONES: No. I haven't gotten any text messages. Just anonymous calls.
RHODES: Oh, okay. Well, I suppose that's good.
JONES: I guess some people are smart.
RHODES: Okay, so he hadn't had anything to drink that night?
JONES: No.
RHODES: How about, did he ever smoke marijuana or…
JONES: No. He doesn't do…the only thing he did was drink.
RHODES: Okay. Where did he usually stay? Did he stay at like his parents house?
JONES: No, he stayed wherever. Well, I guess he had another girlfriend's house that he stayed at, but I don't know. He would come over to my house occasionally just to, you know, see his kids and walk my daughter to the bus stop in the morning for school and stuff. He just showed up whenever he wanted to.
RHODES: Was he working?
JONES: Um, he was doing, I know he was doing recording videos for people's concerts and stuff.
RHODES: Was he giving you child support?
JONES: No.
RHODES: Was he supposed to?
JONES: There is a child support order out there.

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RHODES: There's a what?
JONES: I mean, I have a child…he's supposed to, but…
RHODES: Oh, okay. You used to have a restraining order against him, right?
JONES: That was a long time ago, like 2004 or 05.
RHODES: Oh, okay. So in the Grand Jury you told one of the Deputy District Attorney Banfield…remember that guy?
JONES: Uh-huh. Yeah, I think so.
RHODES: He's the black guy. Rees was the white guy.
JONES: Oh, okay.
RHODES: So you told Banfield about finding out somehow that Aaron got in an argument with one of his brothers when he was at the hospital.
JONES: Uh-huh.
RHODES: What was that all about?
JONES: I don't know. That was just what he told me, but then I found out later that that wasn't why he left the hospital. It was just because he had been up there, you know, for days straight and wasn't getting any sleep, and so he finally decided that he wanted to leave and go.
RHODES: So, did you ever figure out who called the police on your behalf?
JONES: Yeah, I found out that it was my (indecipherable)
RHODES: Okay. Have you talked to her about…
JONES: Yeah, I've been talking to her since it happened. She…actually the District Attorney, they've been helping her to move into another place because she's been getting threatening calls and text messages.
RHODES: From who?
JONES: From people that got her number, you know, from the 911 call.
RHODES: Oh, Jeez.
JONES: Yeah.
RHODES: Did she say what they've been saying, though?
JONES: Well, she called the detective or District Attorney or somebody, and they came out and, you know, saw all the text messages and listened to the messages and everything.
RHODES: And did she figure out who it was?
JONES: They…I don't really know.
RHODES: Oh. Okay. What…I mean, I think I know her name from…but what's her name?
JONES: Sheri.
RHODES: Sheri.
JONES: Uh-huh.
RHODES: So, did she tell you what information that she got that caused her to call 911 to come check on you?
JONES: She said it was because I had talked to her earlier that day and I was telling her about the stuff that happened the night before, but she thought I was talking about that it happened that same day.
RHODES: Oh, she thought it was closer in time.
JONES: Yeah. And that's what I told her, too, when I, you know, after I heard the 911 call and everything, I was like I never said that it happened that day. I told you it happened the night before.
RHODES: Yeah, well she probably still thought it was worthy of having somebody come out and check on you, because wasn't she trying to get a hold of you?

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JONES: Yeah, and I was asleep.
RHODES: Oh.
JONES: I was like, I didn't know people weren't allowed to go to sleep these days.
RHODES: Well, she was probably thinking there was something else wrong with you.
JONES: Yeah.
RHODES: Okay. So I got all the stuff about what he did the night before with the gun and everything. Do you know where that came from? Did he ever tell you? Because it's not stolen or anything, but…
JONES: No, I don't know.
RHODES: Okay. It doesn't matter, just kind of curious. I can't think of anything else. Did anybody else besides the first two officers that you talked to, and then Burns, when he took you to the car, did anybody else ever come talk to you before the detective started to interview you and ask you to do something, like make a phone call into the house for them or…
JONES: No.
RHODES: Did somebody else come up to you and say, hey, we'd like you to do any of the following, like…
JONES: No, after officer Burns seen the text message about the gun, that's when he took my phone, and that was last I seen of it until I got it back.
RHODES: Okay. Did you see which direction he went? Who he gave that to?
JONES: No, I didn't see who he gave it to, but I know he went back to where all the other officers were at in that little walkway over in front of the apartment.
RHODES: Okay. Did you see who went in there? Who went in that walkway?
JONES: No, I didn't because there was so many officers out there, and I'm just like, this is ridiculous. There were like 15 probably, well, more than that.
RHODES: Yeah, I mean it's a big apartment complex they have to kind of make sure that some of the next door neighbors get evacuated or something like that.
JONES: Uh-huh. And another thing I don't understand is when I read on the internet of the officer that killed him made the statement when he said he shot him because he felt the safety of the police officers and the people in the apartment.
RHODES: He felt what?
JONES: He, you know, he was…he shot him because he felt that the safety of the police officers and the people in the apartment because I guess he thought he was running back in there. But the thing about that that I don't understand is that there was nobody else in the apartment.
RHODES: Right. Yeah. We know that.
JONES: Actually, they asked me that, who all stays there. And I was like just me and the kids, and Aaron comes over, you know, occasionally whenever he feels like it because he had a key.
RHODES: Okay. And they asked you whether or not there was anybody else in there besides you, the kids and Aaron?
JONES: Yeah. Uh-huh.
RHODES: Okay.
JONES: And even there were like who all is in the house, and I was like just the kids and Aaron.
RHODES: Okay. And then you told him that you didn't think he would do anything to the kids?
JONES: Yeah.
RHODES: Okay.
JONES: I knew he wouldn't do anything to the kids.

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RHODES: Well, even if they hear you say that, sometimes things happen where, you know, somebody decides to try to do something to the kids or they try to use the kids to their advantage so they would expect that you would want…you wanted them to leave. You thought it would be better if they just all left. So the officers are probably thinking, well, she's just saying that because she wants us to leave, but if we just leave and something happens to the kids, then we're in deep trouble. So…okay. Um, anything else that you can think of?
JONES: Um, no, not that I can think of right at the moment.
RHODES: Well, if you think of something, why don't you just jot a note some place and set it aside so one of the kids don't eat it…set it aside, and then just call me.
JONES: Okay.
RHODES: Okay. And I'm going to go through all of this stuff again and try to make sure that I've covered everything.
JONES: Okay.
RHODES: So, I'll just call you back if I think of some other questions, and maybe I'll check with this Shelly Storm person, just give her some idea of when I talked to you and see what else they can do for you.
JONES: Okay.
RHODES: You know, with the kids?
JONES: Yeah.
RHODES: Okay.
JONES: Okay.
RHODES: Alright. Can't think of anything else so I'll let you go at this point, and I'll just check in with you in a day or two.
JONES: Alright. Thanks.
RHODES: Okay. Talk to you later. Bye.
JONES: Bye.

10b0004trs-jones
03/08/2010 / 9:47 p.m. Gayle Laird (0307gl01)

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PORTLAND POLICE BUREAU
INTERNAL AFFAIRS DIVISION
Confidential Taped Statement
Jon Rhodes#16753

Interview Date: **March 3, 2010**
IAD #: **2010-C-0002**
Complainant: **Portland Police Bureau**
Interviewed: **Courtney Jones**

RHODES: This is Jon Rhodes, it's Friday, March 5, 2010, it's 1130 hours. This is an attempt to reach Courtney Jones by phone, phone number about IAD Case #2010-B-0004 and Police Bureau Investigation Case #10-8352. (dial tone-phone rings)

JONES: Hello.

RHODES: Hello, is this Mr. Jones?

JONES: Yes, it is.

RHODES: Courtney, Courtney Jones?

JONES: Yeah.

RHODES: My name is Jon Rhodes, I'm an investigator with the Portland Police Bureau. I am in the Internal Affairs Division and I'm one of the investigators in a team of investigators that has a job of reviewing this shooting, you know, that your daughter was kind of in the middle of with Aaron Campbell.

JONES: Yeah.

RHODES: So, I'm hoping to ask you a few questions just to kind of clarify some things if you have a few moments.

JONES: I'll do the best I can.

RHODES: Okay. At some point before we get off the phone I'm going to give you my name and phone number just knowing who you're talking to and if there's some follow up kind of stuff you need to do, okay?

JONES: Yeah.

RHODES: Alright. You know, I know you've talked to a number of people about all of this. You were interviewed by a street officer that night and then a detective interviewed you on tape, then you went to the Grand Jury in the Multnomah County Courthouse, so I know you did all those things, right?

JONES: Yeah.

RHODES: Okay. And I actually have transcription reports from the detective's interview and then your testimony at the Grand Jury, so I've read all of that stuff, so that really helps me to not have to ask you a bunch more questions, but there are a couple of things I want to clarify. Okay?

JONES: Yeah.

RHODES: Okay. The night that you were uh, you talked to a detective named Rico BENIGA and it looks like he sat in your car with you or you guys sat in a car and he did a recorded interview. Remember that? Are you there?

JONES: Over by the gas station?

RHODES: Yeah, yeah. He sat with you for a second or he talked to you then he came back and he recorded it. You remember that guy?

JONES: Yeah.

RHODES: So, when you talked to him you told him about seeing Aaron, you know this after the kids came out and you got your grandkids and they were all safe, which is great, then after that happens that you were able to see when Aaron came out of the apartment and

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you told the detective about seeing Aaron reaching into his hand or reaching into his pocket with his hands, like he was going for something. Do you remember - -

JONES: No, I told him I seen him walking backwards from the door.

RHODES: Right.

JONES: And then I told him that somebody told me I can come look at the, from their window.

RHODES: Right. Okay. And then you told the detective anyway that night uh, that you could, let's see what you got, you said, "Once he got to the curb of the apartment he reached toward his pocket and they shot him with the rubber bullets. And then there was another gunshot and he was down on the ground." Do you remember telling them that?

JONES: No. I told him I heard the shot about the time I got to the window he was on the ground.

RHODES: Okay. I know you told him about going to an apartment and looking out the window when you testified at the Grand Jury.

JONES: Yeah, but he was already on the ground when I got to the window to look out.

RHODES: Oh, okay. Well, you know, I'm looking at the - - they recorded it and then they have it transcribed by somebody so it's all verbatim, you know, it's everything that the detective asked you and then everything that you said. So um, and then you also said that when you saw this, you know, before the shots were fired uh, he said something, Aaron said something to the effect, you guys are going to have to shoot me. Okay. I mean that's what the detective's report says, so. Did you hear him say something like that? Or do you remember?

JONES: Ah, shit. I don't know.

RHODES: Oh shit, what? Are you okay?

JONES: Yeah, I'm alright.

RHODES: Uh, alright, I'm just - - so what's the case with that? I mean it's right here in this report.

JONES: I know I told him, I told him that before everything when the first police pulled up, I told him that.

RHODES: Okay. You told who that, the detective?

JONES: The police, the first one that got there.

RHODES: Okay.

JONES: That he had said that,that they were going to have to shoot him.

RHODES: So, what do you mean? Did you tell the police officer that you thought that was going to be what was necessary to happen, or did you hear Aaron say, you know, once he comes out of the apartment. Once the police are giving him, yelling at him, walk backwards, that kind of thing.

JONES: What I told the police when they got there was that he wanted, he wanted the uh, he wanted the police to shoot him.

RHODES: Oh, okay. And how did you know that?

JONES: That was the phone call that I got.

RHODES: Oh, and that was from your middle daughter?

JONES: Yes.

RHODES: Okay, okay. And then you called 911.

JONES: Yeah.

RHODES: Okay. Let me ask you this then, did you actually - - while you were watching Aaron come out of the apartment, right.

JONES: Uh-huh.

RHODES: Did you hear Aaron say something like, to the police officers, you guys are going to have to shoot me. Did you actually hear him say that because that's what it looks like

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you told the detective that night.
JONES: I don't remember right now, so.
RHODES: Alright. And how about, you know what you also told the detective is when Aaron came out of the apartment he stopped, you know, he was walking backwards and then he stopped, he had his hands up on the back of his head and he was walking backwards towards the officers and then you said once he got to the curb of the apartment he reached towards his pocket.
JONES: I didn't tell him that because once I got, once I was right there by the uh, by the driveway, he was walking backwards and the police told everybody to just back up, that was on the other side of that fence.
RHODES: And when you were at the Grand - - go ahead. Sorry, I didn't mean - -
JONES: That's when one of the, that's when the guy that stay over on the other side of the fence told me I could come to his apartment and watch.
RHODES: Who's that guy? Do you know his name?
JONES: No, I don't know his name.
RHODES: Okay. Was he a white guy, black guy?
JONES: Black.
RHODES: Okay. He didn't tell you his name. Do you know who lives in the apartment?
JONES: Who what?
RHODES: Who lives in that apartment where the guy invited you in and said come on, you can watch from in here. Do you know him?
JONES: No, I don't know him.
RHODES: Okay.
JONES: I guess he knows my daughter or something.
RHODES: Oh, okay. You know, I bet you Adrienna told one of us because I talked to your daughter too, I talked to her yesterday, the day before that. So, okay. So you told the Grand Jury that about going into the other guy's apartment and that you didn't, you heard shots, but you didn't see what was going on when that happened. So uh, you I gotta kinda ask - - I'm trying to figure out why the recorded interview that Detective BENIGA did with you, you're telling him that you saw him backing out and then you saw him reaching into his pocket and you heard him say you guys are going to have to shoot me. Is there, do you have an explanation for that? I mean I could uh, ask you, did you say that kind of stuff because you didn't particularly care for Aaron and just you know - -
JONES: I don't know Aaron.
RHODES: Oh, okay, okay. Except, you know that he's not being a perfectly nice gentleman to your daughter.
JONES: Well, I don't know too much of their business unless one of my kids tells me.
RHODES: Right, right.
JONES: It's their business.
RHODES: And that's what happened that night is one of your kids told you. Okay. Well, you know, I'm just trying to figure out why you would have said to Detective BENIGA that night those things.
JONES: He talked to me twice. He talked to me once and then he came back later with some other guy and had a tape recorder.
RHODES: You mean another detective?
JONES: Asked me the same stuff over again.

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RHODES: Yeah, and that's what I'm - -
JONES: I don't know who the other guy was.
RHODES: Oh, it doesn't matter. And that's what I'm looking at. I'm looking at the reports you know that he wrote, the detective wrote and then they returned the recording in and somebody listens to it and transcribes it, writes down everything that you say and they do it verbatim. So that's why I'm looking at this thing and it says that you told them that he reached into his pocket, but now you're telling me you don't remember that?
JONES: I mean if that's what it say, then I have to go with that.
RHODES: Okay. Well, I know, but if it's, I don't want you to go with that if that's not what really happened, but if you know, anyway. So, you know, I've got to kinda ask you this. Were you, I know you had to rush over there, you know because you get your phone call from your middle daughter and you're trying to get a hold Adrienna and she's not answering so you feel like you need to get over and you call 911, right?
JONES: Yeah.
RHODES: So where were you when you got that phone call from your middle daughter?
JONES: I was picking my daughter up from school.
RHODES: What's your middle daughter's name?
JONES: Alisa.
RHODES: What?
JONES: Alisa.
RHODES: Alisa, okay. Alright. And did Alisa say that she actually talked to Adrienna and that's what Adrienna told her was going on or did that come from somebody else even?
JONES: I think she had talked to her earlier that day.
RHODES: Okay. So, this not - - this information that you don't remember telling to the detective even though it's recorded, uh, did you have something else going on? Did you have something on board like had you been drinking or something?
JONES: I don't drink.
RHODES: Huh?
JONES: I never have.
RHODES: Anything else? I mean were you on medications or something?
JONES: I don't take pills.
RHODES: Smoking dope or anything?
JONES: I never took a drug in my life.
RHODES: Okay. How old are you?
JONES: Huh?
RHODES: How old are you?
JONES: 43.
RHODES: So do you - - do you get the picture, or do you understand why I have this dilemma, or out you're talking to Detective BENEGA and it's recorded and you're telling him, yeah, he came out and then he stopped and he put his hand in his pocket and he says you're going to have to shoot me and then the police shoot him. Do you understand why that's a dilemma or it's important for us to try to figure out if that really happened or you just said that for some reason. I mean did the police officer make that up? Probably not.
JONES: Probably not, because a lot of police talked me and asked me about other people and what was seen and - -
RHODES: That night.
JONES: And what was heard, yeah.

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RHODES: Yeah, there was a lot going on.
JONES: There was a lot of stuff that I probably told them, you know, hearsay and people told me and different stuff like that.
RHODES: Okay. So did somebody else tell you they saw him reaching into his pocket? Like the guy in that apartment that you went into or no?
JONES: There was a couple of people, there was a couple of people that said that.
RHODES: Oh, okay. Okay. Well, presumably - -
JONES: I don't know the people over there because I don't go over there unless my daughter needs me (indecipherable).
RHODES: Well, presumably we talked to those people because I think we've talked to everybody out there. I'm just trying to, you know, I'm looking at the report from when you were interviewed by the detective and then I'm looking at the report, you know the transcription - -
JONES: Did anybody else say that he reached towards his pocket, or?
RHODES: Well, I don't want to tell you that because I don't want you to think that, I don't want you to be influenced by what you hear that I tell you about what somebody else said or something. I want just to hear what you remember seeing and hearing.
JONES: Well, I know at the courthouse there was a couple of people there that they saw him (indecipherable).
RHODES: Yeah, yeah and we've got all that stuff. So - -
JONES: And I heard it on the news.
RHODES: Okay, okay. So when you went to the Grand Jury you didn't tell the Deputy District Attorneys that talked to you, see what were their names, one of them was Reese and then the other guy who I don't know that well - - uh - -
JONES: I don't know none of them over here.
RHODES: Anyway, so you didn't say anything during the Grand Jury about what you told the detective about seeing him.
JONES: I told him what I remembered.
RHODES: Okay. Okay.
JONES: And that's all I could tell him is what I remembered.
RHODES: Yeah, right, exactly. Okay, yeah, I looked at that, I looked at the two reports and I'm going wait a minute. He said that he saw him reaching into his pocket and then he heard him saying something like you're going to have to shoot me, but he doesn't say that to the Deputy District Attorneys when he testifies at the Grand Jury.
JONES: They asked me some stuff that the police officers did that he heard me say.
RHODES: Okay. Have you gotten any phone calls from anybody that has like threatened you or said you know, what the hell did you tell the police for, or don't say this or anything like that?
JONES: No because as far as I know don't nobody have my phone number.
RHODES: So you don't really know Aaron then, right?
JONES: I don't know Aaron.
RHODES: I think in the Grand Jury you said something about, excuse me, having met him once like several years ago, right? Is that correct?
JONES: Yeah, I seen him once.
RHODES: Do you know anything about who he was running with that you would have - -
JONES: I don't know Aaron.
RHODES: I know, but would your daughter, Adrienna have said something to you about, well,

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Aaron's hanging out with so-and-so or these guys or that guys. Anything like that?
JONES: I don't get in my kid's personal life.
RHODES: Yeah, you told me that so, except when they're in trouble, when they need your help.
JONES: That's it.
RHODES: Okay. So, uh, let's see. So you don't know the name of the guy who's apartment you went into, but I have a feeling we probably knocked on his door since he lives right close to Adrienna, right?
JONES: Say what?
RHODES: The guy whose apartment you went into.
JONES: What about him?
RHODES: Adrienna knows him?
JONES: I guess.
RHODES: Okay. So we probably talked to him. Um, do you remember the name of the officer that you talked to when you first got there
JONES: No.
RHODES: Huh?
JONES: No.
RHODES: Once you got your grandkids, who did - - did they say anything to you about what was going on inside? I know they're really young, but, did they say anything to you?
JONES: The police?
RHODES: No, your grandkids.
JONES: No, they didn't say nothing to them.
RHODES: And then it looks like you said there was a lady that was with you that was kind of helping watching your grandkids, that was a friend of yours?
JONES: A friend of mine, yeah.
RHODES: Who's that?
JONES: Well, she's not involved because she don't know any of them.
RHODES: I know, but did she see anything?
JONES: No.
RHODES: How do you know?
JONES: Because she was in my car.
RHODES: Okay. Did one of the officers talk to her?
JONES: No, there was no reason for him to.
RHODES: Okay. Where your car was parked what could you see of what was going on with Aaron when he came out?
JONES: Couldn't.
RHODES: And where was it parked?
JONES: Because my car was at the gas station.
RHODES: What's that noise in the background? Is that your computer or something?
JONES: That's my phone.
RHODES: It sounds like it says you got mail.
JONES: My car was at the gas station so nobody could see around the corner.
RHODES: Alright. So you were in this other guy's apartment when the shots actually, when you heard all the shots, right?
JONES: Yeah.
RHODES: Okay. Uh, so it looks like according to what you told the Grand Jury you saw Aaron backing up for a little bit and then that's when you went into the apartment?

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JONES: Yeah, when the police told me, told us, the people that was in the driveway to uh, move out from over there.
RHODES: Why do you think they told you that, to move out?
JONES: I had no idea, that's what they said.
RHODES: Do you think, I mean you were kinda in the line of fire or something potentially?
JONES: I guess, according to them probably.
RHODES: Okay. Alright and so what you told the Grand Jury was that you hear the shots when you go inside the apartments, but you didn't see exactly where he was when all of that happened or what was going on. Is that true?
JONES: I couldn't see where he was at after he was on the ground.
RHODES: Okay. But once he was on the ground, once you made it to a window, what did you see? Once you made it, you hear the shots and then you go to this window in the apartment and you look out, what do you see?
JONES: The police.
RHODES: The police doing what?
JONES: Hollering at him.
RHODES: Okay. Could you see where the police were that were hollering at him or were you just hearing the sounds of the police yelling at him? Are you there? Are you there?
JONES: I can hear you.
RHODES: Okay, sorry. So when you go to the window and you look out, what do you see? I mean what can you see? Can you see Aaron laying on the ground? Can you see the police officers? Can you see - -
JONES: I just see the police. I can't see him.
RHODES: Okay. You can't see Aaron.
JONES: No.
RHODES: And what are the police yelling at that point?
JONES: Just asking him to move his hands away from - -
RHODES: Okay. But this is after the shots, you've already heard the shots, right?
JONES: Yeah.
RHODES: Okay, okay. So what you're telling me now is the other stuff you told the detective that night about when you were seeing him backing up, then he stopped and then he reached into his pocket, uh, you don't remember telling him that.
JONES: I seen him backing up and the police told us to move.
RHODES: Okay.
JONES: So a guy told me I could come in his apartment and watch.
RHODES: Okay. So you didn't see him putting his hand into his pocket.
JONES: Not that I know.
RHODES: Alright, okay. So do you have an explanation as to why - -
JONES: I heard the police tell him to move his hands from away from his pockets.
RHODES: Oh, okay. So um - -
JONES: (Indecipherable).
RHODES: When did you hear that? After you had gone into the apartment or before you went into the apartment?
JONES: It was after. It was when the boy was on the ground.
RHODES: Oh, but after he was on the ground, okay. Okay. Well, perhaps you were just confused by the detective question that night, so.
JONES: They had a bunch of questions.

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RHODES: There's always a bunch of questions, aren't there? And here I am calling you up and asking you a bunch more.
JONES: Seem to be.
RHODES: Okay. And how about your daughter, I talked to her the last couple of days and nobody's been messing with her except for Aaron's wife, but that happened someplace where it didn't lead to anything. She told you she's having any other problems with anybody calling her up, you know, threatening her or saying they're going to get even because she's you know, this happened at her place? She said anything like that?
JONES: Not to me.
RHODES: I think she would probably call us if that was the case. Okay. Well, I'm not going to ask you to go through it all, everything all over again because you've done that twice. The only thing that's different was this thing about seeing him put his hand in his pocket, so I've clarified that with you. So, you got something to write my name down and my phone number?
JONES: Yeah, hold on.
RHODES: Okay.
JONES: What is it?
RHODES: Okay. 503-823-0686 and the last name is Rhodes, and it's spelled, R-h-o-d-e-s.
JONES: Yep.
RHODES: And I work in the Internal Affairs Division, so if you think of something else or can think of somebody we should talk to, maybe we already have, but if you're not sure, just call me up. If I don't pick up the phone just leave a message.
JONES: Okay.
RHODES: Okay?
JONES: Yep.
RHODES: Do you live up in Vancouver?
JONES: Do I?
RHODES: Yeah.
JONES: Yeah, I stay in Vancouver.
RHODES: Okay. I'm just looking, I just want to make sure they got your address uh, still live on 24th Street?
JONES: Yep.
RHODES: Okay. 2807 E. 24th?
JONES: Yep.
RHODES: Okay, alright. So I guess that's it unless you can think of something else. Anything else?
JONES: Not at all.
RHODES: That somebody didn't ask you a question about that you think they should ask you about?
JONES: I don't know.
RHODES: Okay. But you said you called 911, right?
JONES: Yeah.
RHODES: Well, I'll listen to that and make sure that there's not some other question that comes from all of that. Okay, Mr. Jones, I'm sorry to bother you about all of this once again, but thanks for talking and thanks for answering my questions.
JONES: You're welcome.
RHODES: Okay.

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JONES: Alright, bye.
RHODES: Bye.

10b0004dss-courtney jones
Transcribed: 3/17/10 @ 4:49 p.m. Ruth Harnisch

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PORTLAND POLICE BUREAU
INTERNAL AFFAIRS DIVISION
Confidential Taped Statement
Lynn Courtney/#13609

Interview Date: **March 3, 2010**
IAD #: **2010-B-0004**
Complainant: **Portland Police Bureau**
Interviewed: **Kenneth Boyer**

COURTNEY: This is Lynn Courtney of the Internal Affairs Division and today's date is March 3, 2010, the time is 10:24 a.m. I'm placing a telephone call to Kenneth Boyer, B-o-y-e-r, who was a witness on IAD Case #2010-B-0004.
BOYER: Hello?
COURTNEY: Hello, Kenny?
BOYER: Yeah.
COURTNEY: Hello, my name is Lynn Courtney. I'm an investigator in the Internal Affairs Division for Portland Police Bureau.
BOYER: Uh-huh.
COURTNEY: And we're doing an administrative review on the shooting involving Aaron Campbell.
BOYER: Yeah.
COURTNEY: Is now a good time to talk? It sounds like you just got up or something?
BOYER: Yeah. Yeah. I just did because I just got up. I got all my children here and we're all just getting up.
COURTNEY: Do you have a few minutes to talk or - -
BOYER: Yeah, I got a few minutes here.
COURTNEY: Okay. I understand and I spoke to Robert Montgomery, but I understand in reviewing the reports that you were with him when you observed this incident from your bedroom window.
BOYER: Yes.
COURTNEY: And at what point did you initially become aware that there was something going on outside?
BOYER: There were a lot of officers outside with guns.
COURTNEY: Uh-huh. And were you drawn to anything they were saying in particular at the time?
BOYER: Huh-uh. No, no because my windows was closed at the time. My window was closed and it started (inaudible) so yeah, so my girl told me there were a lot of officers outside point - - and got guns out so that's what made me to watch.
COURTNEY: So when you looked outside, what exactly did you see?
BOYER: What did I see?
COURTNEY: Yeah.
BOYER: You mean before they shot him or?
COURTNEY: Well, what did you first see? You just saw some officers in the parking lot or?
BOYER: Yeah, they was in the parking lot. They was all, they was all, they was all scattered everywhere with guns, pointing their guns at a, pointing the guns at a house. I didn't know which apartment they were pointing at, but they were pointing at Aaron's I guess, so.
COURTNEY: Okay. And did you know Aaron? Had you met him or were you friends with him?
BOYER: Yeah, I met him. Yeah, oh yeah, I knew him, but uh ah, really good friends with some of his family.
COURTNEY: Okay.

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BOYER: Like his cousin and his brother.
COURTNEY: Okay. And then I assume that you know or are friends with Adrienna?
BOYER: Oh, Adrienna?
COURTNEY: Yeah.
BOYER: Yeah, yeah, I know her, too.
COURTNEY: Okay. And then at the point where you're looking out your window, do you see Adrienna or her kids?
BOYER: I seen the kids. I didn't see Adrienna. I didn't see her at all.
COURTNEY: Okay, so you saw the kids when they left the apartment or at what point did you see the kids?
BOYER: When - - I guess when Aaron let the kids come out. And then the kids, all three of them, walked toward the officer.
COURTNEY: Okay. And then how much longer after the kids, after you saw the kids, did you see Aaron come out?
BOYER: The kids came out, Aaron probably - - I'm not quite sure, I don't want to say, but I think probably less than an hour, less than an hour, or a good hour after the kids came out, after the kids came out then like probably 45 minutes to an hour then Aaron came out.
COURTNEY: Okay. And what did Aaron do when he came out?
BOYER: He came out with his hands up.
COURTNEY: Okay. And how were they up? Tell me about that.
BOYER: His hands were, his fingers were crossed, I mean they were (inaudible) on the back of his, uh on back of his head.
COURTNEY: Okay. And then what happened when he came out?
BOYER: When he came out he had his hands on his head and he's walking backwards, he walking backwards, and uh when he did, he kept walking towards the officer, walking backwards.
COURTNEY: Okay, and what kind of pace was that? Was he walking slow, fast, normal?
BOYER: Like normal.
COURTNEY: And are the officers, did you hear them saying anything to him at the time?
BOYER: There was, uh, ah, they was yelling, they was yelling. There was more than one officer talking and they just uh, once Aaron kind of got in the middle I only heard one officer say, they were all yelling and talking, I only heard one say uh, Aaron get down.
COURTNEY: Okay. How many officers did you hear giving him commands I guess?
BOYER: Like three, more like three or four officers telling him, you know, I just heard one officer tell him to get down.
COURTNEY: Okay. One officer told him to get down?
BOYER: Yeah, that's what I heard.
COURTNEY: Okay. So are you hearing different voices? I mean you know from officers, voices, you know.
BOYER: I mean I heard an officer say get down, yeah, yeah before he said that I was hearing numerous of officers saying different things, different stuff, it was like yelling.
COURTNEY: Okay. And how close did he get to where the officers were?
BOYER: How close?
COURTNEY: Yeah. I guess he's backing up toward their car, right?
BOYER: Yeah, yeah, that's, but he didn't even like, he wasn't even far as, he wasn't as far to the point where, he wasn't far to the point where everybody was reachable or he was a threat to the officers.

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COURTNEY: Right.
BOYER: So he wasn't that far. I mean because he wasn't that close to them. The words I heard officers tell him to get down and then Aaron started talking.
COURTNEY: Okay.
BOYER: And Aaron was saying if you all want to shoot me, go ahead and shoot me because you're all going to shoot me anyway.
COURTNEY: Okay.
BOYER: That's what Aaron said and while he's saying that he's in the middle of the parking lot and he took another few steps back and they started hitting him with bean bags. Started shooting him with bean bags and got shot with them several times.
COURTNEY: And where are his hands when he got shot with the bean bags?
BOYER: His hands were still on his head.
COURTNEY: Okay. And then could you tell where those bean bags strikes?
BOYER: They were all striking him on his back, his side, you know, they hit him on his back and that last one got him was on the mid-back on the like the mid-level where they got him, that was the last one. In my opinion it looked like to me by the angle I was at, that Aaron wasn't trying to make it look like he was pulling out for a gun, he did it to - - because he was rubbing, he was rubbing the part where the bean bag hit him and once he was rubbing himself. Then I believe he rubbed himself, the officers they would take that as a threat I think they would have shot him, but they didn't shoot him right then and there when he put his hands on his back and was rubbing himself. They shot at him when after he rubbed himself, he ran, he kind of jogged.
COURTNEY: Okay. When he rubbed himself or reached behind his back is he doing that while he's still standing or had he taken off back toward the apartment at that time?
BOYER: No. He was going kind of toward the apartment.
COURTNEY: Okay.
BOYER: But it was just common sense that he was doing that to shield hisself.
COURTNEY: And do you remember, was it his right or left hand that he reached back with?
BOYER: That was his left hand.
COURTNEY: His left hand?
BOYER: That was the left hand.
COURTNEY: Right hand.
BOYER: Left.
COURTNEY: Left hand, okay. I'm sorry, I couldn't hear you too well there. And was he reaching like his lower back right around the waist area or where was it that he was reaching?
BOYER: It wasn't toward the waist area because if he did that now it would look like he was pulling out a gun and start shooting at the officers. He didn't do it like that.
COURTNEY: Okay.
BOYER: You know, anytime that you get hit on the back of your left side, you're not going to, nine times out of ten you're not going to use your left arm. That's kind of awkward to use your left arm to rub your left side. You're going to use your right arm to rub your left side. So he was using his left arm on his left side. He did it so he won't make it look like he might be drawing out a gun. That child was just griefin over his brother that's what that was.
COURTNEY: Okay. So it was his right arm.
BOYER: No, no, no, it was his left only he rubbed it because if it was his right arm, that would have made it look like he was drawing out a gun.

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COURTNEY: Okay. So it's his left arm to the left side of his back or the right side of his back?
BOYER: Yeah, he got hit with the bean bag on his left side.
COURTNEY: Okay.
BOYER: And he was rubbing his left side of his back with his left hand.
COURTNEY: With his left hand.
BOYER: With his left hand, exactly. Because if you had seen the way he did it you wouldn't even take it as threat oh he got a gun.
COURTNEY: Right.
BOYER: Yeah, if you would have seen that you would have knew right, he don't have no gun, because of the way he did that, know what I'm saying. Now, from the back of him, if he would have done that with the right arm, that would have made it look like he was going for a gun, but he didn't do it like that though.
COURTNEY: Okay.
BOYER: Then he tried to jog himself back toward the 37 apartment, that's the apartment number 37, and once he got almost there he tried to shield himself and then he got shot.
COURTNEY: Well, this is good to clear up because apparently you were interviewed by a Detective Slater after this incident and he indicated that you told him that Campbell reached back with his right hand to his left waistband area.
BOYER: No, no, that's not true. That's the reason my grandma and my family don't want me to talk to you about this no more because it feels like they're putting words in my mouth, telling me what I said and then my granddad said I got nothing to lie about, it's just something that I witnessed. So I feel like these officers out there are putting me and my family in harm's way because I don't want my friends because I have to protect my family.
COURTNEY: Sure.
BOYER: Ever since this Aaron shooing happened and people calling me giving me support or me going to my kids witnessing a man getting murdered and not an officer, not nobody come up to me and not one time, and try to offer me counseling or should I get this or get that, I mean, I mean, just for experiencing what I went through. Because I never in my life witnessed nobody getting shot or nothing and it kind of freaked me out. It seems like his family, the officers, everybody got me going to court, giving me a subpoena, all this. I have six kids and this is just so hard.
COURTNEY: I know the Grand Jury, you testified there and you told them you were nervous and scared.
BOYER: Oh, yeah, yeah because my friends and family. I'm on probation. I'm supposeto get off in three months so my friends, family, they're scaring me telling me I got to watch out for the (inaudible). I said hey, I never had to watch out, I'm not doing nothing wrong. I'm just here raising my kids every day, you know, oh yah like I mean I don't believe everything people say. At the same time I want to protect my children and my family and it seems like now due to the news on TV. It seems like everybody knows where I stay at and I really just uh, I don't know.
COURTNEY: Now your bedroom window, how far away is that from the parking lot?
BOYER: 30-40 feet away.
COURTNEY: 30 to 40 feet away?
BOYER: Yeah. My backyard is right in his front yard, yes.
COURTNEY: Okay. And then did you see after Aaron was shot. What happened then as far as what was going on with the officers at that point?
BOYER: After he was shot they let the K9 dog go on him.

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COURTNEY: Uh-huh.
BOYER: They let the dog go on him and when they let the dog go the dog was over there for like three or four seconds, that's it. The dog, when the dog got to him the dog realized he was gone, he wasn't a threat to them. The dog turned around and the officers told the dog to heel.
COURTNEY: Uh-huh.
BOYER: And the dog went back to the officers and uh, and that was it uh, they stood by until the swat team came.
COURTNEY: And did any officer after the dog came back try to go up and approach him?
BOYER: No, they didn't go up and approach him at all, they just kept yelling at him.
COURTNEY: Okay.
BOYER: They kept yelling at him for like a good hour, almost an hour. Aaron, move your left leg, Aaron, move your right leg. Let me know if you're still, if you're still alive and breathing. Aaron, this. They were all saying a lot of stuff so.
COURTNEY: Right.
BOYER: I was like, whoa, because the shotgun, they shot him with a AR-15 seems like that gun they were so loud I just knew _____ he was gone.
COURTNEY: And at the point he was shot was he walking back, running back, fast walk? How would you describe his gait?
BOYER: When he came out the door he walked out backwards so when he got hit with the bean bag he started going forward and not one time Aaron turned around, not at one time he turned around to the officers, he had his back turned the whole entire time, so yeah, so he dropped back forward going back to the apartment.
COURTNEY: Was it a fast pace or?
BOYER: No, it was like jogging.
COURTNEY: Jogging?
BOYER: Yeah.
COURTNEY: Okay. And in doing so were his hands like pumping like a jog or what was he doing with his hands at the time?
BOYER: Well, when he was jogging, no, okay, he was still rubbing his back. He was still rubbing when he was jogging.
COURTNEY: Okay, okay. And then now you said you have some concerns with your family and stuff. Has anybody approached you or threatened you or um, said anything to you that you should say this or don't say this?
BOYER: No. Uh, no, no. His mother came by because she was grieving so, and another family, nobody blamed me or nothing, you know, huh-uh, nobody threaten me nothing.
COURTNEY: Okay. And nobody told you that you should say one thing or another?
BOYER: No, not one time, no. The mom, she didn't even call. She just came and you know, she just wanted to see from where I seen it and she was crying.
COURTNEY: Have you been interviewed by the media or anything? TV, papers, anything like that?
BOYER: Uh, no. Uh, one news person came and me and her got into it I mean I didn't seems she didn't have no respect about my privacy and all that because I just felt like I did enough and you know, I did several things to cooperate and I don't want to sound rude because you know, bringing up my past, but at the same time though its like if my _____aint nobody else gonna do it. So I'm just trying to take care of my responsibility and get back to my wife because my grandmais already upset about they didn't offer me any counseling no nothing. You know. So I'm just (inaudible).

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COURTNEY: Sure and have you been influenced by anything you've seen on TV or news accounts? Has that caused you to change your opinion on anything you saw?
BOYER: Influence on it? Influence as on what?
COURTNEY: As far as what you saw.
BOYER: Excuse me, can you give me one second please. Hello?
COURTNEY: Hello?
BOYER: Can you give me one second please?
COURTNEY: Yeah.
BOYER: Hello?
COURTNEY: Hello.
BOYER: Sorry about that. Oh, okay. Do you mean like since I witnessed the shooting, do you mean did anybody change my _____?
COURTNEY: Like news accounts, like if you read anything or seen on TV, has that caused you to form a different opinion as to what you saw or influenced your perception as to what happened that day?
BOYER: Oh, no. No because I stuck to what I said. I mean the only thing that (inaudible) on the news.
COURTNEY: Right.
BOYER: And that's it. But you know, I'm just kind of upset with the officer, there were two officers that came here a few days after the shooting.
COURTNEY: Right.
BOYER: They, those are the ones that interviewed me, wrote down what I said, but they were, but they lied on me, they made it look like I was cooperating with the cops. I don't got nothing against no cops, I got nothing against his family, but they knew they could have handled that in a different situation and that's it. But the officers that was here, they left my house and made it seem like I said something about - - they said the total opposite and that's where I said to myself I don't want to do this no more because they lying on me as it is.
COURTNEY: Now, Kenny, did you hear or know anything about Aaron being suicidal, or holding a gun to his head?
BOYER: I didn't hear none of that. I just knew that his brother died. I knew he was grieving because my girlfriend works at the hospital. She works at OHSU where his brother died, you know.
COURTNEY: And the reason I'm asking is I'm reading in the report where they said you uh, mentioned that Campbell held a gun to his head and was suicidal and he was holding kids.
BOYER: No, no, see that's what I mean. If you can help me out and verify that. I didn't tell nobody that.
COURTNEY: You didn't say that.
BOYER: I didn't say that to the officer. I'll bet it was the same exact officer that came over here and gave me that report.
COURTNEY: And then continued to say I feel in my heart that you all were doing your job.
BOYER: No.
COURTNEY: I don't want to say the cops just killed him for no reason.
BOYER: No, no. They is lying. They is lying. The officer, I can tell, I can tell he was fishy when he came over here. When he came over here he was acting fishy. He was acting all kind a like tough tough towards me, he wanted me to be nervous. I knew what kind of game he was playing. Now he going to come over here, he's going to come over here to hear my voice and now he gonna mess up my words. He could have recorded it, I wish he recorded it him over here lying on me. I never said he had a gun. I

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said, the only thing I did say was if you all see Aaron with a gun, if you seen Aaron with a gun and he pointed it at you all, you ought to have to use deadly force. That's what I told him. The officer, he wouldn't even look at me eye to eye contact when I was talking to him. He disrespected me 100 percent and yeah, and so.
COURTNEY: Now, Kenny, is there anybody else we should talk to? Do you know of anybody else that witnessed this thing or has information that we should talk to?
BOYER: No, sir. But I would think that - - I want to ask you a question.
COURTNEY: Sure.
BOYER: Do you think, do you feel that I should probably call my granddad and hire an attorney because I don't feel, see now I don't feel comfortable now because this officer is lying on me and then he's going to try to leak that to Aaron's family and I stay here with my children. So I don't get it why they're trying to put me in harm's way.
COURTNEY: Well, your Grand Jury testimony was different than what you told the officer. Right?
BOYER: Everything got said and what I saw I said and I told the truth. I didn't switch up my words for nobody. So I'm saying the officer is lying on me. He's doing that, I understand, he probably wants to save his friend from getting in trouble and all that, I understand he's doing that. Obviously, he don't give a damn about me, he don't even know me. So, of course, he's going to come and say what he says, but I'm just saying. So the _____ of what I said, he just took my words and just mixed them up.
COURTNEY: Okay. Now I know Robert was over there. Was anybody else over at your house that saw this deal?
BOYER: No, just Rob.
COURTNEY: Just you and Robert.
BOYER: Yeah. That's why I, that's another reason why I know what the officer is saying because Rob was there.
COURTNEY: We're just trying to find, make sure that we locate and identify and speak with all witnesses who have information on this deal.
BOYER: So basically me and Rob, both of our testimony match together because he seen what I seen. He saw what I saw.
COURTNEY: Right.
BOYER: (Inaudible) about the officer lying on me and all that because basically is he going to say that in court that I said this or that?
COURTNEY: Well, of course, I wasn't there, but and I'm just reviewing reports on this deal.
BOYER: Because I don't have to go back to court or nothing, right?
COURTNEY: No, huh-uh, you've already been, right?
BOYER: Yeah.
COURTNEY: You went to the Grand Jury.
BOYER: So all that's done and I have nothing to worry about.
COURTNEY: Right.
BOYER: Okay.
COURTNEY: Okay. Now here's the deal. Do you want to write down my name and number in case you have any other concerns?
BOYER: Sure. Okay. What's the number?
COURTNEY: The number is 503-823-0998.
BOYER: 0998?
COURTNEY: Yeah, and my name's Courtney, C-o-u-r-t-n-e-y.

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BOYER: Do you think, can you help me out with that? With that officer sir that is trying to get me in trouble or something?
COURTNEY: No, you mis - - uh, nobody's trying to get you in trouble. Nobody's trying to get you in trouble.
BOYER: I mean obviously he is if he's saying what I did not say. I said nothing like that and told the news people. I _____ trying to mess my words around.
COURTNEY: Kenny, that's going to be in my report. What you're telling me now.
BOYER: Okay.
COURTNEY: Okay?
BOYER: Yep.
COURTNEY: Okay, Kenny, have a good day.
BOYER: You too.
COURTNEY: Bye.
BOYER: Bye.
COURTNEY: That interview with Kenny Boyer ended at 10:49 a.m.

10b0004-int-boyer
Transcribed: 3/6/10 @ 1:45 p.m. Ruth Harnisch

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PORTLAND POLICE BUREAU
INTERNAL AFFAIRS DIVISION
Confidential Taped Statement
Lynn Courtney #13609

Interview Date: **March 1, 2010**
IAD #: **2010-B-0004**
Complainant: **Portland Police Bureau**
Interviewed: **Robert Montgomery**

COURTNEY: This is Lynn COURTNEY in the Internal Affairs Division. Today's date is March the 1st, 2010. The time is 1:17 p.m. I am placing a call to Mr. Robert MONTGOMERY, at phone number Mr. MONTGOMERY is a witness in IAD Case No. 2010-B-0004.

MONTGOMERY: Hello.

COURTNEY: Hello, Mr. MONTGOMERY?

MONTGOMERY: Who's this?

COURTNEY: This is Lynn COURTNEY. I'm an investigator doing a review for the shooting that occurred involving Mr. CAMPBELL.

MONTGOMERY: Okay.

COURTNEY: I work in Internal Affairs, so we're doing an administrative review over what happened.

MONTGOMERY: All right.

COURTNEY: And I know you spoke with a detective that night, or the next day - Detective SLATER.

MONTGOMERY: Yep.

COURTNEY: And is there anything, additionally, you remember about what occurred that day, that you can think of now that you've had some time to…

MONTGOMERY: Well, yeah, like I said, I'd seen everything that night, so, you know, I just, uh, I don't know, it's…

COURTNEY: Okay.

MONTGOMERY: Okay, go ahead.

COURTNEY: And I understand you were visiting KENNY - Kenny BOYER?

MONTGOMERY: Yes, correct.

COURTNEY: And were over at his house?

MONTGOMERY: Uh, yes.

COURTNEY: And were you guys inside, or outside, or…

MONTGOMERY: That--what was that?

COURTNEY: Were you inside the house, or outside when the--this happened?

MONTGOMERY: I was inside looking out of one of his bedroom windows.

COURTNEY: Okay. And I think you - if I am correct in reviewing the report - you saw Mr. CAMPBELL come out of the house?

MONTGOMERY: Yeah, that's correct.

COURTNEY: And prior to him coming out, did you hear officers making any attempt to have him come outside, or…

MONTGOMERY: No, I didn't. I didn't hear nothin' like that. I didn't hear no commands or anything like that from the police - they were just posted right there, um, with guns drawn, and stuff like that.

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COURTNEY: And how long were they posted in that area, before he finally came out? How long did you watch this thing before he finally came out?

MONTGOMERY: I'm--I'm gonna say it was--it was, uh--it was a while before they actually--before he actually came out with his hands up.

COURTNEY: Mm-hmm.

MONTGOMERY: Um, like I said, he walked out of the--out of the residence backwards, with his hands on his head, you know, towards the police, and all like that.

COURTNEY: Okay, and is he walking backwards the whole time, or did he start off facing them, and then he turn around and walk backwards, or how did that happen?

MONTGOMERY: Uh, what I recall, he was walking backwards the whole time. You know, and then, uh, he backed up to the police car, where they were close enough, uh, right there to use other kind of force beside--you know, they shot him with the beanbag guns…

COURTNEY: Right.

MONTGOMERY: And they coulda tased him. You know, they had a dog right there - they had all that other available resources that they coulda used to apprehend him.

COURTNEY: Right.

MONTGOMERY: You know, and this is--you know, they--they were shooting beanbags at him, and stuff like that. And then, uh, yeah, he started going towards the house, you know, because they're shooting at him, and then that's when they fired the gun in the back, and they hit him in the back, and then he dropped in front of the silver Volvo…

COURTNEY: Right.

MONTGOMERY: And then, after that they released a canine on him, and then the dog started chewing on him pretty good, you know, ten to fifteen seconds. And then, uh, after that, they, uh, they--they retrieved the dog; they told him to heel, or whatever the command was, but the dog came back to the officer, and then I remember one officer going up halfway to go check on him--check on him, you know, to see, you know. And then, the other officers, when he was halfway up, they told him to come back, you know, like "don't go up there towards him."

COURTNEY: Huh.

MONTGOMERY: And then, while--while that was going on, um, you know, they sat there--told him to move his leg. Of course, you know, he can't move his leg, because, you know, he's dead. You know…

COURTNEY: Right, right.

MONTGOMERY: So, he sat there for a good, you know, I want to say, it seemed like half an hour, 45 minutes until anybody even went up to check on him, or even tried to revive him, or anything like that.

COURTNEY: Yeah, that's what I understand. When he first came out, and was backing up, you said, toward the officers with his hands on his head, was he doing that 'cause -- did he hear officers giving him commands, or anything, telling him to do something?

MONTGOMERY: Yeah, like, he--he--they told him, like, to put his hands up, but he, at that time, he already had his hands up on his head the whole time that he was backing up.

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Right there, that was clearly, like, he was surrendering and he didn't have nothin', you know, but on his head.

COURTNEY: Right. And his hands were on his head - like, were they on top of his head, behind his head - do you remember how - like, interlaced fingers, anything like that?

MONTGOMERY: I know they were--I don't remember if they were interlaced, but I know they were on his head, behind, you know, on top of his head, like…

COURTNEY: Right.

MONTGOMERY: Elbows out, on top of the back of his head.

COURTNEY: And did you hear Mr. CAMPBELL say anything at the time, or…

MONTGOMERY: Yeah, he was, like, um "If you guys are gonna shoot me, don't shoot me." Because, you know, all the guns are on him. It was like more of a-a comment towards, like "It's not necessary for all these weapons to be pointed at me." Nothin' like "Hey, I want you guys to shoot me."

COURTNEY: Right, right. So, now, you heard officers say to "get your hands up", or something like that?

MONTGOMERY: Yeah, it was like "Put your hands up." But at that point, his hands are already up on his head, so I don't understand…

COURTNEY: Are--are you thinkin' they're trying to get him to put his hands, like, to reach for the sky - is that what they're trying to get him to do - or do you know?

MONTGOMERY: I'm not sure, but, you know, the--the thing was, is like, obviously, his hands are--on top of his head, you know.

COURTNEY: Right.

MONTGOMERY: So, therefore, there's, I don't know.

COURTNEY: And did you hear any specific commands, as far as, prior to when he was first hit with the beanbag?

MONTGOMERY: No, I didn't. You know, they just started shooting the beanbags at him, in--in the back, and that's when he, uh--he grabbed where they hurt him. What--what they're meant to do is to injure people, so therefore, he grabbed his side right where he was hurtin', and then he, you know, he's, like, screw this - you know?

COURTNEY: I know, and specifically, what I'm getting at, if you heard anything that mentioned that they were going to use--any kind of a forewarning that the beanbag was going to be used?

MONTGOMERY: No, nothing like that.

COURTNEY: You didn't hear anything like that?

MONTGOMERY: Nope.

COURTNEY: Okay. And then, how many times was he actually hit with the beanbag?

MONTGOMERY: What I recall, is I remember hearing at least one shot from the beanbag.

COURTNEY: Uh-huh.

MONTGOMERY: And then after that, you could tell the distinctive sounds between the--the beanbag, and what I thought at first, was the, uh, shotgun, but it turned out to be a AR-15.

COURTNEY: Right.

MONTGOMERY: But the two sounds are completely different.

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COURTNEY: Right. Now, as--did the--after that first hit with the beanbag, did--you said he reached back to where it hit him?

MONTGOMERY: Yeah, he grabbed his side where, you know, where he was hit by the beanbag.

COURTNEY: Okay, and then what happened?

MONTGOMERY: _____

COURTNEY: And is that when he started...

MONTGOMERY: Yeah...

COURTNEY: going back toward the apartment, or...

MONTGOMERY: Yeah, that's when he started heading towards, you know - I don't know if he was going to his apartment, but the apartment was in that general vicinity.

COURTNEY: Mm-hmm.

MONTGOMERY: I don't know if he was just like "Hey, you know what, they're shooting at me. You know, they're shooting beanbags, or they're shooting something at me - I don't want to stay here and get shot." You know, one of those kind of deals, but, yeah.

COURTNEY: Right. And then, you don't recall how many times they shot him with the beanbag, or...

MONTGOMERY: At least one beanbag, and then, you know, you could tell the difference between the--the two--two--you know, the different shots.

COURTNEY: Right, right. Okay, and...

MONTGOMERY: Just before he fell.

COURTNEY: And again, anything specific that you heard officers tell him after the beanbag was used?

MONTGOMERY: Um, no--no, nothing like that. No--no commands - nothing--nothing like that.

COURTNEY: And did you actually see him fall, then, to the ground?

MONTGOMERY: I did. I watched everything. I watched him come out of the house. I watched him, you know, get shot with the beanbag. I watched him, you know, fall in front of the car. I watched the dog attack him. I watched--I watched the whole thing. I was closer than some officers.

COURTNEY: Okay. How far away were you from the apartment...

MONTGOMERY: I'm gonna say--I'm gonna say, maybe, like--the window's, like, right outside, so I'm gonna say, at the most, probably 15 yards.

COURTNEY: Okay. And have you met Mr. CAMPBELL before?

MONTGOMERY: Nope, never met him before in my life.

COURTNEY: Never met him before, okay. And do you know his girlfriend at all, or the gal he was staying with there?

MONTGOMERY: No, was just, uh--I was watching, you know, just checking that out, you know, the situation, and then, yeah. No, I don't know none of 'em, though. And then, I was figuring, you know, like, he was gonna come out, like he did, with his hands up, or whatever--whatever the situation was, and then surrender, and then, you know, things just went south from there.

COURTNEY: Mm-hmm. And then, at the point he was shot with the rifle - the AR - could you--was he in the process of moving at the time he--or was he stopped, or what exactly was he doing at the exact point he was shot - do you recall?

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MONTGOMERY: Well, they were shooting beanbags at him. He was out to, like, not get shot no more. Either, you know, duck, you know, or whatever. But he didn't want to, obviously, be shot. Nobody wants to get shot with a beanbag gun.

COURTNEY: Right.

MONTGOMERY: You know, but besides that, you know…

COURTNEY: Okay, and then [clears throat] - excuse me - is - I take it, then - I haven't talked to KENNY yet - he was right there with you, or right next to you at this time?

MONTGOMERY: Correct.

COURTNEY: Okay. And again, that was his house, I understand that it was, but, okay. Now, has anybody talked to you, or approached you, or threatened you about anything, about what…

MONTGOMERY: Um…

COURTNEY: Because you were a witness in this case, has anybody made contact with you, and maybe suggested you say something, or not say something, or try to influence whatever you saw?

MONTGOMERY: No, but, you know, just--just the media came over, and stuff like that - um, newspaper and news, and stuff.

COURTNEY: Yeah.

MONTGOMERY: But, uh, I don't know, it's sorta skeptical, you know, about certain things now, because of everything, you know, 'cause I don't know about repercussions, or anything like that, but I'm just out to, you know, let the--let the, you know, justice be served.

COURTNEY: Right.

MONTGOMERY: And what happened, and the whole situation.

COURTNEY: Right. And what you observed, has that been influenced at all by conversations you had with anyone, or--or the media reports on this, or…

MONTGOMERY: What I've seen - has it been influenced?

COURTNEY: Yeah, have--what your--what you saw, or what you're relaying to me now, has it been influenced by anything that you've seen on t.v., or anything?

MONTGOMERY: No, no, what I--what I said is what I saw.

COURTNEY: Okay.

MONTGOMERY: And you know, this is all from eye--you know, like the first two days I couldn't sleep but one hour.

COURTNEY: Right.

MONTGOMERY: After watching this guy get killed, you know, so it's--it's just disturbing, you know.

COURTNEY: Right, and after he fell--at the point he fell, did you see him when he was laying on the ground there?

MONTGOMERY: Uh, yeah, he was in front of the--in front of the little Volvo right there.

COURTNEY: And I kinda understand, or from lookin at photos he was kinda in some bushes, or something, part way, or…

MONTGOMERY: Yeah, he was in between the--the bushes and the front of the Volvo. Um, after he was shot, like I said, they waited until SWAT came, and stuff like that, with their shields…

COPY

COURTNEY: Right.
MONTGOMERY: And then they handcuffed him, like--well, you know, while he was on the ground, and stuff like that.
COURTNEY: Okay, and, initially, I think you said the dog went up there?
MONTGOMERY: Yeah, the, um, after he shot him, the dog, you know--they let the dog go on him. You know, and then the dog started chewing on him for a good 10 seconds, or something like that. And when he wasn't getting no response from, you know, the--the canine, then that's when they called him off, or whatever.
COURTNEY: Okay, and were the officers trying to give him commands at that point?
MONTGOMERY: Not at that point. But after the shots were released from the AR-15, the dog got let loose…
COURTNEY: Uh-uh.
MONTGOMERY: while CAMPBELL was on the ground…
COURTNEY: Right.
MONTGOMERY: And then, you know, they called the dog off, and then they sat there, after the officer went up halfway, and they called him back, then the officers started giving him commands like "move your--move your leg; move your foot". You know, obviously, a dead man can't move.
COURTNEY: Right.
MONTGOMERY: You know, so at that point, you know, something, I don't know, they could've checked on him, revived him or something.
COURTNEY: And was he moving at all at that point?
MONTGOMERY: No.
COURTNEY: No.
MONTGOMERY: No, dead people don't move.
COURTNEY: Right, right, right. And then, you started to say something about a guy started--an officer started to walk halfway up there, but was called back.
MONTGOMERY: Yeah, one of the officers, after the shot was fired, I don't--uh, he--he started, like, walking halfway up, and then, you know, one of the officers said something. I don't know what he said to him, or whatever, but, uh, I know he ended up coming back and standing, you know, back by the patrol cars when they were parked sideways. You know, I don't know if he just went up to check on him, or what, but he didn't make it up all the way.
COURTNEY: Could you tell, was this the dog handler officer, or was it another officer, or could you tell?
MONTGOMERY: I-I think it was just another officer. I think he was more concerned with, you know, the safety of AARON, after the shot was fired.
COURTNEY: Right.
MONTGOMERY: Compared to, like, any intentional danger towards anybody.
COURTNEY: Right.
MONTGOMERY: Or the officer, or whatever.
COURTNEY: Was this--do you think this was the officer who fired the shot that went halfway up there?
MONTGOMERY: No, he didn't.

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COURTNEY: It wasn't him, okay.
MONTGOMERY: No.
COURTNEY: Could--would--could it have been another officer next to him by the car, or could you even tell where that officer came from?
MONTGOMERY: I-I don't know. I was still watching AARON, and then all of a sudden my eyes seen the officer come up halfway, and then he turned around and went back.
COURTNEY: Okay.
MONTGOMERY: So, that was, you know, pretty much the end of that.
COURTNEY: Right, okay. Okay, I think that's all the questions I have. I know you were called to the Grand Jury, so you had that experience. Is that right?
MONTGOMERY: Yes.
COURTNEY: Yeah. Okay, well, I appreciate your help, Mr. MONTGOMERY. I notice KENNY - I tried to get a hold of him, but does he have a phone number?
MONTGOMERY: Um, I don't have his telephone number.
COURTNEY: But he's still living in C-1, right?
MONTGOMERY: Yeah, he's still--he's still at that residence.
COURTNEY: Okay. I'll see if I can touch base with him. I don't know if he has a cell number or not, 'cause I don't have it listed here. Are you going to be seeing KENNY later today?
MONTGOMERY: Uh, yeah, possibly. We do stay in the same apartments. I'm on my way out of town, but I should be back after a while.
COURTNEY: Okay. Are you able to write my name and number down, or are you driving, or…
MONTGOMERY: Um, yeah. Okay, what is it?
COURTNEY: My name is LYNN - L-Y-N-N. Last is COURTNEY - C-O-U-R-T-N-E-Y. And my number is 503…
MONTGOMERY: Mm-hmm.
COURTNEY: 823-0998.
MONTGOMERY: Okay.
COURTNEY: Okay.
MONTGOMERY: Now, last--last I checked, he was--he was home, and I just left not long--not that long ago, so.
COURTNEY: Okay, well, I'm here til, like, 4:30, and if not, he can call me tomorrow.
MONTGOMERY: Okay.
COURTNEY: Okay, great, thanks, ROBERT.
MONTGOMERY: Yep.
COURTNEY: Okay, you bet. Bye.
MONTGOMERY: Bye.
COURTNEY: Call ended at 1335 hours.
ADDENDUM TO RECORDING
COURTNEY: This is Lynn COURTNEY in the Internal Affairs Division. Today's date is March the 1st, 2010. The time is 3:04 p.m. I am returning a call to witness Robert MONTGOMERY, who is a witness on IAD Case No. 2010-B-0004.
MONTGOMERY: Hello.

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COURTNEY: Hello, ROBERT?
MONTGOMERY: Yeah.
COURTNEY: Yeah, Lynn COURTNEY again, here, from Internal Affairs.
MONTGOMERY: Hello?
COURTNEY: Can you hear me?
MONTGOMERY: Yeah.
COURTNEY: Oh, I'm just calling you back regarding--one thing I forgot to ask you, I wanted to clear up - you know, when Mr. CAMPBELL was coming out of his apartment, like you said, with his hands up, walking back towards officers?
MONTGOMERY: Uh-huh.
COURTNEY: What kind of speed was he doing? Was it normal speed, was it fast, was it slow? What do you remember about that?
MONTGOMERY: He was just walking normal, you know, just backing up towards the cops, just like normal pace backwards. You can't run backwards.
COURTNEY: Okay.
MONTGOMERY: But it wasn't even a fast pace. He was doing everything in slow motion, so they'd seen him, and stuff like that.
COURTNEY: Okay. And then, once he got hit with the beanbag, and he started walking--or going back toward the location where his apartment was, was that at a slow pace, or was it a hurried pace, or--or what kind of pace was that?
MONTGOMERY: I'm gonna say a fast walk.
COURTNEY: A fast walk.
MONTGOMERY: Like, you know, he wasn't running.
COURTNEY: Uh-huh.
MONTGOMERY: To elude or anything like that, but he didn't want to--like I say, he didn't want to get shot by the beanbags.
COURTNEY: Right.
MONTGOMERY: Who'd want to get shot by those things?
COURTNEY: Right. So, it's not like a run where he's pumping his arms, you know, like someone would do when they're running?
MONTGOMERY: No.
COURTNEY: Okay. Okay, I just wanted to clear that up. I forgot to ask you when I spoke to you earlier about that pace, and it was something I was kinda curious about.
MONTGOMERY: Yeah.
COURTNEY: Okay.
MONTGOMERY: All right.
COURTNEY: Thanks, ROBERT.
MONTGOMERY: Yep.
COURTNEY: Bye-bye.
MONTGOMERY: Bye.

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COURTNEY: That concluded my phone call with Robert MONTGOMERY. The time is 3:07 p.m.

2010-B-0004int-MONTGOMERY
Transcribed 3/2/10; 2:00 PM Marilyn Cavallero

COPY

PORTLAND POLICE BUREAU
INTERNAL AFFAIRS DIVISION
Confidential Taped Statement
Sgt. Craig Morgan #38846

Interview Date: **March 2, 2010**
IAD #: **2010-B-0004**
Complainant: **Portland Police Bureau**
Interviewed: **Ryan Pannell**

MORGAN: This is Sgt. Craig MORGAN. It is March 2nd, 2010. It's about 3:30 in the afternoon. I'm going to be calling Ryan PANNELL, who's a witness on IAD Case No. 2010-B-0004.

UNKNOWN: Hello.

MORGAN: Hi, could I speak to Mr. PANNELL please?

UNKNOWN: Who is this?

MORGAN: This is Sgt. MORGAN with the Portland Police.

UNKNOWN: Oh, yeah, hold on.

MORGAN: Thank you much.

PANNELL: Hello.

MORGAN: Hi, Mr. PANNELL?

PANNELL: Hi.

MORGAN: Hi, it's Sgt. MORGAN with Portland Police Internal Affairs. How are you doing?

PANNELL: Pretty good. How are you doing?

MORGAN: Good. Do you have a couple of minutes to chat real quick?

PANNELL: Um, sure.

MORGAN: Okay. I was calling you - you can probably guess, I'm sure you're probably getting sick of talking about it, but - about the officer-involved shooting you were a witness to, back at the end of January

PANNELL: Mm-hmm.

MORGAN: I guess, if you can just, one last time for me - and hopefully, this'll be the last time you have to relay your story - just kinda tell me where you were and what you saw, and all that good stuff.

PANNELL: Okay. Um, let me see, well, I was, for the most part, I was in the living room, and then my son was in the window.

MORGAN: Okay.

PANNELL: Um, and then, when, uh, Aaron CAMPBELL...

MORGAN: Yeah.

PANNELL: when he came out, um, my son called me and told me that the guy was out, I went and grabbed my--my, uh, my little one, and got him away from the window. And--and just happened to look up and noticed that, you know, he had, um, that he had walk--he was walking out backwards.

MORGAN: Okay.

PANNELL: Um, he had stopped at, um, at, like, a line, basically, where a space--where a parking space was.

MORGAN: Okay, right, right.

PANNELL: Um, he looked like he had his hands on his head.

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MORGAN: Okay.
PANNELL: Um, I could see, uh, his back. I could see--I didn't--I don't remember him wearing a coat, but, um, I could see him, he had, like, some sort of jeans on, pulled down. I could see the back of his underwear.
MORGAN: Okay.
PANNELL: And his waistband. Um, and the next thing I know, some beanbag fire--uh, rounds fired.
MORGAN: Okay.
PANNELL: Um, hit him in the - looks like lower back area.
MORGAN: Okay, right.
PANNELL: Um, he kinda like, uh--like, danced around a little bit - not expecting to get hit - and then reached back…
MORGAN: And by "danced around", you kinda mean - obviously, over the phone, it's kinda hard to describe - but kinda "ow, that hurt" kind of a reaction - would you say?
PANNELL: Yeah.
MORGAN: Okay.
PANNELL: Yeah, it looked, yeah, kinda on his toes, like a couple of times.
MORGAN: Okay, right.
PANNELL: Um, and then he, uh--then he sprinted forward. Um, I lost sight of him, um, and turned and heard the last shot.
MORGAN: Okay. And how long from the time you lost sight of him, to the time of the shot - was it pretty--pretty close?
PANNELL: Yeah, um, two or three seconds, max.
MORGAN: Okay. Okay. All right, very good. And so you could definitely, you could see--do you feel like if he had had any sort of weapons, or anything, on the back of his waistband, that you would've been able to see 'em, then? You would've been able to see a bulge, or a--or a handle of a gun…
PANNELL: I think so.
MORGAN: or a knife, or anything like that?
PANNELL: Oh, yeah. I mean, I'm a veteran, so, this - yeah, I mean, uh, I think it would've--you know, I would've been able to see it. I-I mean, I noticed his waistband right away. That was one of the first things I looked for, because, you know -- but, uh, and it was obvious there was no…
MORGAN: Did that stick out to you, 'cause kinda seeing that the pants were sagging, you just kinda noticed that?
PANNELL: Yeah.
MORGAN: Okay.
PANNELL: Yeah.
MORGAN: Okay. And just to be clear, though, you didn't see the front of his--of him, at any point during this - right? It was kinda…
PANNELL: Not at…
MORGAN: only his back?
PANNELL: Not at any point.
MORGAN: Okay, all right. And then…

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PANNELL: He could've had anything in the front.
MORGAN: And then, did you hear anything from the officers to him - or anything from him to the officers - any--any yelling, or any conversation, or anything at all?
PANNELL: Um, I didn't, no. I'm up on the second floor, though, so…
MORGAN: Okay.
PANNELL: probably all ground level.
MORGAN: All right, no problem. And you said when you first saw him he was stopped and had his hands - were--were his hands--were his fingers interlaced? Was it back of the head, top of the head - do you remember specifically where his hands were? Or were they straight up in the air or…?
PANNELL: I think--I think it was, like, top of the head, toward the back.
MORGAN: Okay.
PANNELL: But it--it was--I didn't really notice whether they were interlaced, or not. It just looked like they were together.
MORGAN: Okay, all right. And, then, did you say you saw him backing up a little bit, after that, or did he never move backwards from when you saw him?
PANNELL: When I first got to the window, he was--he had--he was backing up, but he got about two more steps til right where the line was…
MORGAN: Okay.
PANNELL: on the parking spot, and that's where he stopped.
MORGAN: All right. And from watching him there, did you see any movement at all from him, between the time that he stopped, and when the beanbags started getting fired?
PANNELL: Honestly, no.
MORGAN: Okay. All right. So--so, you basically see him kinda walking back just at the very end of that process.
PANNELL: Mm-hmm.
MORGAN: He's standing still, with his back to the officers, with his hands on the back of his head. Um, and the beanbags started getting fired, as near as you can tell, without anything else happening?
PANNELL: Without anything else happening, as far as I can tell.
MORGAN: Okay, all right, no, I understand that, okay. And I'm just trying to look through my little set of questions here, and make sure I've got everything for you. When--when you say he kinda did the dance and then reached, how much of a delay would you say there was, from the time that the beanbag hit him, to the time he was kinda reaching for it?
PANNELL: Um, maybe like, uh, one or two seconds. It was pretty quick.
MORGAN: Did it appear to you to be a pretty natural reaction to reach for something that's hurting? Is--is that how you interpreted that movement?
PANNELL: Yeah, I think if, especially with your back, and not expecting it, really, I think that, yeah, it was a pretty natural reaction.
MORGAN: Okay, all right. And then, you said he was sprinting, could you see what--what he was doing with his hands once--once the beanbags started going off, and he started running back? Did you see where his hands were, at all, by chance?

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PANNELL: No, the last time I saw him he was--he had put his hands behind his back, and basically, as far as I could see, you know, the last time I saw him out of the frame, his hands were still kind of at, you know, toward the back of his body, you know, or--or his side.

MORGAN: Okay.

PANNELL: Yeah, at the--but he was out of frame, you know--you know, he got probably another 10 feet, or maybe--maybe 5 feet - maybe 5 feet.

MORGAN: Pretty quickly getting out of your line of sight, there?

PANNELL: Yeah, yeah.

MORGAN: All right. And did it look like he was kinda rubbing, then, with his hands was maintaining there - or could you--could you tell? Obviously, this all happened pretty quick.

PANNELL: Yeah, yeah, I couldn't tell specifically where his hands were, once he was running. But you know, I-I know he was--he went from his hands on his head, to his back, to a running position, so, you know, I'm not…

MORGAN: Okay.

PANNELL: he might've still had 'em down there.

MORGAN: Okay, I gotcha. And then once--once the actual shot was fired - I know you said you were kinda out of the window protecting the kids, at that point - after that, did you happen to notice any of the police activity and them yelling anything to him at that point? Or did you happen to see the canine, or did you see any of that action that kind of occurred after the fact?

PANNELL: Um, a little bit. You know, I saw the canine come back.

MORGAN: Okay.

PANNELL: Um, and I saw, and I heard them yelling for him to move, uh, his--to move his hand or move his foot, um, if he could--if they could hear--or if he could hear them. Um, but other than that, you know, there wasn't really a lot of activity besides--besides them, um, asking him to move body parts, um, until the SWAT got there.

MORGAN: Okay, all right, so, just basically - "hey, move a hand; move a leg" - pretty…

PANNELL: Yeah.

MORGAN: Were--were they--were they giving those commands pretty consistently?

PANNELL: Yeah. Yeah, I mean, yeah, the scene, it was locked down after that, and then, you know, they were just waiting, so there was not…

MORGAN: And could you see--were they trying to light him up at all with either the car spotlights, or flashlights? Or was he in a position where you couldn't really see that part?

PANNELL: Um, they did have a spotlight on him from the main car.

MORGAN: Okay.

PANNELL: Um, but they--the position that he--that he fell, in between the car and the walkway, it was impossible to see his body, really.

MORGAN: Okay.

PANNELL: I could see his feet sticking out, I could see his back a little bit, but it was really hard to see into there.

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MORGAN: Okay, I gotcha. And then, just to clarify with the canine, then, so when you kinda looked back, the dog was actually up with Mr. CAMPBELL, and then the handler called him back, and that's what you saw?

PANNELL: Um, well, I had gotten my--my little one out into the living room, and then came back. And by the time I came back, the dog was on its way back to his handler.

MORGAN: Okay, I gotcha, I gotcha.

PANNELL: Yeah.

MORGAN: Okay. And then, just last question - and we--we just kinda hear this stuff, you know, fifth-hand, so I have no idea if it applies to you - but we'd heard some concern that some of the witnesses were getting contacted, once these stories started running - kinda general threats from the community, and stuff like that. Have you experienced anything like that at all? Have you been contacted by anyone?

PANNELL: Um, no. The only people that have been a pest have been reporters, really.

MORGAN: Yeah, that…

PANNELL: A couple of my neighbors, you know, that--that really are--um, that really want to, like, talk about it, but they really didn't see anything, so they're not, you know--they feel like they're not getting heard. Um, but other than that, you know, uh, I haven't had any problem with anybody in the community, no.

MORGAN: Okay, very good. Glad to hear it then. Okay, hey, I appreciate your running it through me one more time. Like I said, I know--I know this is at least version number three, and probably more than that for you, so…

PANNELL: [Chuckles]

MORGAN: I will--I will let you go, and thank you very much for your time, sir, I appreciate it.

PANNELL: Thank you, and I appreciate it.

MORGAN: Okay, bye-bye.

PANNELL: Bye-bye.

2010-B-0004trs-PANNELL
Transcribed 3/3/10; 2:00 PM Marilyn Cavallero

COPY

PORTLAND POLICE BUREAU
INTERNAL AFFAIRS DIVISION
Confidential Taped Statement
Investigator BARRY RENNA / #15038

Interview Date: **March 17, 2010**
IAD #: **2010-B-0004**
Complainant: **Portland Police Bureau**

Interviewed: DIOSDADO AGUAS

AGUAS: Hello.
RENNA: Hi, I'm looking for Mr. AGUAS.
AGUAS: Yes, speaking.
RENNA: Hi, Mr. AGUAS. My name is BARRY RENNA, investigator for the Portland Police Bureau.
AGUAS: Yes, sir.
RENNA: And I was hoping if you had a minute or two to talk to you about the shooting that happened out at the apartment complex on Sandy Blvd.
AGUAS: Yes, sir. I was, I guess, I thought I talked to you before, did I?
RENNA: No, you talked to Detective BENIGA And then you came down and talked to the grand jury.
AGUAS: Yes, sir.
RENNA: I work for the Internal Affairs Unit for the Police Bureau.
AGUAS: Yes, sir.
RENNA: Um, do you have a few minutes that I could talk to you about it?
AGUAS: Yes, sir, yes, sir.
RENNA: Okay, all right. You went over to the apartment complex in order to give Ms. FIVECOATS a ride?
AGUAS: Yes, yes.
RENNA: Okay, and when you first got there, was there anything going on in the parking lot?
AGUAS: Yeah, there was a few police officers. They were just kind of standing there and I noticed there was a gun, but like I said I was only trying to pick up NICOLE for like a minute just take her to Vancouver to her grandma's and see her dad.
RENNA: Uh-huh.
AGUAS: That was it and then the next thing I know I was stuck there forever.
RENNA: Yeah, right, you went inside the apartment and if I read the reports correctly when you really did try to leave, the officers there said that you couldn't because things had gotten to a point where they didn't want you in the parking lot?
AGUAS: Um, well they didn't want anybody around, yes sir, because they said there's a guy with a gun. That's all they said and I said okay. They told me it wasn't going to take long so I waited and…
RENNA: Okay.
AGUAS: …it was longer than what I expected.
RENNA: Okay.
AGUAS: Not a problem.
RENNA: Um, so you went back to the apartment, were inside the apartment with NICOLE, correct?
AGUAS: Yes.

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RENNA: Okay. Um, which window were you looking out of when you looked out into the parking lot?
AGUAS: We were on NICOLE's window.
RENNA: On which window?
AGUAS: On NICOLE's room window.
RENNA: In her bedroom?
AGUAS: Yes, sir.
RENNA: Okay, and was NICOLE standing with you?
AGUAS: Yes, she was kind of, well she was kind of getting ready also in and out and just, you know, or just waiting to get out basically.
RENNA: Okay, when things finally did start to happen, did you hear the officers? Were they trying to contact the person inside the apartment?
AGUAS: Well, you know, to be honest with you, I was kind of, I was just kind of in and out. I was watching TV and going out there just to see what's going on, but I did hear them, you know, when it lasted four or five hours and that's when I heard them, you know, saying to start back up and so the guy was kind of backing up and like we can just hear and, you know, and keep going and the next thing I knew the guy tried to run and then that's when they shot him.
RENNA: Okay, when you started to hear the officers say to start backing up, what were you doing when you first heard that?
AGUAS: Well, we were just kind of standing there, I mean you know, waiting to see what happened. If, if, I go, this guy is going to surrender so we should be out of here. So, by then he tried to run and they shot him.
RENNA: Okay, when you saw Mr. CAMPBELL backing up, at any point did you see him facing the officers or did the first time you see him was he backing up towards the officers?
AGUAS: He was just backing up toward the officer, behind the officers sir, and he had his hands behind his, you know, behind his back, I mean his head, behind his head. He was wearing a cap and so he just had it behind his, above his head in the back and backing up.
RENNA: Okay, were his fingertips touching could you tell?
AGUAS: Oh, I couldn't tell, sir. It was a little bit dark, so I just noticed his hands was on the back of his…
RENNA: Okay, did you hear what the officers were telling him to do?
AGUAS: All I could hear was kind of just, you know, keep backing up. It didn't really make sense. I know they were talking, but the window was closed because the officer when I came out I saw some people, they had the window open and I heard the officer when I was outside, of course I could hear it then, and they just said, you know, close all your windows. So, when we were in NICOLE's room just kind of watching it, you know, we closed the window so you can't really, you know, hear exactly what they're saying.
RENNA: Okay, all right. How fast was Mr. CAMPBELL backing up towards the officers?
AGUAS: Oh, very slow. He was just kind of backing up, you know, a step at a time. He wasn't doing anything drastic.
RENNA: Okay, did you see him looking around at all, Mr. CAMPBELL?
AGUAS: No, sir, I couldn't tell. All I know is he was backing up.
RENNA: Okay, did the officers have their flashlights or any spotlights or anything on Mr. CAMPBELL do you remember?

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AGUAS: I don't remember that. I just noticed I was looking at Mr. CAMPBELL and the officer. They were, you know, they had their guns pointed at him and that's all.
RENNA: Okay. Did you get the impression that Mr. CAMPBELL was doing everything that the officers said?
AGUAS: Yes, sir, I believe so because like I said he wasn't doing anything crazy at all. He was just backing up but before they shot him, that's when he was trying to, you know, like you kind of jerk, you know, when you're kind of horsing around you kind of jerk and then that's all he did but nothing too drastic. But then, of course, when I saw him I run I said oh crap, you know. It's like that's when they shot him.
RENNA: Okay. Now, Mr. CAMPBELL got to a point in the parking lot. Did you ever see him stop or did he just keep walking backwards to the officers?
AGUAS: Yes, sir, he just kept backing up to the officers very slow.
RENNA: Okay, and how about when it came time to, when the officer first shot was Mr. CAMPBELL still backing up or was he stopped?
AGUAS: Uh, he was almost into a running position.
RENNA: Okay, but had he stopped moving backwards?
AGUAS: Oh, I couldn't tell after that because like I said it was dark and, you know, we can only see so far from NICOLE's window.
RENNA: Okay, so you couldn't tell if he was standing still or not?
AGUAS: No, sir.
RENNA: Okay, what did Mr. CAMPBELL, did he do anything just prior to the officer firing the weapon?
AGUAS: Um, well when he was backing up and then they shot him and then we couldn't tell anymore because we just know that he was down, but I didn't know because I was kind of (indecipherable) direction, you know. I saw the gunfire and I saw Mr. CAMPBELL run and then I couldn't see any more after he dropped or where he dropped. I just know that, you know, he got shot and I knew he dropped after that.
RENNA: Okay, that first shot that you heard, what was Mr. CAMPBELL doing right prior to that?
AGUAS: Um, I know he was ready, I mean he ran.
RENNA: You said that he was getting ready to run?
AGUAS: Yeah, he kind of jerked and then they didn't do anything but then when he took off that's when they shot him.
RENNA: Okay, so you saw Mr. CAMPBELL start running before the first shot?
AGUAS: Uh, you know, I'm not exactly sure exactly, but I know when he tried to run, you know, it's kind of like, you know, they told him to stop and then he kept going.
RENNA: Okay.
AGUAS: They were saying something because there was a vocal saying.
RENNA: Okay, there was some vocal saying?
AGUAS: Well, you know, it's almost like they told him to stop or something like that.
RENNA: Okay, and where were Mr. CAMPBELL's hands at that point?
AGUAS: They were still on his head, behind his head.
RENNA: Okay, did he start running, were his hands still on his head when he started running?
AGUAS: That's what I thought, yes sir.
RENNA: Okay, and then what happened to his hands? Did you see where they went?

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AGUAS: Oh, I don't know. After he ran, like I say we can only see so far and can't see anymore because I'm not sure he even dropped right there or how far away from there.
RENNA: Okay, how far did you see Mr. CAMPBELL run?
AGUAS: Not very much. The minute they shot him and then like I said I couldn't tell if he dropped right there, but I couldn't see any more after that...
RENNA: Okay.
AGUAS: ...after the shot.
RENNA: How many shots do you remember hearing?
AGUAS: Oh, I heard like four or five of them at least.
RENNA: Okay, and on the first shot that you heard and then the last shot when you said you saw him drop, how far do you think he ran?
AGUAS: Not very far I don't think after he got shot.
RENNA: Okay.
AGUAS: Like I said I couldn't see any more and to be honest with you I really couldn't tell, sir, how he could run because, you know, I was just watching both directions and then I saw him kind of running. I can still remember him taking a step and then I looked at the officer, when I looked back at him he was already down somewhat.
RENNA: Okay. Before you heard the first shot, was Mr. CAMPBELL looking around, was he trying to look over his shoulder, was, you indicated to the detectives that it appeared that Mr. CAMPBELL was looking for to either run or escape.
AGUAS: Oh, I just saw him running. I couldn't really tell because like I say he had his hands behind his back, sir.
RENNA: Uh-huh.
AGUAS: And that's all I can remember and when he was running all I could see was, you know, he took a step forward then that's when the shot him, so I couldn't really tell if he was looking above any, you know, both sides.
RENNA: Okay, did you hear the officers yelling anything while Mr. CAMPBELL was running?
AGUAS: Yeah, there was some yelling.
RENNA: Okay, could you tell what they were saying?
AGUAS: I couldn't tell, sir. Like I say it was, between the gunfire and that all I can, you know, it's almost like they wanted him to stop or something.
RENNA: Okay.
AGUAS: I could not, I'm not positive.
RENNA: Okay, and while Mr. CAMPBELL was running, could you tell where his hands were?
AGUAS: Still above his head.
RENNA: Well, he...
AGUAS: Behind his head.
RENNA: The whole time that he was running?
AGUAS: Yeah, when I saw him run, yes. His hands were still above his head.
RENNA: Okay, because if I read the reports correctly it indicated you couldn't see where his hands went.
AGUAS: Oh, I can see his hands when they shot him, it's still behind his back. I told em, yeah, I never saw his hands down at all. He was, when he was running he still had his hands behind his back, behind his head, I'm sorry.

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RENNA: While he was running?
AGUAS: Yes.
RENNA: Okay, let me see. Did you see that while he was backing up or just before the first shot, did you see officers pointing at him…
AGUAS: Yes.
RENNA: …as if they were giving him directions, pointing like with their fingers?
AGUAS: Not with their fingers. I just saw the, you know, the people, the officers had their guns kind of pointing at him but I couldn't see the rest of the officers because I was just kind of looking, you know, I could see Mr. CAMPBELL when he was backing up and the officers and that's all I can remember.
RENNA: Okay, had you ever met Mr. CAMPBELL before?
AGUAS: No, sir.
RENNA: Okay. Did it appear that Mr. CAMPBELL did anything suspicious before the first shot?
AGUAS: I don't think so, sir. All I could see him was walking back.
RENNA: Okay, all right. Did you see a police dog there that night?
AGUAS: Oh, I don't remember seeing anything.
RENNA: You don't remember seeing a police dog?
AGUAS: No, sir.
RENNA: Okay. Did you hear Mr. CAMPBELL say anything to the officers?
AGUAS: Not at all.
RENNA: Okay, I'm just looking at my notes here to make sure that I covered all the questions (indecipherable).
AGUAS: Not a problem. Not a problem.
RENNA: So, do you, in looking back on it, your recollection of events, was Mr. CAMPBELL standing still when you heard the first shot or had he started running?
AGUAS: He had started running, yeah, when, like I said, it's kind of like, you know, you're horsing around you kind of move your head forward. I saw him do that and then he took off. That's why they shot him or, you know, something like that.
RENNA: Okay, okay. How far away from Mr. CAMPBELL do you think you were when you were standing in the window?
AGUAS: Oh, I would say 15, I was almost, I was gonna say at least 15 feet or 20 feet, somewhere around there. I can't estimate just, you know, we were not that far because I can see when he was backing up.
RENNA: Okay, and did NICOLE come over and stand next to you and look out the window while this was going on?
AGUAS: Well, we were just kind, you know, yeah we just kind of watching it because when somebody was, you know, like I said we were looking in and out because I was watching TV at the same time and we just kind of heard them saying, you know, he is surrendering or something like that because the window was partly open so that way we can leave because my car is parked right there where the officers blocked me.
RENNA: Okay, well it was partly open and then did you close it while this was going on?
AGUAS: Um, well in and out. Not the whole time, but we were watching a, you know, when he was surrendering, yes. But the other time I was kind of going to the living room and watching TV because, you know, I just wanted to leave.

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RENNA: Okay, well sure I understand you were delayed for a long time trying to do a good deed and I understand that.
AGUAS: Yeah, and she was ready to just go because like I said her dad was ill and she just wanted to go see her grandma so she can go see her dad.
RENNA: Okay, all right. Um, and is there anything that I haven't asked you about that incident that you think was important that you haven't been asked, that you saw or heard that you would like add?
AGUAS: Um, not really, sir. I think, you know, like I said I was kind of innocent about the whole thing and I really don't have much comments except for, you know, what do you call it, I feel bad about what the whole situation because, you know, it's sad that it had to happen in this kind of situation that's about all.
RENNA: Okay, I understand. You were interviewed by some people from the District Attorney's office when you went to grand jury, is that correct?
AGUAS: Yes, sir.
RENNA: Have you been interviewed by any other attorneys?
AGUAS: No, sir, not at all.
RENNA: Anybody other than police officers?
AGUAS: Not at all, sir.
RENNA: Okay, and have you talked to anybody else that was a witness to this incident other than NICOLE?
AGUAS: No, sir, because I didn't know anybody else except for NICOLE that night.
RENNA: Okay, and I don't remember, did I ask you if you knew Mr. CAMPBELL prior to that day?
AGUAS: Yeah, you did ask me.
RENNA: Okay.
AGUAS: I don't know him at all.
RENNA: And you didn't know him?
AGUAS: No, sir, not at all.
RENNA: Okay, um, I don't know if you're in a position to write down my telephone number in case you remember something else or if it shows up on your cell phone. If it doesn't, I'd be happy to give you my phone number if you think of anything else.
AGUAS: Yes, please, sir.
RENNA: Okay, let me know when you're ready.
AGUAS: Yes, sir, I'm ready.
RENNA: Okay, and it's, my phone number is 503-823…
AGUAS: Did you say 823?
RENNA: Yes.
AGUAS: 823.
RENNA: …0583. Again, my name is BARRY, B-A-R-R-Y, RENNA.
AGUAS: Can you spell your last name?
RENNA: It's R-E-N-N-A. And if you think of anything else, please give me a call and if I don't happen to be at my desk if you leave a message I'll get back to you as quickly as I can.
AGUAS: Yes, sir, thank you very much. And I hope that was enough help for you for me to, you know, the information that you need.

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RENNA: Well, I thank you for your patience because I know you've gone over this numerous times, but I just thought I would talk to you one more time to see if you remembered anything else. So, I appreciate your time.
AGUAS: It's not a problem and thank you and you have a good day, sir.
RENNA: Thank you. You too.

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Transcribed 03/24/2010 / 8:35 Cathy Daley (0324cd01)

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PORTLAND POLICE BUREAU
INTERNAL AFFAIRS DIVISION
Confidential Taped Statement
Investigator Lynn Courtney DPSST #13609

Interview Date: 05/05/2010
IAD #: 2010-B-0004
IAD File Name: 10B0004dss-snow
Complainant: Portland Police Bureau

Interviewed: William Snow

COURTNEY: This is LYNN COURTNEY of the Internal Affairs Division. Today's date is May the 5th, 2010. The time is 10:47 a.m. I'm placing a call to WILLIAM SNOW who is a witness on IAD Case Number 2010-B-0004. (phone dialing and ringing)
SNOW: Hello.
COURTNEY: Hello, WILL?
SNOW: Yeah.
COURTNEY: Yeah, my name's LYNN COURTNEY. I'm an investigator for the Portland Police Bureau. How are you?
SNOW: Um, good. How are you?
COURTNEY: Good, good. Um, we're just doing an administrative review of the shooting that you witnessed…
SNOW: Okay.
COURTNEY: …involving AARON CAMPBELL. And my partner just got off the phone, I guess, with your girlfriend, JENNA, a little while ago.
SNOW: Oh, you're thinking of, um, that's TYLER.
COURTNEY: Oh, is that TYLER's girlfriend?
SNOW: Yeah.
COURTNEY: Oh, okay. Okay. I don't want to get you in trouble for anything (laughs) but…
SNOW: No, no, no. No problem. Don't worry.
COURTNEY: Do you have a few minutes to talk? Or do you…?
SNOW: Um, how long is a few minutes?
COURTNEY: Ten or so.
SNOW: Um, yeah, I'll make it work.
COURTNEY: Okay. Um, I was just going over some things as to reports and things, and I just wanted to clear up some, um, things to make sure I'm clear, um, understanding as to what happened or what you observed that day, and, of course, I've read the reports, and I know you were on the deck of your apartment, and, you know, TYLER was there and JENNA was there also.
SNOW: Yeah.
COURTNEY: And, um, you were laying down. Were you laying down on, on the balcony to observe this, or were you standing behind? Or…?
SNOW: Um, it was…well, we were periodically, at the beginning, I was in the apartment bedroom next to the balcony.
COURTNEY: Uh-huh.
SNOW: We didn't see…AARON hadn't come out yet. And we were just looking at the, all the policemen that were lined up, and all the cars, and there was a tree in between the bedroom…
COURTNEY: Right.

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SNOW: ...and the balcony.
COURTNEY: Right.
SNOW: And so, once they started, the police started to move forward, we went to the balcony, and at first we were standing up for a little bit, but then we, um, began to lay down, and we were kind of propped up on our elbows.
COURTNEY: Right.
SNOW: But just watching. Yeah, so, once we got there, we eventually went down to our, to our stomachs.
COURTNEY: Okay. And, um, I know you arrived at the apartment after the police were at the scene, um, according to your statements and stuff, but you actually saw when Mr. CAMPBELL came out of his apartment?
SNOW: Correct, yes.
COURTNEY: And, um, tell me about that. When he came out, what was his demeanor like? Was he walking back with his hands on his head? Or up in the air? Or what do you remember?
SNOW: Yeah, he was already walking back...he was walking...okay, let's see here...if I'm looking at, here's like a doorway, or where he comes out of his apartment.
COURTNEY: An alcove?
SNOW: Right, exactly. Yeah, he was walking backwards in relation to that. Like if you'd say, he was...the cops were to his right.
COURTNEY: Right. So, is he walking backwards?
SNOW: He was walking backwards, yes.
COURTNEY: Okay.
SNOW: And his hands weren't above his head yet. I believe they were just up in the air, you know, kind of like showing that he had nothing in his hands.
COURTNEY: Okay.
SNOW: And, I'm sorry, go ahead.
COURTNEY: Go ahead, and what happened next?
SNOW: Oh, I was going to say, so there's a...I'm sure you've seen pictures of the car there right next to the alcove.
COURTNEY: Sure. Right.
SNOW: He rounds the car, and then turns to back up towards the police officers.
COURTNEY: Uh-huh.
SNOW: And they're telling him to, you know, walk back, walk back, um, get your hands on your head. And he keeps walking backwards, and he gets to a certain point, they tell him to stop, um, and they're like, get your hands on your head, get your hands on your head.
COURTNEY: Where were, where were his hands then, if they weren't...?
SNOW: They were up like...I would, I would say his hands are above his shoulders.
COURTNEY: Okay.
SNOW: So they're close to behind his head.
COURTNEY: Okay. So he doesn't have his hands like behind his head, you know, interlaced his fingers...
SNOW: Yeah, they're not, they're not locked yet. No.
COURTNEY: Okay.

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SNOW: And, um, so he's…he's almost like semi-cooperating, you know. And then he starts to give them a little bit of lip, um, and they're basically saying, you know, if you don't, um, do what you're told to do, we're going to use force, and he's like just fucking shoot me, you know. And he starts to…it's almost like he starts to lower his left hand. Not very low, just kind of below his shoulder, and when that happens, he kind of looks back over his left shoulder.
COURTNEY: Uh-huh.
SNOW: And he gets popped with a bean bag gun.
COURTNEY: Okay.
SNOW: And I believe that one was in the back, in the center of the back, and then the second one was in his lower, in his left leg.
COURTNEY: Okay. And how did he respond to that?
SNOW: Um, he kind of almost like fell forward a little bit. He didn't fall down. And then he started to take off towards that car that was by the alcove.
COURTNEY: Okay. Where did his hands go when he got hit with the bean bag? Did he reach back where he was hit?
SNOW: Yeah. Well, he would have been…this is, this is what I said. Um, for me, from my view, it looked like he was hit in the center of his back.
COURTNEY: Uh-huh.
SNOW: And when he was running, getting ready to round the car, um, he took his left hand, it almost looked like he went to his waistband, like that area. So it was like in between…to me, it looked it was in between where the bean bag shots were placed on his body.
COURTNEY: Okay. And when you say his waistband, is it his back waistband?
SNOW: His back waistband. It's almost like…I mean…like I said, I didn't know what was going on in the situation, but I thought he was reaching for something.
COURTNEY: Okay. Did you see anything that he might have had?
SNOW: I didn't see a gun, I didn't see anything like that. I said in, um, I believe in the report, that I saw, I believe I saw like a dark object, but that could have been just his underwear band.
COURTNEY: Okay.
SNOW: Um, like I said, I didn't say it was a gun, um, I mean…and he didn't even have one.
COURTNEY: Did you see any kind of bulge around his waistband or anything?
SNOW: You know, it was…he had like a heavy jacket on, and it was, it was kind of covering his waistband. It was like, it looked like he was reaching up under the jacket into the waistband.
COURTNEY: And when he was reaching back there, was that immediately after he was hit with the bean bag gun?
SNOW: No, no, no. He stumbled forward, like his hands like flew forward. You know, he got shot twice with the bean bag gun.
COURTNEY: Uh-huh. Right.
SNOW: Kind of fell forward, and I think they had been drinking too, so he probably lost his balance. But, um, when he, yeah, when he went forward, um, it was almost like as he was running, then he started to reach back. It wasn't, it wasn't immediate, no.
COURTNEY: Okay.
SNOW: And then when he reached, you know, you know what happened next.
COURTNEY: Right.
SNOW: Bam! Right in the back, and he's done.

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COURTNEY: And then one of the things I was…when he was walking back, um, what do you remember, what kind of commands do you remember the officers were giving him to do?
SNOW: Um, okay, well it was…it wasn't all at the same time, but there was different officers saying different things.
COURTNEY: Okay. There were different officers giving him commands?
SNOW: Yeah, well from…like I said, from where I was standing there, I couldn't necessarily see the police officers because the tree was in my way.
COURTNEY: Right.
SNOW: This is all hear-based, so I can only see AARON. That's the best, closest view I had.
COURTNEY: Right.
SNOW: Um, but it sounded to me like it was…one officer was like, you know, get your hands behind your head, you know. And then I, I…it all happened so fast, but I felt like another officer was saying, um, you know, like, get your hands behind your head, do as your told, we're going to use force if you don't cooperate, and then AARON just started jawing back, kind of became a slur of words to me.
COURTNEY: Uh-huh.
SNOW: Um, and then…you know, and after he started to lower his hand said, just fucking shoot me.
COURTNEY: Okay. In your, um, I was just reading your detective interview you mentioned something about how officers were telling him to, um, get down on the ground. Do you remember that?
SNOW: Oh, yeah, yeah. I'm sorry. I apologize. Yes, I believe I did hear that, yes.
COURTNEY: Okay. Um, is that the same officer that's telling him…or can you tell by voice?
SNOW: I honestly, I honestly could not tell.
COURTNEY: Okay.
SNOW: Yeah. Like I said, I was, it was a very intense moment.
COURTNEY: Right. Right, right. And, um, I think you said earlier, you couldn't see the officers, you could just see Mr. CAMPBELL.
SNOW: Yeah, I could see…because they had started to push forward. I could see there was a, um, a police officer that was right below me with…behind a dumpster with a canine.
COURTNEY: Uh-huh.
SNOW: Um, and then I could see a couple of cop cars, you know, lined up, and the policemen were behind them. If I looked through the tree I could kind of see some of them, but it wasn't clear, it wasn't a clear shot for me.
COURTNEY: Well, immediately prior to the officers firing the bean bag, where were Mr. CAMPBELL's hands? Do you remember?
SNOW: I couldn't…actually, well, he went straight down to the ground. He fell behind the car. I couldn't see him anymore.
COURTNEY: No, but I mean after he was shot with the bean bag. The first time, when he walked back.
SNOW: Oh, oh. Like I said, he was just…his hands were still partially up. He started to lower his left hand, almost to look behind him so he could see what was going on.
COURTNEY: Uh-huh.
SNOW: So, his right hand…I believe his right hand was still up. Not behind his head. You know, like I said, they were above his shoulders.
COURTNEY: Right.

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SNOW: But the left hand was going down. And that's when he was looking behind his left shoulder, and that's when he got hit.
COURTNEY: And did he say anything prior to…
SNOW: AARON?
COURTNEY: Yeah. Did you hear him say anything to the officers?
SNOW: Oh, yeah. Like I said, he was just jawing to the cops to just shoot him.
COURTNEY: Okay.
SNOW: That's all, that's all he kept saying. It was repetitive.
COURTNEY: Okay. And, um, okay, and do you know how many times he was shot with the bean bag?
SNOW: Twice.
COURTNEY: Twice. Okay. And then he takes off running? Is that the way it went?
SNOW: Yeah. It wasn't like a dead sprint. I mean it was kind of like a stumble-jog-run, I guess you could say, and you could tell the coordination wasn't quite there because he had just been hit twice.
COURTNEY: Right. And when he's running, that's when, I think you said, he then reaches back with his left hand.
SNOW: Correct.
COURTNEY: To, um, his back left, or his back waistband area.
SNOW: Correct.
COURTNEY: Okay. And did it appear to you in doing so…now, is he like trying to hold up his pants? Are his pants baggy or…?
SNOW: Well, like I said, that very well could have been it. At the time, like point blank situation is happening to me. I don't what's going on. In my eyes, it looked like he was…it was…he was reaching for force. Now, I know he didn't have any, once I found out (indecipherable, talking over each other)
COURTNEY: Right, right.
SNOW: That's, that's what's going through my head. Um, if I had, if I had walked back through it and looked at it again, it very well could have been him just reaching for his pants to pull them up so that way he could keep running, which it sounds like it probably was.
COURTNEY: Right, right.
SNOW: Yeah, you said he wasn't, he wasn't wearing tightly fitting clothing.
COURTNEY: Right. Okay. And then, after he is shot, do you see him fall down then?
SNOW: Oh, yeah.
COURTNEY: Okay.
SNOW: Yeah, he fell almost, it was like in between the car and then there was like a set of bushes…
COURTNEY: Uh-huh.
SNOW: …between the car and the, um, between the car and the apartment. Like a shrub almost. I saw him fall basically into that, like in between the shrub and the car. I could see the shrub shaking. And then as soon, as soon as he was down, the canine was released, like just after that.
COURTNEY: Uh-huh. And then did you continue to watch? Did you see the canine go up to him?
SNOW: Yeah, yeah. I stayed and watched. Um, the canine went in there, he was there for just a few short seconds, and the police officer who was working with the canine called him off, and the dog came running back. And from there on out, it was just a game of, they were trying to get AARON to show them his hands.
COURTNEY: Right.

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SNOW: So they could, you know, go, go to him.
COURTNEY: Right.
SNOW: Obviously that never happened. After some time the SWAT showed up, and then they, you know, they took care of it.
COURTNEY: Right. Okay. Um, anything else about this incident that you remember now that you've, we've had some time since the incident to now, um, that you maybe...since the time you were interviewed previously?
SNOW: Um, I don't want to say something that's not, that I don't remember, that's not there.
COURTNEY: Right.
SNOW: Um, let's see, I pull in, I go on next to the cops, I drive by, I go up to my, my roommate's bedroom, I see them all lined up. Um, guns, you know, out. They're trying to...they got the kids out. And they got the, I believe there was a mother in there. Um, and then after that, after awhile, they started to move forward, the garbage dumpster with the canine behind it. That's when I repositioned myself to the balcony.
COURTNEY: Uh-huh.
SNOW: And after, you know, however long it was, AARON came out, and he walked backwards, they told him to stop.
COURTNEY: And when he walks backwards, how would you describe that? There's been kind of a difference of opinion as to...
SNOW: Okay, like...
COURTNEY: Is he walking slowly? Is he walking fast? Or...?
SNOW: Okay, so, at, at, I mean, at the time, it looked like he was walking fine. He came out of his, the alcove. Like I said, he was walking back towards me, so the police officers were to the right.
COURTNEY: Right.
SNOW: And he just kind of rounded the corner and...when, as he got closer to the cops, it almost looked like at times he was speeding up.
COURTNEY: Okay.
SNOW: Um, but when he first...initially when he came out, it was, it was normal. I mean, I'm sure the guy was full of adrenalin.
COURTNEY: Right.
SNOW: So, I mean, speeding up, I don't know, maybe he was getting nervous or whatnot. But then, you know, he eventually slowed down and stopped, and that's when, you know, they were trying to tell him...
COURTNEY: Did he stop on his own, or did the officers tell him to stop?
SNOW: Um, they were, they were telling him to stop. They were commanding him.
COURTNEY: Okay.
SNOW: Yeah, yeah. He didn't just stop in plain sight. They were like, that's enough. Stop.
COURTNEY: And I know you couldn't see the officers from your position, but did you get a sense of how close he was to them, to their car?
SNOW: Yeah, well, I mean, if, if...I don't know, do you have pictures there?
COURTNEY: Yeah, we have diagrams and all that stuff. Just I wondered from your perspective...
SNOW: Well, exactly. I was just going to try and give you a visual. Because I'm remembering it in my head. I'm just picturing it. If I'm looking out my balcony, straight ahead out of my balcony...
COURTNEY: Uh-huh.

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SNOW: There's cracks in the road in line with the handicapped, I believe. Some kind of white line. Um, he was right there.
COURTNEY: Okay.
SNOW: And then there's that tree to the right, and then there's the police officer in line with that tree. So I'm, I'm going say less than 20 feet.
COURTNEY: Right.
SNOW: Um, that's about what would be my ballpark estimate.
COURTNEY: Okay. And then did officers contact you that day? Interviewed you?
SNOW: Oh, yeah.
COURTNEY: Okay.
SNOW: I actually had to get to work. I was, you know, obviously, all boxed in once I got in there.
COURTNEY: Right.
SNOW: So, I drove to work, and when I came back, it was closed off, and I stopped. And there was an officer there. He wouldn't let me in, and I was like, well, I know what's going on, and that's when he, he was like, well, I need to get your story. So, he took my story, and then I, when I got in to my apartment, um, two detectives, Detective ANDREWS and Detective MUS, MUSSER?
COURTNEY: MUSSER, right.
SNOW: MUSSER, um, arrived.
COURTNEY: They interviewed you?
SNOW: Yeah, for a couple hours. So it was that night.
COURTNEY: Right. And then, have you been interviewed at any other time by any other investigators, whether the plaintiff's attorneys or any…?
SNOW: Um, well obviously the Grand Jury.
COURTNEY: Right.
SNOW: Um, I don't believe so. I mean, I kept in contact with Detectives ANDREWS and MUSSER just because they were just kind of walking me through what was going on.
COURTNEY: Sure.
SNOW: And then when the Grand Jury testimonies were made public…
COURTNEY: Sure.
SNOW: …um, I talked to some people, I think it was the head detective, for a few minutes.
COURTNEY: Uh-huh.
SNOW: But it wasn't anything really regarding the case. It was just kind of seeing how I was doing.
COURTNEY: Right.
SNOW: Um, but, yeah, I…and, you know, I stayed away from the reporters or anybody…I didn't want to talk to anybody.
COURTNEY: And, of course, you guys have moved from that apartment, I guess, huh?
SNOW: Oh, yeah. They, well, Victim's Assistance called us immediately after it happened, and when the statements were made public…
COURTNEY: Yeah.
SNOW: And they, and they, yeah, they said it was best for us to get out of there, so…
COURTNEY: Yeah...
SNOW: We completely relocated.
COURTNEY: Because you haven't been, you haven't been harassed by anybody because of your witnessing this event.

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SNOW: Um, no, because I haven't, yeah, I haven't been near anybody. I mean, I've been trying my best to stay away.
COURTNEY: You're still going to school, right?
SNOW: Correct. Yeah, we actually just finished finals last week.
COURTNEY: Oh, good, good. What are you majoring in?
SNOW: Um, business major with a background in finance. Now, what I'm going to with that, I have no idea.
COURTNEY: Okay. Yeah. Well, good, good. Okay, well, I appreciate your time, um, and I hope everything goes well for you.
SNOW: Yeah, hopefully I could help you guys out.
COURTNEY: Okay. Thanks WILL.
SNOW: You're welcome.
COURTNEY: Okay. Bye-bye.

10B0004int-snow
Transcribed 05/06/2010 / 5:00 p.m. Gayle Laird (0506gl02)

COPY

PORTLAND POLICE BUREAU
INTERNAL AFFAIRS DIVISION
Confidential Taped Statement
Investigator Barry Renna DPSST #15038

Interview Date: 05/05/10
IAD #: 2010-B-0004
Complainant: Portland Police Bureau

Interviewed: Tyler Camp

CAMP: (This is where the dictation began. There was no introduction.) Hey there, this is TYLER.
RENNA: Hi, TYLER, how are you?
CAMP: Not too bad. How are you?
RENNA: Good, good. Hey, do you have a minute to chat with me about this incident?
CAMP: Absolutely.
RENNA: Okay. Um, how well do you remember it?
CAMP: Um, pretty well.
RENNA: Okay. All right. And, my understanding, you were up in your apartment, you shared that with WILLIAM SNOW?
CAMP: Yes.
RENNA: Okay. Um, why don't you tell me what you remember, what you remember seeing, what you were doing leading up to it, all that kind of stuff, because I, I got the impression…I've read, um, the interview that you did with the detectives, and I've also seen the transcript out of the Grand Jury, but if you could just tell me what you remember, and maybe I can ask any questions that, that I might have that come up.
CAMP: Okay. Um, well, I was up in my apartment, and my roommate, WILL, had come home, and he was saying that there was police cars outside and stuff like that. And so I looked out my window and I could see where the police cars were. Um, there was a tree right to my left that couldn't show me anything else…
RENNA: Okay.
CAMP: …besides the police cars. So, um, after a little bit of time, me and my girlfriend, JENNA, we, and WILL, had all gone out to the balcony where we could see most everything that was going on. Um, the tree kind of blocked us from where the police officers were, um, but we could see what they were looking at. And, um, we kind of just were hanging out watching, um, not really sure what was going on. And then I had left and gone to the bathroom, um, and when I returned, I could see right out the balcony, JENNA and WILL were both laying down in front of me, and right out the back window I could see a man with his hands on his head. So, I didn't see him, see where he had come out from.
RENNA: Okay.
CAMP: Um, but he was standing in the middle of the road with his hands on his head, and he was, his back was to the police officers. Um, I looked down to my right and I could see, um, the dog, the police dog, with the, with its owner, I guess, um, waiting behind a dumpster. Um, the police officers were yelling to AARON to back up slowly and keep his hands on his head. Um, he started to back up, but he was backing up very fast, um, at a faster pace than anybody would walk forward. Um, and they, they continued to say, AARON, slow down. AARON, continue to walk backwards, but you need to slow down. Stuff like that. Um…
RENNA: Were they using his name?
CAMP: Yes.

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RENNA: Okay.
CAMP: Um, and finally one of the officers said, AARON, slow down or we will be forced to shoot. And that's when he stopped the first time and had said, well, 'Fuck you, shoot me then.'
RENNA: Okay.
CAMP: And then he…
RENNA: Did he turn his head around to tell them that?
CAMP: No, not that time.
RENNA: Okay. Do you think they heard him?
CAMP: What's that?
RENNA: Do you think that the officers heard him when he said that?
CAMP: I'm sure they did because they were closer than I was.
RENNA: Okay. And how close would you estimate that you were?
CAMP: Um, oh, probably less than 25 yards.
RENNA: Okay. All right, sorry to interrupt. Go on.
CAMP: Oh, that's okay. Um, so then, um, right after he said that, he paused for a second, and then he continued to back up at about the same pace that he was. And so the officer repeated himself, I believe, three times. AARON, slow down or we will be forced to shoot. AARON, you need to slow down. AARON, slow down or we will be forced to shoot. And that's when he stopped again and had said, well, 'Fuck you, shoot me then.' And that's when he had turned towards us, to his left, and he had turned his head and dropped his hands from his head. And pretty instantly...(silence) Um, at first I didn't know what it was, but then I saw the bean bag on the ground. Time kind of slowed down for me. Um…
RENNA: Okay. You kind of…I don't know if your phone cut out or what, but you said that he said, um, shoot me, and he dropped his hand off his head. And then you said, pretty instantly, and then there was just silence. Um…
CAMP: Oh, okay, well, um, pretty instantly there was a gunshot.
RENNA: Okay.
CAMP: Um, and not knowing what it was, I was…can you still hear me?
RENNA: Yeah.
CAMP: Okay. Um, pretty instantly there was, um, I mean, just, okay, the gunshot goes off. And not knowing what it was, but then I saw the bean bag fall from his back, from his lower back.
RENNA: Okay.
CAMP: Um…
RENNA: Did you see him react to that one at all?
CAMP: Um, yeah. He…both hands were off his head at that point.
RENNA: Okay.
CAMP: Kind of just stunned. Um, and, I mean, pretty quickly right after he was shot, he was on the run. He just took off. Um, and then in three or four steps he was struck again, and I, I believe it was at his lower left leg, in that area. Or, excuse me, his upper left leg. Kind of butt cheek, lower back area.
RENNA: Okay.
CAMP: Um, and he continued to run, and that's when he reached behind him. And I didn't see anything from where I was. It was kind of dark out, um, but he was reaching towards his, um, his low back, belt area. Um, I didn't know what he was reaching for or what he was doing, but he continued to run with his hand back in that area. And that's when the third shot finally went off.

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RENNA: Okay. So you heard a total of three shots?
CAMP: Yes.
RENNA: All right. Um, and he was already running when, Mr. CAMPBELL was already running when you heard the second shot, if I understood you correctly.
CAMP: Yes.
RENNA: Okay. And his hand stayed in the middle of his back by his beltline the whole time that he was running?
CAMP: No, it…he got hit with the first one, and he took off. And then he got hit with the second one, and he, he started to stumble a little bit. Um, he kind of just…after he got hit with the second one, his body seemed to low for some reason.
RENNA: When you say low, what do you mean? Like his…
CAMP: Kind of hunched.
RENNA: Okay.
CAMP: Hunched forward. Kind of running with his head lower to the ground than you would if you, if you were running.
RENNA: All right.
CAMP: Um, and then when he stood up, that's when he reached back. And it, it was pretty quick. I mean, his hand wasn't there for long. I'd say maybe a second, and then it was the third shot, and he was down.
RENNA: Okay. Um, was, did his hand stay back there, or was it back there at the time that you heard the third shot?
CAMP: Yes.
RENNA: Okay. Um, were you in a position to be able to see what he was doing with that hand? Was it moving around, or was it staying stationery?
CAMP: Um, honestly, it was pretty fast.
RENNA: Okay.
CAMP: I mean, he, he was on the run, um, and it went back there, it was maybe a second of it being back there. And then the third shot was off.
RENNA: Okay.
CAMP: And so…I mean, it was pretty quick. And then the dog was released at about the same time.
RENNA: And did you see the dog, um, go up to Mr. CAMPBELL?
CAMP: Um, yes.
RENNA: Okay.
CAMP: Mr. CAMPBELL had fallen behind a car. A car was parked with its nose towards the building…
RENNA: Uh-huh.
CAMP: …and he had fell between the bushes and the car, so I couldn't see him, um, but I could see what the dog was doing.
RENNA: What, what was the dog doing?
CAMP: Biting him, basically.
RENNA: Okay.
CAMP: I mean, but I couldn't see the body. I could see the, see the top of the dog.
RENNA: Okay. Um, when Mr. CAMPBELL was backing up, you said he was moving kind of quick. Um, where did you see his hands? I mean, on his head. You said they were on his head.

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CAMP: Yeah.
RENNA: Were, were they on top of his head, behind his head?
CAMP: Um, more-so behind.
RENNA: Okay. Were you able to see what his, if his fingers were touching? Were they interlocked?
CAMP: I believe they were interlocked.
RENNA: Okay. Did it appear that Mr. CAMPBELL was complying with the directions of the officers?
CAMP: Um, to the extent of, basically, have your hands on your head and back up. But, other than that, they continued to give orders and he was, he was acting in (dog barking in the background) an erratic manner. He wasn't...overall, he wasn't doing what they wanted.
RENNA: Okay. Sounds like I've got an echo on this...
CAMP: Yeah. And my dog was barking. Sorry about that.
RENNA: Okay. Could, um, when you first saw Mr. CAMPBELL, when he was backing up, could you see how he was wearing his pants?
CAMP: Um, he had a, he had a pretty long jacket on.
RENNA: Uh-huh.
CAMP: Um, so not really. Um, they were, they were normal, I would say. Not, not belly-button; I would say right around the hip bone.
RENNA: All right. So, a little bit low, but not, not excessively low?
CAMP: Not excessively, no.
RENNA: Um, and could...you said you couldn't see what the officers were doing? You could just hear them?
CAMP: Yeah.
RENNA: When you said he was moving fast, when he was moving back, can you describe that? Um, a little bit more than walk-speed, you said?
CAMP: Um, moving fastly. Um, trying to figure out a way to describe that. Um, just, I mean...
RENNA: Well, did it look like he was, um, going out of his way to, to move back quickly? Um, to move back fast?
CAMP: I, I would say so. Because, in my opinion, nobody walks backward that fast. You know, when, when you walk backwards, it's not as comfortable as walking forwards.
RENNA: Okay.
CAMP: So, he was, he was moving much faster than anybody in a normal situation would walk backwards.
RENNA: All right. Did you have...from where you were standing, did you have a pretty good idea of where the officers were positioned?
CAMP: Yeah, I knew where they were...
RENNA: Okay.
CAMP: ...based on, um, my, my bedroom window. (Indecipherable, talking over each other)
RENNA: Okay. And how far do you think Mr. CAMPBELL, when he stopped the last time, how far away from them do you think he was?
CAMP: Um, probably about ten yards.
RENNA: Okay. So about 30 feet. Um, and when he, when he stopped for the last time, um, you said that he dropped his hand, his left hand off his head?
CAMP: Yeah. When he was saying, um, what he had said.

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RENNA: Okay.
CAMP: He kind of turned towards the officers, and then his left hand had dropped from his head. They were no longer interlocked.
RENNA: Okay. But he kept his right hand up on his head?
CAMP: Yes.
RENNA: How far down did his left hand come at that point?
CAMP: Um, it hadn't gone too far. I would say, I'm trying to do it right now. Um, his, his fingers couldn't touch his head. They were probably a finger's distance from his head.
RENNA: Okay. And how quickly after he moved that hand did you hear the first shot go off?
CAMP: It was, it was almost instantaneous. I was, I was shocked that he was dropping it…(he dropped out briefly again) and the gun had gone off.
RENNA: You were shocked that what? You kind of (Indecipherable, talking over each other)
CAMP: Um, that (Indecipherable, talking over each other) said what he had said. Um, he just dropped it, and it was pretty instantaneous from him dropping his hand.
RENNA: Okay. Is there anything that I, that I haven't asked you, or that we haven't talked about that you think, you know (Indecipherable, the echo is back) is important?
CAMP: Um, I don't think so.
RENNA: All right. Are you still living out there on Sandy Boulevard?
CAMP: No, I'm actually in Vancouver now. Just across the bridge.
RENNA: Okay. Um, did you have any problems after this incident was over?
CAMP: No. We, we had moved onto campus at Concordia University.
RENNA: Okay. What's your major?
CAMP: Business.
RENNA: Okay. You seem like you were pretty, um, kind of knew what was going on with this. Have you got any relatives in law enforcement, or taken law enforcement classes?
CAMP: Um, I've taken a criminal justice class in high school. It was like, it was for three periods. And I would go and, um, be around and deal with all this kind of stuff.
RENNA: Okay. Um, is there anything that you've seen in the, on television, heard on the radio, any of the reports in the paper, anything that has caused you to change anything that you recall?
CAMP: No, absolutely not. I mean, my name was in the paper, and I felt that they kind of butchered my story a bit, um, tried to make it seem like my roommate and I and my girlfriend had different opinions, but, um, nothing that has changed my…my story's been the same the whole time. I mean, I saw what I saw, so…
RENNA: Okay. No, you seem pretty consistent. All right. Well, I appreciate you calling me back, TYLER. Um, take care, and if…you've got my number if anything comes up that you remember, please give me a call.
CAMP: Okay.
RENNA: All right. Thank you very much, TYLER.
CAMP: Thank you.
RENNA: All right. Bye.
CAMP: Bye.

RENNA: Renna.
CAMP: Hey, it's TYLER again.

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RENNA: Yeah, TYLER.
CAMP: Hey, I had a quick...(Indecipherable, static in the background) I just kind of...where is this going? Like this has kind of been down for a little while. I mean, I haven't been involved in a little while.
RENNA: Okay.
CAMP: And I was just kind of wondering...
RENNA: You mean where is it going and why am I talking to you?
CAMP: Basically, yeah.
RENNA: Okay. Um, I'm assigned to Internal Affairs, so, basically, a case like this, um, gets investigated initially by detectives to make sure that there's no, um, criminal wrong-doing on the part of an officer or anybody else in the event of a death.
CAMP: Uh-huh.
RENNA: Um, and, and that is followed up by a Grand Jury. So, the District Attorney's office is in charge of presenting a case to the Grand Jury. But my role in all this is that we do an administrative review on these kind of cases any time force of this type is used. So, we just...the reason I called you back was to see if there was anything else that you remembered and just to go through it all again.
CAMP: Oh, okay.
RENNA: It, it's not the criminal part. It's the Internal Affairs Administrative Review portion of, of this whole incident. It, it's very standard. It's, we do it on, on all of them.
CAMP: Oh, okay.
RENNA: Okay.
CAMP: Okay. Well, thank you.
RENNA: Oh, you bet. Thank you. Bye.
CAMP: Bye.

10b0004trs-camp
Transcribed 05/10/2010 / 2:00 p.m. Gayle Laird

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PORTLAND POLICE BUREAU
INTERNAL AFFAIRS DIVISION
Confidential Taped Statement
Investigator Jon F. Rhodes DPSST #16753

Interview Date: 05/05/2010
IAD #: 2010-B-0004
Complainant: Portland Police Bureau

Interviewed: Jenna Peterson

RHODES: Jon Rhodes, it's May 5th, 2010, it's 10:15, and it's Case 2010-B-0004. An attempt to reach JENNA PETERSON at phone number as a witness in this case. (phone dialing and ringing)
PETERSON: Hello.
RHODES: Hi, is this JENNA?
PETERSON: Yeah.
RHODES: Hi, JENNA. My name is JON RHODES. I'm an investigator with the Portland Police Bureau, Internal Affairs Division.
PETERSON: Oh, hi.
RHODES: Hi, nothing to be alarmed about. Um, do you have a few minutes to talk about the case, um, that you witnessed back in January of this fellow being shot by the police up by your apartment?
PETERSON: Are you an investigator, or are you a reporter?
RHODES: Um, I'm an investigator with the police bureau, and I could actually, if you want to make sure that I have all that, I can give you my call-back number, and you can call me right back, but, um, the Portland Police Bureau…you remember, the detectives coming out to the scene and you talked to the big tall guy?
PETERSON: Yeah.
RHODES: And that, I think his partner was with him, but I, I don't remember.
PETERSON: Yeah, the lady.
RHODES: Okay. Um, so they do the scene investigation, and the Internal Affairs Division, which is part of the Portland Police Bureau, does a follow-up investigation once the criminal matter is looked at, you know, the event, and then…remember, you went to Grand Jury and all that stuff.
PETERSON: Yeah.
RHODES: And you talked to a Deputy District Attorney.
PETERSON: Uh-huh.
RHODES: So they take your testimony, and then do the No True Bill thing, which means that they don't hold the officer criminally, um, liable for what happens. And then the police bureau looks at it as an internal review…
PETERSON: Okay.
RHODES: …to make sure the protocols were followed, you know, the rules and regulations and, you know, training issues and that sort of thing. So, we've been doing that for, um, a couple of months, of course, since it happened way back in January. And you're just – I shouldn't say just – you're one of the people that are on the list for us to do follow-up contact with because you were interviewed that night. And just to kind of fill in the blanks with stuff.

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PETERSON: Um, I'm actually gonna head out to work.
RHODES: Okay.
PETERSON: And I gotta get ready. Um…
RHODES: Okay, okay. Um, can I give you my name and a call-back number then, or maybe you can tell me what your schedule is, because I know, um…
PETERSON: Well, how late are you in?
RHODES: Well, today I'm only going to be here for like another hour, and then I've got to take off because I've got to pick up somebody at the airport. Um, but I normally work like 7:00 until 3:00. But it varies depending upon what I've got going on. Um…
PETERSON: Um…
RHODES: So, we can just play voicemail tag for a while. And, really, the questions that I were going to ask would be very simple, such as, when, you know, when you were being interviewed by the detectives, and I have your report right in front of me, um, it doesn't seem like they put any pressure on you to, like, say good things or anything like that.
PETERSON: How long is this…?
RHODES: It'll take like five minutes, I think.
PETERSON: Okay. Well, I just…I mean, I can make time right now.
RHODES: You want to try it right now?
PETERSON: Yeah. It'll probably be easier for you.
RHODES: Okay. Yeah, and it's just going to be a phone thing. It's not like I need you to come to my office or anything like that.
PETERSON: Yeah, that would be slightly impossible.
RHODES: Okay. Do you have a pencil and paper handy? And you can jot down my name and phone number and all that good stuff. Just any of that stuff.
PETERSON: Yeah, one sec.
RHODES: Trust me, I'm not a reporter.
PETERSON: Well, I was like, um…(indecipherable, talking over each other)
RHODES: Are you sure? Well, they're not supposed to lie about who they are.
PETERSON: I figured that. When you tell things it seems…
RHODES: Do you have Caller ID, what did it show up? It should be…
PETERSON: It just said Unavailable Number.
RHODES: Oh, okay. Yeah, we, they do that so that people don't see the 823 and then just promptly hang up because they know it's the City of Portland.
PETERSON: Yeah.
RHODES: Government number, so…Tell me when you're ready.
PETERSON: I'm, I'm good.
RHODES: JON RHODES, R-H-O-D-E-S. And my direct line is 503-823-0686.
PETERSON: Okay.
RHODES: Um, so, and it seems pretty clear to me looking at your, um, the report, because they transcribed the interview. Remember, they recorded it?
PETERSON: Yeah.
RHODES: And then they transcribe it. And when they asked you about what happened, it's just you talking for several minutes, it probably looks like, without interruption, without somebody saying, asking you leading questions, you know, that kind of thing, so. Did

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you feel pressured at all when people were talking to you about what happened? Like, well, I had better say, you know, good things about what the police did, or anything like that?

PETERSON: No, and, I mean, the fact that they weren't asking questions and stuff, it made it so…I just felt like I had to be very clear with what I was talking about.

RHODES: Uh-huh.

PETERSON: And, um, (indecipherable) to go into as much detail as possible, because I wasn't sure…I, it didn't seem like they were looking for anything other than what happened…

RHODES: Exactly.

PETERSON: …is how it appeared to me.

RHODES: Good, because that's what they're supposed to do.

PETERSON: Very good.

RHODES: That's what they do, is find out what happened.

PETERSON: Yeah.

RHODES: Um, you know, when you were talking to the officers about when this guy turned around, and then was saying something like, just go ahead and shoot me, that sort of thing, you kind of talked about, um, his hand kind of dropping down a little bit…

PETERSON: Yeah.

RHODES: …toward his waist. Was it your impression, um, that that was happening kind of just like, um, a natural movement, or did it seem like he, his actions of moving his hand down a little bit were as if he was reaching for something?

PETERSON: It seemed just like a natural movement, like, being honest, but, I mean, from my perspective, the fact of the matter is you've cops all behind you with guns that are giving you specific instructions…

RHODES: Right.

PETERSON: You don't have time to disobey just because you feel like it.

RHODES: Right. Right.

PETERSON: I'm sorry, I'm getting into personal stuff, but…(laughs)

RHODES: Well, and that was my impression from reading your, the narrative about what you said, that it seemed like it was, you know, more of a natural movement. But without asking you that, I don't know for sure.

PETERSON: No, that's okay.

RHODES: Then you describe when they were initially shooting, um, you know, after he was not doing what he was told and he was saying, shoot me then, shoot me then.

PETERSON: Yeah.

RHODES: They fired a bean bag?

PETERSON: Yeah.

RHODES: And then you talked about, you said, and then it looked like he was reaching toward his back in some sort of area, and started taking a few steps forward. Um, do you think he was reaching back there in response to, you know, like feeling pain in the area where he was hit? Or reaching for something? Or could you come to some conclusion?

PETERSON: From my impression?

RHODES: Uh-huh.

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PETERSON: I didn't think he was reaching for anything. It seemed like it was just a natural response to pain.
RHODES: Okay. And that's, that's the impression that I got from reading your report and just the context of it. That seems…but I wanted to clarify that because…
PETERSON: No, definitely. That's…maybe it's just…that's just how I naturally interpreted things. Because I know other people interpreted it differently, so…
RHODES: So, and when that part happens, are you still laying down on the deck?
PETERSON: Yes.
RHODES: Okay. And you guys took up a position laying down on the deck because it gave you a good vantage point? Is that why you chose it? (Laughs)
PETERSON: Well, (laughs) well, actually, um, from the area that we were, there was a huge tree that was blocking us from the officers…
RHODES: Uh-huh.
PETERSON: …and so, unless we were standing up and like making ourselves known, I mean, you would have saw us if we were standing up, and…
RHODES: Right.
PETERSON: So, so that's why we were laying down, and then my boyfriend was standing inside next to the, um, counter, so…like just inside the door, but in the dark, so…
RHODES: Okay. Okay. Yeah, that's what I figured you were doing, but I wanted to clarify that, and, of course, in the report, you also talked about, you know, where you were and where your boyfriend was back in the kitchen.
PETERSON: Yeah.
RHODES: So, um, when you…after you guys testified at Grand Jury, and then the media gets a hold of, um, the list of people who testified, and I think they also had, um, the reports, or the transcriptions, from the Grand Jury room…
PETERSON: Yeah.
RHODES: … did you get any phone calls from anybody after that about the fact that you testified? Whether it was somebody calling you and thanking you or somebody calling you and giving you shit about something. You know, being threatened or anything at all.
PETERSON: No, I never got, no, I didn't get anything.
RHODES: Okay. Good. Um, then in terms of people coming to your door and knocking on the door and saying, oh, I heard you testified. Anything like that at all?
PETERSON: Um, it didn't happen to me because I don't live there, so…
RHODES: Oh. Okay.
PETERSON: Um, yeah, since I don't live there, I live on campus at school, but…
RHODES: Oh, okay, so you were just visiting.
PETERSON: Yeah, but I'm over there a lot, and so when the boys went back to move out, Tyler told me he didn't want me to go because there were reporters there…
RHODES: Oh.
PETERSON: …and there was a couple…there were numbers on the door and people would come up to them while they were moving their stuff out and just…
RHODES: Uh-huh.
PETERSON: I don't know. I mean, I guess they'll tell you that when you give them a call, but…

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RHODES: Okay.
PETERSON: If you call them. But, I mean, so there was people trying to contact us as a whole, but…
RHODES: Okay. But…
PETERSON: They made sure I was never there, so…
RHODES: All right. Was it your sense that those, from the notes or from what the guys were saying, that the people that were trying to contact you guys were reporters? Or somebody else?
PETERSON: Yeah, that was the impression I got from all the people that tried to contact them.
RHODES: Okay.
PETERSON: So they would have to…like, they identified themselves as so-and-so from the, you know, something Tribune, or whatever.
RHODES: Right, right. How about, um, investigators for a plaintiff's attorney? Did you get any of that kind of stuff?
PETERSON: I don't think so. That doesn't really ring a bell.
RHODES: Okay. Okay. Um, the fellow that ended up being shot by the police, that, you know, was the one that was backing out, getting commands and all that stuff…
PETERSON: AARON CAMPBELL, yeah.
RHODES: Yeah. Had you ever met him before?
PETERSON: No, I've never seen him or met him before.
RHODES: Okay. And then, how about the people in the apartment? ADRIENNA JONES, the woman that was there with her three kids, did you ever meet her before?
PETERSON: No.
RHODES: Okay. Um, and did you have any contact with her after this happened? Did she just, I don't know, did you see her in passing or anything?
PETERSON: No. We never…no, I mean we might have saw her at the Grand Jury thing, but to be honest, I wasn't trying to identify people…
RHODES: Okay.
PETERSON: …because that made it even harder. The only person we talked to that we knew was, um, AARON's cousin.
RHODES: Oh. Okay.
PETERSON: And that was just because he was outside the Grand Jury room when we were sitting there, and he…
RHODES: Oh.
PETERSON: Yeah.
RHODES: What…did he say anything that was remarkable to you, or concerning, or…?
PETERSON: Um, no, he was talking to the people who live below us.
RHODES: Uh-huh.
PETERSON: And they were kind of talking to us, and, I mean, what can you say…I mean, he was just like, you know, thanks for coming out here and giving your side of the story. So it wasn't anything threatening whatsoever.
RHODES: Right.
PETERSON: It was…
RHODES: Well, that's good.

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PETERSON: Yeah.
RHODES: That's good. Okay. So you live on campus now?
PETERSON: Yeah.
RHODES: Okay.
PETERSON: Well, now I'm back home. School is out, so…
RHODES: Oh, okay. Um, where's back home?
PETERSON: Seattle. Federal Way area.
RHODES: Oh, okay. Well, and is this going to be a good number for you in the event that…I mean, I can't imagine that anybody's going to need to call you up and ask you about this again, you know, from the police bureau. So, I will…are you going to be back at, um, it's Concordia, right?
PETERSON: Uh-huh.
RHODES: Are you going to be back there in the fall? Or do you know?
PETERSON: Yeah, back in, um, August is when our group starts up, so yeah.
RHODES: Well, I will just, um, use this number then, the 253 number. Is there another one, like your parent's house or something, a landline that you want me to put down in case I need to…
PETERSON: No, this is definitely the best way to reach me.
RHODES: Okay, perfect. All right. So you've got my name and number, right?
PETERSON: Yes.
RHODES: Okay. Um, the other guys that were there, are they still in the Portland area? Or…
PETERSON: Um, they both live in Vancouver right now, so close enough, yeah.
RHODES: Okay. Vancouver, Washington.
PETERSON: Uh-huh.
RHODES: Okay. Perfect. Okay. Um, what's your major?
PETERSON: Um, psychology.
RHODES: Okay. All right. I've got a couple…(talking to someone in the room with him) When you get your degree, um, a couple of the people that I work with kind of have some mental health issues, so maybe you can…(they both laugh)
PETERSON: Like your colleague in the background?
RHODES: Yeah. Okay.
PETERSON: All right. I just have one question for you.
RHODES: Yes. Okay.
PETERSON: So, is everything done for it, like it's done and not going to get anything else to come in and testify or whatever?
RHODES: The only thing that…no, in terms of what the police bureau's internal review, it's almost done. And then, you know, they, they look at all of the issues that came up during the entire event, um, in terms of what, um…we have these things that are called directives, that kind of outline what police are supposed to do, generally, in certain situations. Um, and then there's some aspects of what happened that the Training Division will use to, um, you know, maybe do some different scenarios or talk about certain things in how they train new officers.
PETERSON: Yeah.

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RHODES: So that's the kind of thing that would happen internally, but you probably won't hear anything in regards to that. The other thing that's out there is, um, civil suits.
PETERSON: Yeah.
RHODES: Actions that family members of AARON CAMPBELL or, and the mother of his children, a couple of the kids that were there…
PETERSON: Yeah.
RHODES: …belong to him. So there's going to be, um, you know, some legal procedures that are going to take place over the next… (coughing) excuse me, probably year. Maybe not, maybe less. Maybe it will all settle, but sometimes things get drug out.
PETERSON: Yeah.
RHODES: Um, so, your name and contact information will be available to, um, the attorneys representing the, the City of Portland, and then whoever, which attorneys represent the family of AARON CAMPBELL, the plaintiff's attorneys.
PETERSON: Yeah.
RHODES: So, it's not inconceivable that someone from one of those offices will call you or send you a letter, you know, and then they have these events that, they call them depositions, where the attorneys will bring people in that witnessed some aspect of it and talk to them again about what it is that they saw. You were very clear, um, in your interview with the detectives, and it's recorded.
PETERSON: Yeah.
RHODES: So, it may very well be that they will just see what you said and then not really have anything else to add.
PETERSON: Yeah. Do I have to go and…if they give me the deposition, I have to go, right?
RHODES: Yeah, pretty much. I mean, they, they can make, you know, your life, I suppose, a little miserable. They serve you with subpoenas and then there's several penalties if you…
PETERSON: Yeah.
RHODES: …ignore them. It's not like they're going to drag you off to jail or something, but, you know…and it's not going to be…if you're here in town going to college, it's not like it's going to be, you know, an ordeal for you because depositions are very private. It will be in somebody's office, so it's not like going to be in a circus of cameras and all that kind of stuff.
PETERSON: Yeah, okay.
RHODES: And the value of doing the depositions is it adds to the information that both parties have, and that will likely, more likely result in the case settling so it doesn't go to trial, so your life doesn't get disrupted…
PETERSON: Again.
RHODES: …more, by having to go…
PETERSON: Okay.
RHODES: You know.
PETERSON: Yeah.
RHODES: I don't know, maybe you can use it to incorporate it in one of you psychology classes.
PETERSON: (laughs) Yeah.
RHODES: (indecipherable, talking over each other)
PETERSON: There's been a few.

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RHODES: It was a traumatic event.
PETERSON: Yeah, exactly.
RHODES: And, you know, how you dealt with it, and how people that were around you were dealing with it, maybe you can work that into a something you do at school.
PETERSON: Uh-huh. I already used this last semester, so…
RHODES: What's that?
PETERSON: I already did this last semester for one of my sociology classes, so…
RHODES: Oh. So, what did you do? Say that again.
PETERSON: Um, it was a…I wrote a paper, and it wasn't necessarily about it, but I used it as like a kind of key example of…
RHODES: Yeah, there you go.
PETERSON: Yeah.
RHODES: It's a life experience…
PETERSON: Yeah, it was.
RHODES: …that you hope you never have to experience again.
PETERSON: Yeah. I never really felt like I needed this experience in my life.
RHODES: No.
PETERSON: You know…
RHODES: Yeah, you could do without it.
PETERSON: Yeah.
RHODES: Okay, well, I think I have all I need.
PETERSON: Okay. Thank you so much for making this painless.
RHODES: Yes. Yes. Um, we always attempt to do that. So, if something else comes up, you think of something, you have questions, um, if somebody starts bothering you related to the case, which I doubt will happen, just call and leave a message.
PETERSON: Yeah. Okay, for sure.
RHODES: Okay.
PETERSON: Okay.
RHODES: All right, thank you.
PETERSON: Of course.
RHODES: Okay, bye.
PETERSON: Bye.

2010B0004trs-jenna peterson
Transcribed 05/06/2010 / 1:30 p.m. Gayle Laird (0506gl01)

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,PORTLAND POLICE BUREAU
INTERNAL AFFAIRS DIVISION
Confidential Taped Statement
Craig Morgan #38846

Interview Date: April 1, 2010
IAD #: 2010-B-0004
Complainant: Portland Police Bureau

Interviewed: Ronald Frashour #40927

MORGAN: This is Sergeant CRAIG MORGAN, it is April 1, 2010, it is about 10:40 a.m. We're located in an IAD interview room on the 12th floor of the Justice Center. Present with me my IAD partner, investigator BARRY RENNA. Also present is Officer RONALD FRASHOUR and his PPA representatives Sergeant SCOTT WESTERMAN and Officer DAVE DOBLER. We're here in reference to IAD Case #2010-B-0004. The associated PPB Case Number is 10-8325. Officer FRASHOUR has been advised that his conduct and/or the conduct of any other bureau member present on January 29, 2010, at 12800 NE Sandy Blvd. is the subject of this investigation. Officer FRASHOUR has reviewed information necessary to be reasonably apprised of the nature of the allegations of the claim. Officer FRASHOUR has been informed that he's an involved member in this case and that Captain ED BRUMFIELD is in charge of the investigation. I advised Officer FRASHOUR that he can have representation present during the interview and Sergeant WESTERMAN and Officer DOBLER are here in that capacity. Officer FRASHOUR has been provided a copy of the Advance Notice and Waiver form and has signed it. Officer FRASHOUR, under the authority of Captain ED BRUMFIELD I'm ordering you to answer all my questions fully and truthfully. If you fail to respond fully and truthfully you may be disciplined up to and including dismissal. Do you understand?
FRASHOUR: Yes.
MORGAN: Ok. Alright. So, obviously, what we're here talking about is an officer-involved shooting you were involved with back at the end of January. We'll just kind of start with some background information. What's your current assignment?
FRASHOUR: East Precinct Neighborhood Response Team.
MORGAN: Ok. And what were you assigned at the date of this incident?
FRASHOUR: East Precinct, afternoon shift patrol.
MORGAN: Okay. And how long have been employed by the Portland police?
FRASHOUR: Over eight years.
MORGAN: And how long out of east?
FRASHOUR: Uh, over a year.
MORGAN: Ok. Where were you prior to that?
FRASHOUR: The old Northeast Precinct.
MORGAN: Okay. And how long were you there?
FRASHOUR: Six years.
MORGAN: Pretty much since probation.
FRASHOUR: Uh, yeah, I got there in probation and stayed there.
MORGAN: Any prior police experience prior to Portland?
FRASHOUR: No.
MORGAN: And on the afternoon of January 29, 2010, what was your assignment that day?
FRASHOUR: Afternoon shift patrol, I think I was unit 946.
MORGAN: Okay. And did you have a partner that day?
FRASHOUR: Officer TYRONE WILLARD.

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MORGAN: Okay. And at some point during that shift you responded to a call at 12800 NE Sandy Blvd. Tell me how it came about that you were assigned and what information you initially received about what you were going to be doing?
FRASHOUR: Yeah, I - - just a second. Well, I was - - we were taking a break eating food in the back of a parking lot when East Precinct's dispatcher asked if there was anybody in the area of Sandy Blvd. with an AR-15 and uh, I have an AR-15, we answered that we did. I also realized I probably was the closest person from East Precinct because of the uh, the 940's district borders with North Precinct, I mean we, we probably would be the closest officers. So we answered that we had, or I answered we had an AR-15.
MORGAN: Okay.
FRASHOUR: And started to go to that call.
MORGAN: What did they tell you what you were going to?
FRASHOUR: At first they didn't tell us, or if they did I don't know. We flipped the radio net over to start the incident information and I pulled the CAD on the call and started to read the information myself, as we're also listening to the radio and responding to the call.
MORGAN: Okay. And what do you remember reading in the CAD about the call?
FRASHOUR: I remember uh - - that we're going to call a guy with a gun and some kids were involved. That he was suicidal and attempted suicide either earlier that day or very recently. To clarify, that there was a female there with kids. That the female's boyfriend had tried to commit suicide recently and it was on.
MORGAN: And how long did it take you guys roughly from where you were located to actually arrive on scene?
FRASHOUR: Just a few minutes.
MORGAN: Any significant updates either via CAD or the other North Net that you were listening to during that time frame?
FRASHOUR: I did listen to the radio and whatever updates were given I heard them. I don't remember, I remember Sergeant REYNA talking on the radio. I remember we asked how fast, what kind of response would you like, and she said we have an AR-15 there and I knew she was an AR-15 operator, so get here, but don't kill yourself. So we went Code 3, but Officer WILLARD did it, more of a - - a very safe CODE 3, cleaning intersections quite well and - - just to get there.
MORGAN: Okay. So basically when you arrived on scene your understanding of the call is still the same as what was initially put into the CAD call?
FRASHOUR: Yes.
MORGAN: Okay, alright. And tell me what happens when you get on scene.
FRASHOUR: We parked uh, northwest of 12800 NE Sandy on uh, on the south side of Sandy. We were directed to, originally directed by officer to go to some other officers who were in the back of that complex. I saw Officer BOCCHINO and I went to him. I clarified which unit it was that was the unit of interest. It turned out that we were very close and I realized with an AR-15, I don't know if, this must not be the right place because Officer BOCCHINO or his partner, one of the two had a shotgun already. So I asked on the air, I asked Sergeant REYNA and I told her where I was and asked her where I need to be and I think it was Officer LEWTON answered, 'FRASHOUR we need you in front.' So Officer WILLARD and I went back out to the north side of the building along Sandy Blvd., wrapped around to the east and into the parking lot where I clearly saw the police car parked in the middle of the, I don't know if you want to call it parking lot or driveway, it's both and I saw the officers crouched down behind that, I saw Sergeant REYNA there and Officer LEWTON with his bean bag gun.

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MORGAN: Okay. And did Sergeant REYNA have her AR-15 deployed at that point?
FRASHOUR: Yes.
MORGAN: Alright. And when you first arrived what, how would you, how would you classify your understanding of what kind of call this is with the information you initially are dispatched with and what you read in the CAD?
FRASHOUR: Well the main thing is the call could have taken a number, it could have gone a number of ways, but I you know, I was thinking it could be a hostage situation if this is a suicidal person holding the woman and children there and he's armed. That would be a hostage thing, you know, concerned that he'll hurt the kids, not just hold them hostage, but hurt the kids because he's suicidal. I received information there was, that he made some kind of a reference to suicide by cop. So I was processing all that information, these are possibilities that I'm becoming aware of.
MORGAN: Okay. Did you feel at that point you might be dealing with a barricaded subject?
FRASHOUR: That would be a possibility too.
MORGAN: And you said you had it in your mind that it could be a hostage situation. Did you or did you ever hear anyone discussing the possibility of calling out SERT?
FRASHOUR: Up to the point of arrival?
MORGAN: Yeah. Or when you very first arrived at the custody car. Any discussion of SERT?
FRASHOUR: Not that my _____ not that I recall.
MORGAN: With that hostage situation in your mind did you think about the possibility of inquiring about SERT?
FRASHOUR: Not at this point, it was just too early, too unknown to.
MORGAN: Okay.
FRASHOUR: I mean, I understand that a hostage taker could be barricaded, but the term barricaded subject, I don't think that's how that was in my mind. I don't think, you know, that it was categorized as barricaded subject. That's not how I was thinking about this yet.
MORGAN: Ok.
FRASHOUR: Because it was still evolving and I - - yeah, I didn't have enough information yet. We're talking right when I walk up to the car.
MORGAN: Right.
FRASHOUR: Is this a barricaded person? I don't think I could say that. I always recognize that situation to be a barricaded man inside, but I don't - - not yet.
MORGAN: Ok. Alright. And you talked about you had some information that he might be interested in suicide by police, if that was a possibility. Do you remember where you got that information from?
FRASHOUR: I received information both by radio and by person-to-person contact with Sergeant REYNA, or Officer LEWTON that uh, I'm certain I got that information, positive I got it. Some of this stuff I can't remember if I heard it on the air or if I relayed it from a person-to-person contact, so I can't.
MORGAN: Okay. What was your understanding? What, describe what your thoughts are when you hear the term suicide by police? What did that mean to you on this call?
FRASHOUR: That's uh, that was a big red flag. I know from training and experience that people who are suicidal can be irrational, they can be hostile, they can be aggressive, they can be homicidal. And then you throw in suicide by cop meaning the way they want to die is by uh, initiating, or taking some kind of drastic action that would cause the police to have to use lethal force against the person. Quite often that's shooting at the police, which is deadly force directed at the police in order to get the police to shoot that person and then, when I hear that he's talking about doing that, I have to be very aware of his potential use of deadly force, the subject's potential use of deadly force.

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MORGAN: Okay. And did you get any information on MR. CAMPBELL'S history that you felt assisted you or informed your decision-making on the call and tell me if you did what that was and where you got it from.
FRASHOUR: I, I'm now very well aware of his history and I understand that his history is in the call and I know I looked at the call on the way. I don't know if I looked at that page, glanced at it or not. I just don't know. I don't remember knowing his history.
MORGAN: Okay.
FRASHOUR: Other than the history of that event and the things said about that day and maybe just before.
MORGAN: Okay. And so one of the PPDS entries that's in the call - -
FRASHOUR: Yes.
MORGAN: - - is that he was a suspect in an assault with a handgun.
FRASHOUR: Yes.
MORGAN: An attempt murder charge previously. When you're sitting at the car as this call is unfolding that wasn't necessarily one of the things that was in your mind informing you as the call went forward, right? As far as you remember you didn't have that information.
FRASHOUR: I don't remember that.
MORGAN: Okay. And did you get any information either enroute or at anytime during this call that MR. CAMPBELL had threatened anyone else with harm other than himself?
FRASHOUR: No, uh - - I think that I understood that he was suicidal, but understanding the mindset that suicidal people sometimes have, those things I said, they're irrational and they can be aggressive and they can be homicidal also. So, I'm sorry you asked that a minute ago. If I understand your question, did I think - - did I have information that he actually tried to hurt anybody else?
MORGAN: Either actually tried or had specifically threatened anyone other than himself. Other than talking about the general behavior of suicidal subjects, which I understand in this particular case, did you have any information that he had specifically threatened anyone else with harm?
FRASHOUR: I don't know. I don't remember that.
MORGAN: And did you ever have any information again either enroute or at anytime during the incident as it unfolded that MR. CAMPBELL had committed a crime?
FRASHOUR: Um, I'm aware he had a restraining order against him and I'm aware that when you have a restraining order against you, you can't be in possession of a firearm. I just don't know if I read that - - I um, on the way or if I'm remembering it from reading the information later. I'm positive he committed a crime, one or more. Um, I'm just not sure when I got there if I knew what the crimes he had done.
MORGAN: Let me ask you it this way. When you're sitting at the car again as the call's unfolding.
FRASHOUR: Uh-huh.
MORGAN: Do you have it in your head that you are dealing with a criminal suspect or do you have it in your, or is your mentality that you're dealing with a suicidal subject?
FRASHOUR: Well, just a minute. This is printed backwards. I'm sorry.
MORGAN: Unfortunately, that's (indecipherable).
FRASHOUR: That's okay, I'm just a little confused. Well, I think my initial response hearing the call and reading at least the part that really stood out in me was protection of the other people in the apartment. Protection of the people. Whether or not that means dealing with a crime that's taking place or not, oftentimes you sort that out later. So my mindset was protection of the other people. Dealing with whatever needs it is finding out what MR. CAMPBELL needs now. Does he need to go to the

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hospital? Is there a prime reason to go jail or both. I think that my initial response was just the welfare of the other people there and the welfare of him, second to the welfare of all the other people there.
MORGAN: Okay. Who appeared to be in charge of the scene when you arrived?
FRASHOUR: Sergeant REYNA.
MORGAN: And did she remain in charge throughout the incident or did that change over time, or what was your perception of that?
FRASHOUR: Uh - - Sergeant REYNA was the only supervisor that I ever remember giving me direction for anything, but I was aware - - we were there awhile and I was very aware that other supervisors were arriving, lieutenants and captains. I mean I know that when a captain arrives on scene they're going to be the one in charge, but I also understand how sergeants run things generally and filter things through the captain. But the only one I took direction from up until after the shots were fired was, that I remember at all was Sergeant REYNA.
MORGAN: And if there was any sort of transfer of the command of the incident the earliest that would have occurred would have been when the captain and the lieutenant arrived?
FRASHOUR: Well, Sergeant BIRKINBINE arrived also. I remember hearing everyone on the air, but I yeah, well, Sergeant REYNA is certainly the one in charge until at least one more sergeant gets there and I don't know what time in the history Sergeant BIRKINBINE got there. And certainly by the time a lieutenant and captain arrived they're in charge. So I would say they're in charge.
MORGAN: But you never received any specific instruction from Sergeant BIRKINBINE.
FRASHOUR: Uh, no, not that I remember, not until I mean he later is the one that relieved me, told me you're relieved. But up until that point I don't think so.
MORGAN: Okay. And do you remember Sergeant BIRKINBINE giving instructions to any of the other members of the custody team or perimeter units or anything over the air?
FRASHOUR: I don't remember it. A lot of - - he certainly wasn't up at the car with us and the contact team, the custody team whatever you want to call it, has their specific role and we were, I shouldn't speak for everybody. I was concerned about my role, I knew what my role was and so any direction given out over the radio by any supervisors, the other officers, I wasn't as worried about listening to them.
MORGAN: Okay. And so when you get up to the car do you get any new information from Sergeant REYNA about what's been developing on the call to that point?
FRASHOUR: Yeah.
MORGAN: What'd you find out?
FRASHOUR: Well, she was the lethal cover. I was there to take her place was certainly my understanding. I was going to take her place so she could supervise. She directed me to, I don't want to forget this part. She told me that the female was out and the way she said it is, she just left the kids inside, or she just left them in there. So the kids were still inside. I understood that MR. CAMPBELL was still inside. She directed me at the alcove that leads to number 37, very specifically pointed it out to me and to say if somebody comes out this is welcome, this is the way it will come out. She directed me to the windows that uh, that uh, the windows of number 37 that faced into the parking lot. Uh, I - - about that point, I think it was her, or someone, that's when someone told me he, that he'd sent some kind of a text or became aware of the text, you think I'm joking or I'm serious, don't make me get my gun, don't make me get my gun. And that was when I really initially got there.
MORGAN: Okay. That was soon after you arrived. How do you interpret that text?
FRASHOUR: Well, that's that he's saying I'm armed. That he's saying, I mean that statement says a lot of things. That he's saying if I don't like what you're doing I'm going to use a firearm. Don't make me get my gun, why else would you get your gun except to shoot at people. I heard that and I

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registered that in my brain along with suicide by cop. I got a lot of that information very close to the same time. I can't get the chronological order exactly down.
MORGAN: And that's shortly after arriving in the patrol car?
FRASHOUR: Uh-huh.
MORGAN: And so how would you - - what was your role?
FRASHOUR: I was the lethal cover.
MORGAN: And did Sergeant REYNA assign you that role?
FRASHOUR: Whether or not she specifically said, "Ron, you're the lethal cover", I can't say, but it was very much understood by everybody there that that was the case.
MORGAN: Okay. And do you remember receiving any specific guidelines about use of force on this call from either the sergeant or discussion? Any specific rules of engagement?
FRASHOUR: You mean like uh, to clarify your question like if this person does this then you will do this. That type of - -
MORGAN: Any discussion along those lines or uh, yeah, that would probably be the most common, or you know any statements, if he exits and runs west you shoot him.
FRASHOUR: Oh, no, no.
MORGAN: Anything along those lines at all?
FRASHOUR: No, no. I was not given any instruction to give uh, no.
MORGAN: At any point did you hear any discussion about if he comes out of the apartment we're not going to let him back in. Never heard anything about that?
FRASHOUR: (No audible response).
MORGAN: Okay.
FRASHOUR: I don't recall that.
MORGAN: Okay. And I know you said the custody team has kind of specifically defined roles. Who was doing what at the car?
FRASHOUR: Sure. I was the lethal cover. Officer WILLARD, my partner, was just to my right and maybe a little behind uh, with hands-free as a custody officer. Officer LEWTON was to his right with the bean bag as the less lethal officer. Officer LEWTON was also, my impression was, maybe the primary officer or he was facilitating some of the things that were going on in placement of other officers. Officer KEMPLE was there and I remember Officer KEMPLE saying we need to have people here with hands free. I assumed that's what he was doing too with Officer WILLARD. So we had two custody officers, a less lethal officer, a lethal force officer and Officer ELIAS came very shortly in that time frame somewhere in there Officer ELIAS came and we had K-9. Lots of different tools to use.
MORGAN: What was your understanding what K-9's role on the call was?
FRASHOUR: I mean K-9s commonly come to these calls. If you want to call also a perimeter because there were officers in the back and blocking streets. K-9s very often come to them and uh, you know, should a subject disobey police commands or run, the K-9 is very oftentimes put on them to take them down or to track them. I mean he's really cover because you can't say what you're going to use him for until that need arises and then you need to evaluate whether or not to use the K-9.
MORGAN: Was there any discussion specifically on this case if he runs we're going to send the K-9? If he comes out and doesn't start following our commands we're going to send the K-9. Anything along those lines at all?
FRASHOUR: Uh, I'm fairly positive I never heard any conversation like that at all from a supervisor. And amongst, the officers, I don't think.

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MORGAN: And what did you, what was your understanding of what the goal of the, of the call was as a whole? What was trying to get accomplished on this call?
FRASHOUR: Uh, a welfare check. Like I said on the way, what stood out at me right away was the safety of the children, involved in the call, mentioned in the call. And that took, eventually they were safe, that took place. And then the safety of the man inside, but and I had been on calls before where we would actually just leave. I was simply the lethal cover and if the decision that a sergeant or a supervisor is that you just leave then I was just going to leave. If the sergeant says we stay, I'm working on something else. For example, I'm working on something else and checking this avenue then I stay and I'm lethal cover until directed otherwise.
MORGAN: Okay. And then just specifically. What was your understanding of what the role of the four officers, I guess if you want to include ELIAS, the five officers of you there as the custody team, what was your plan of action? What was your role?
FRASHOUR: Oh, sure. Well, I mean the custody team is if the subject comes out of the house or in this case out of the apartment and the custody or the contact team is the one that addresses him and takes him into custody. And that was the role and my role on that team was to cover that team and the other officers as a cover.
MORGAN: And do you believe every officer that was a part of the custody team was on the same page as far as what the plan was? As far as what the roles were?
FRASHOUR: Yeah, I believe we were on that.
MORGAN: Was it ever verbalized, you two are hands on on lethal cover, you're less lethal, or was that implied based on - -
FRASHOUR: Well, it was certainly definitely implied. It was obvious because of the tools I had out there, the AR-15 the tool officer wouldn't have had out and Officer ELIAS had his K-9 and then I heard Officer KEMPLE, I heard officers setting the call up, but I'd been assigned my role. I'm very serious about that role and so I'm not so much - - I was aware a plan was probably taking place and I was a part, I was a part of the plan. I wasn't the planner, that wasn't my assignment. If that answers your question. We were just there in case the contact team is needed. We may not have been needed. We were there in case we were needed.
MORGAN: And I know just to be clear. I know you said there was no discussion of SERT when you first came up. At any point prior to the actual shots being fired were you ever a participant in or did you ever hear any conversation about the advisability of contacting SERT agency?
FRASHOUR: I just don't remember. I wasn't a participant and I don't remember if it was a conversation.
MORGAN: And then again, just to be clear, I know you said you don't remember hearing any discussion about if he comes out we're not going to let him back in. Do you remember hearing any specific discussion or instructions about if he comes out and runs what's going to happen, what the police response is going to be?
FRASHOUR: I don't remember. I don't remember. I want to make clear I've read a lot of the reports investigated and where a conversation sounds like took place, I believe that conversation took place out of hearing range of myself and the custody, with other officers maybe who were communicating with MR. CAMPBELL. I never heard that conversation. I don't - -
MORGAN: Okay. That's what I wanted to be clear about. Okay. And as we go forward here obviously we're looking for the stuff you knew first hand and I realize it's going to be hard to sometimes separate out.
FRASHOUR: That's - -
MORGAN: - - As best you can just what you knew first hand on the day of the incident.

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FRASHOUR: Okay. That's what I'm trying.
MORGAN: While you're waiting here, do you feel like you're getting updating card information about what was going on with the call as you're sitting at the patrol car?
FRASHOUR: Yes.
MORGAN: And specifically what updates do you remember receiving?
FRASHOUR: The well, the initial update when I got there, she's already out. I personally saw the children come out. I suppose that's an updated call, but I witnessed it. I heard Sergeant REYNA, I believe it was on radio because I just don't think she was up by us at this point saying, I'm almost 90 percent positive she said on the radio, said uh, we have him communicating by text and I think she said things were going well. I remember that update in the call, so I was aware that there was communication taking place by text.
MORGAN: Okay. And once uh, Sergeant REYNA kind of got you set up and she was relieved of AR duties and uh, she left the car. Did she ever, did she come back and forth between the alcove and the car or once she left was she pretty much gone to the alcove for the duration?
FRASHOUR: She may have come back once or so, but for the most part I don't remember her being up by the car.
MORGAN: Do you remember anybody going back and forth between those two locations or was it pretty much the four of you at the car, the four or however many at the alcove and both kind of stayed in their own place?
FRASHOUR: I don't remember people moving around once we got set in place.
MORGAN: Okay.
FRASHOUR: That's not true, or uh, that's not accurate. Officer LEWTON did at one point leave the car because he was talking about setting up officers east of that complex and when he came back he might have relayed more of that information I received, may have. But I do know he left for a moment and came back and I don't know how long or was it really long.
MORGAN: Okay. And that was just one time as far as you remember?
FRASHOUR: That I remember, yeah.
MORGAN: Okay. And were you wearing an earpiece?
FRASHOUR: No.
MORGAN: Are you aware of any requirement that AR-15 operators wear an earpiece?
FRASHOUR: No.
MORGAN: Do you feel like the lack of an earpiece hampered your ability to hear radio updates on this call?
FRASHOUR: No.
MORGAN: And just to be clear you're wearing a lapel microphone?
FRASHOUR: Yes, I had the radio on.
MORGAN: And so when the radio is on you're hearing radio traffic.
FRASHOUR: I've worn earpieces on and off that work. I have an earpiece. I don't commonly wear, I don't wear one. And I'm very well, I'm just conditioned and used to listening to my radio on my lapel mic.
MORGAN: And did you receive the information at any point that the female who left, ANGIE JONES, that she had told Officer BOYLAN that the problematic suicidal behavior by MR. CAMPBELL had all been the night before and that on this day, the day you guys are there he's doing fine, he's doing much better. Did you ever receive that information?
FRASHOUR: No.
MORGAN: Okay. And then you said you witnessed the children coming out. Tell me about that.

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FRASHOUR: Well, because I was directing my AR-15 at the direction of the alcove primarily because the alcove had a brick siding which would be a good backstop and I was trying to be safe. So those kids came out right where I was looking. I could see them just over the hood of the silver Volvo if I remember right, I could see their heads and I saw two little kids at first and I think I just verbalized it to the other officers to make sure everybody saw them. And officers immediately started calling them and having them run to the door and out of the way and I saw a small child kind of wander out, also north a little bit, but just a little bit from the alcove and he was very, he or she, I don't know actually, was very young, probably two. And I was really concerned that that child wouldn't understand or was too scared and just didn't know what to do because the first two ran to the officers right away, but they left the little one behind and I was just worried he was in danger. He was in between us and the windows of the apartment and I uh, knowing I'm the lethal cover, knowing I have the rifle I started to think really quickly uh, formulating just a very quick rescue of that child and I was about to say hey let's, I was about to implement that on my own, but I didn't have to, the officers got that child and he or she did move. I heard that the children were taken safely to the street and then I later heard on the radio that they were taken down the street I think to a gas station with family.
MORGAN: And did you know the children were about to come out when it happened? Did you have any heads up that they might be coming out?
FRASHOUR: No, none.
MORGAN: Did you receive either at the time or at any point afterwards on a call information that the children had actually come out after Officer QUACKENBUSH discussed releasing them with MR. CAMPBELL?
FRASHOUR: No. I was not aware of Officer QUACKENBUSH'S involvement in the call at all until Grand Jury when I was asked questions by the jury. So I was not aware of that, any conversation he had about the kids.
MORGAN: And I guess leaving this specific officer out of it, did you have any information that the children had been released at police request?
FRASHOUR: No.
MORGAN: To put it more generally.
FRASHOUR: No.
MORGAN: Okay. And were you aware that, again generally, police were in contact with MR. CAMPBELL by telephone?
FRASHOUR: By telephone you mean using the either talk or to text, yes.
MORGAN: Okay. You knew about the text messages.
FRASHOUR: The police, I was aware it was the police text messages with the cell phone.
MORGAN: Okay. And did you have any information that there had been some verbal communication via telephone?
FRASHOUR: I don't know that I had that information.
MORGAN: And were you aware or was it your understanding that officers were attempting to talk MR. CAMPBELL into coming out of the apartment?
FRASHOUR: I wasn't aware of that.
MORGAN: And were you aware that he was going to be coming out of the apartment when he did appear?
FRASHOUR: Absolutely not aware he was going to come out.
MORGAN: Okay. Okay. Let's just back up real quick before we get into what happens when he emerges.
FRASHOUR: Okay.

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MORGAN: What specific information do you have about what type of weapons MR. CAMPBELL might be in possession of?
FRASHOUR: I think it was voiced on the radio uh, ANGIE JONES, but it (indecipherable) later, she said it was a small gun and I assumed it was a small handgun and because oh - - I was also told that he kept the gun in his sock, in his pocket on his coat. So like, it would have to, almost have to be a (indecipherable).
MORGAN: And do you remember where you received the information about the coat pocket?
FRASHOUR: I think it was over the radio and I think it was from Sergeant REYNA. Uh, yeah.
MORGAN: And what information had you received about other occupants of the apartment? I know initially it was the female and the children. Did you have any other information?
FRASHOUR: I didn't and I asked about that. I asked about that specifically and I don't remember that I ever got an answer because there was a lot going on. I asked do we know if, something to the effect, do we know if there's anyone else? And I was either answered that we don't know or I wasn't answered. I never got a satisfactory answer to that.
MORGAN: Alright. So in your mind, once MR. CAMPBELL comes out it's still not clear if anyone else is remaining in the apartment. Is that fair to characterize it?
FRASHOUR: Yes.
MORGAN: Okay. So he comes out of the alcove and why don't you just walk me through kind of that initial actions and what happens.
FRASHOUR: Okay. Because I'm looking at the alcove uh, if I can take one step back. I also heard over the radio the officers were saying in the back that he was looking out the blinds, which caused me some alarm. Uh, because he's trying to gain information. If he wants to attack officers he's tracking down where they are. If he just wants to escape he's at least just figuring out an escape route. I directed the officers near me to make sure and pay attention to the windows on our side. I don't know the time frame between that, but then all the sudden without any information uh, without me having any information that he was going to, he came out.
MORGAN: Okay.
FRASHOUR: And he either had his hands on his head already or he immediately put them up on his head and he very quickly, not jogging, but a very determined walk straight eastside of the alcove into the middle of the parking lot. I verbalized that to everybody. I think Officer WILLARD verbalized it to everybody and on the radio.
MORGAN: Do you remember exactly what you said?
FRASHOUR: He's coming out, or he's out, something to that effect.
MORGAN: Okay.
FRASHOUR: I was shocked when he came out and alarmed by how determined he seemed. I've seen a lot of people come out to give up and I'd never seen anyone do it the way he did it. It just wasn't right. Uh, normally people move slow - - normally people put their hands straight up in the air, but it was the determined way he seemed to be moving and uh, it wasn't slow. Normally people are slow, they're methodical, they do not run quickly and have something bad happen. That didn't seem to be the case with him and I noticed that right away. And I don't know if he stopped in the middle of the parking lot on his own or because he was directed to. But as soon as he emerged he was being given voice commands by officer, at least one officer and I assumed my role as lethal cover and I was just looking to the threat. Looking at him. Uh, but he did stop uh and he was facing directly south with his hands on his head. Officer ELIAS' dog starts barking because the dog is aware of what's going on. People are giving commands. And I am pointing my rifle at him, he starts to back up. I realized he's in a great - - the part of the parking lot he actually went to in my mind was dimly lit so I turned the

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flashlight, or the light on on my AR-15 so I could see better. He started to back up quickly. Straight back toward us. And uh, again, too quickly. And I remember, it's been two months now, my mind has had a little bit of time to rest and I think I remember Officer LEWTON telling him to stop. He got a little too close, or he was coming too quickly. Uh and then uh, let's see - -
MORGAN: Why don't we stop there real quick and we can pick it up from there.
FRASHOUR: Okay.
MORGAN: Let me just ask you some specifics. You said you think Officer WILLARD got on the radio and advised that he was coming out.
FRASHOUR: Yeah, I say I think that because I can still remember right at my shoulder, I just hear his voice saying it.
MORGAN: And did you make any effort to say anything over the radio?
FRASHOUR: I don't remember that I did. I think I wanted to alert the team and I, immediately I think Officer WILLARD alerted everyone else.
MORGAN: Okay.
FRASHOUR: I may have, but I don't think I did.
MORGAN: And you said that you felt that the lighting in that part of the parking lot at least was dim. Can you just articulate a little bit? How much are you able to see? What kind of distance are we talking about? What was the lighting that was there?
FRASHOUR: Okay. Well we first got to the call it was still, it was still daylight I believe. It was evening, but it was about to get dark. By the time he came out it was dark. The part we were under, let me see - - the apartment complex still had people with lights on in their buildings, so there was a little ambient light there, that's (indecipherable) used. And we were under a parking light. We were lit up, but you know with gas in parking lots it makes lighter spots and darker spots. He came out into a darker spot. I mean I could recognize that it was a black male, medium size in his mid-20's, but I couldn't make out, well, and then he faced away from me. I couldn't make out his features. But it just wasn't light enough. I just wanted more light, I mean to put it simply, I wanted to turn my light on.
MORGAN: And do you feel like the AR-15 flashlight, was that enough to have the scene lit properly at that point?
FRASHOUR: It was certainly better, yeah.
MORGAN: Do you remember if anyone else took any efforts to use more light?
FRASHOUR: I know that that happened and I don't remember, but I didn't know that it happened until later. Or I didn't - - yeah, I didn't pay attention to that.
MORGAN: Okay.
FRASHOUR: To the spotlight.
MORGAN: And you said when he came out his hands were either already up or very, very quickly they went to the back of his head?
FRASHOUR: When he came out of the alcove I, I believe he had his hands on his head, but if he didn't he must have put them up right away, like I said.
MORGAN: Okay.
FRASHOUR: On his head though, never, never above.
MORGAN: Right, okay. Back of his head?
FRASHOUR: Yeah.
MORGAN: Fingers interlacing? Could you tell?
FRASHOUR: Interlaced or very close.
MORGAN: Okay. And when he emerges is he already facing away from you?

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FRASHOUR: Uh, no, I don't think so. I remember it just as an eastbound walk, I mean facing east. Maybe a little (indecipherable) south, not facing us, but I think more um, he was walking straight forward.
MORGAN: And so not side-stepping.
FRASHOUR: I don't think so.
MORGAN: And when he gets to - - is he walking south of the Volvo?
FRASHOUR: Yes.
MORGAN: And when he gets clear of the Volvo does he turn and face away from you or does he go a little farther, or how does that work?
FRASHOUR: He, well, ultimately he just walked a little past the Volvo sometime around and then he stopped and faced south, he might have started to stop and face south just before he stopped, but yeah it was after the Volvo.
MORGAN: And so when he clears the cars and he's now kind of in the center of the parking lot he is facing away from you?
FRASHOUR: Yes.
MORGAN: He was facing south?
FRASHOUR: Yes.
MORGAN: And his hands are still touching on the back of his head.
FRASHOUR: Yes.
MORGAN: And do you know if the hands to the back of the head was in response to a command, or is that something he did on his own, or could you tell?
FRASHOUR: No, I, I think he did it on his own.
MORGAN: Okay.
FRASHOUR: Because I believe he came out with his hands on his head and we didn't know he was coming out to give him that direction.
MORGAN: Okay. And the facing away from you, was that in response to a command or was that something he did on his own, or do you know?
FRASHOUR: Uh, I don't know.
MORGAN: I know you said you believe it was Officer LEWTON who told him to stop. When he first emerged you said that people were yelling. Was it more than one officer?
FRASHOUR: Well, I don't know. Maybe initially right immediately more than one officers because everybody wants to get control of him, but I uh, I and then after that it was, I know Officer LEWTON was. I couldn't tell you if there was more than one.
MORGAN: Okay.
FRASHOUR: I never did, to my knowledge, yell anything at him.
MORGAN: Okay. Did it appear at any point that MR. CAMPBELL was confused by contradictory commands?
FRASHOUR: No, not at all.
MORGAN: Okay. What was he wearing as best you could tell?
FRASHOUR: A dark, very, very dark jacket, from my memory because I know now, but from my memory it was dark, it was a busy pattern. I described it as like a hunting camouflage type pattern because I thought I saw some leafy yellow, uh very busy and then dark pants. Uh, and I know he had white shoes.
MORGAN: And were the pants sagging?
FRASHOUR: Well, they were not tight fitting pants, they were baggy pants, but you know, he walked all the way from his alcove to the middle of the parking lot and straight back toward us the entire time

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with his hands on his head and his pants did not fall down uh, so if you were to say they were too baggy I wouldn't say that because they didn't, or I mean he had a belt on. They didn't fall down, but they were loose fitting.
MORGAN: Okay. Loose fitting, but stayed in place.
FRASHOUR: Yes.
MORGAN: Could you see his underwear above the pants?
FRASHOUR: I remember seeing a white t-shirt because the arms up on his head raised the coat up a little bit and I could see a white t-shirt. Uh, I don't know if I saw, I couldn't say for sure if I saw underwear or not.
MORGAN: And you said that you were uh, I think the phrase you used was monitoring the threat. You were obviously watching MR. CAMPBELL.
FRASHOUR: Uh-huh.
MORGAN: Are you watching a specific part of his body or what exactly are you focusing on?
FRASHOUR: His hands, his hands. Well, I mean as he's farther out it's very easy to observe all of him and I'm always worried more about the hands and uh, as he got closer the hands and waist.
MORGAN: And again, just to be really clear on this. You described the pace, you described how it was unusual to you. The phrase you use in your detective interviews is a quick and determined pace.
FRASHOUR: Yes.
MORGAN: Uh, just talk to me a little bit more about what that meant to you.
FRASHOUR: Well, uh, I mean like he had a plan. Like he was resolved in deciding what he was doing. He wasn't unsure. He didn't seem to be unsure of himself.
MORGAN: Okay. Okay. And so picking up there then, he walks backwards with a quick pace. LEWTON tells him to stop.
FRASHOUR: Yeah.
MORGAN: He does so.
FRASHOUR: Yes.
MORGAN: What kind of distance are we talking about at this time?
FRASHOUR: I've had a hard time with the distance on this and I don't know why. Uh, but it was close uh, it was 15 feet, maybe, 15 feet.
MORGAN: And was that from the time he comes out, faces away from you guys and he's now in the middle of the lot. Did you say there was kind of a pause before he starts walking backwards at that point?
FRASHOUR: Yes.
MORGAN: Okay. How long was that pause would you say?
FRASHOUR: Brief. I think it maybe, I think - - I may be speculating, but I would think that it was now the custody team, the person who wants to be in charge and give commands could stop and take over, there was a break, if he stopped at a break then they could still give the command and have him - - that's how I perceive that.
MORGAN: Was it your impression when he stopped initially facing away from you at a greater distance, what kind of distance are we talking about at that point would you say? And again, I realize it's going to be ballpark.
FRASHOUR: It looked to me about 25 or 30 yards, 25 yards.
MORGAN: And was it your impression when he stops at that point 25 yards, he's facing away from you hands on the head. Was it your impression that he had not been given commands to start walking backwards that he was going to hold in that position? Or did he start walking backwards on his own?
FRASHOUR: No, I think he walked backwards because of commands.

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MORGAN: Okay. So he was holding still at that point and then told - -
FRASHOUR: Yeah, there was at least - -
MORGAN: - - to start walking backwards and he does so.
FRASHOUR: Yes, yes. I uh, the commands. I was very aware that commands were being given, waffle, police commands, the kind often used and we're trained to use. And because they were the normal general, generic commands I didn't pay attention to the specific wording or details like, because they didn't seem out of the ordinary. It didn't register as well, that was weird. They were just, so I was aware that the regular commands were being given. So when you say he was told to walk back, I think he was. Uh, I just can't tell you I heard the words, okay, MR. CAMPBELL walk back now. I just wanted to be clear about that.
MORGAN: Okay. And so he comes out, (indecipherable) away, stops.
FRASHOUR: Yes.
MORGAN: He's told to start walking backwards. He does so.
FRASHOUR: Yes.
MORGAN: At a rapid pace?
FRASHOUR: Again, a little too fast.
MORGAN: Okay.
FRASHOUR: This was definitely walking backwards, okay, where before it was walking in my mind, it was just walking, walking backwards, but still too fast. And walking backwards is not easy to do when you're trying to be careful and not get yourself hurt by the police or that's not the right way to say that, not get your - - not to make an affirmative movement or move too fast. He just was walking too fast.
MORGAN: Okay. And he gets to 15 feet from the car, LEWTON tells him to stop and he does so.
FRASHOUR: Yeah, he - - because he comes straight back and he probably actually angles a little bit because he wasn't off the front of the car, he was a little bit more uh, across the front of the car from me.
MORGAN: Okay.
FRASHOUR: If that makes sense. They may, the officer giving commands may have adjusted his pattern a little bit.
MORGAN: Okay. And other than the pace, did you see any indications that MR. CAMPBELL was not following orders up until the point he stops?
FRASHOUR: Not until that exact spot.
MORGAN: Okay. Alright. So he stops 15 feet from the car.
FRASHOUR: Uh-huh.
MORGAN: Hands are still in the back of the head.
FRASHOUR: Yes.
MORGAN: Still interlaced or close to it?
FRASHOUR: Yes.
MORGAN: And he's still facing away from you.
FRASHOUR: He's facing south still, but uh - -
MORGAN: Because of the angle.
FRASHOUR: But with the angle I'm not directly behind him. I may be looking at a slight - -
MORGAN: Just to be clear since we're on tape.
FRASHOUR: Yes.
MORGAN: We're doing a lot of hand gesturing here. The patrol car was angled to the southeast.
FRASHOUR: Yes.

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MORGAN: You're in front of the engine block, or behind the engine block and therefore you are uh, facing southwest slightly.
FRASHOUR: Yes.
MORGAN: And if he's straight south and you're southwest you're then kind of getting a little bit of a profile look?
FRASHOUR: Yes.
MORGAN: Is that clear enough I think? Okay.
WESTERMAN: Craig, before you go into the details of what happens then we've been here an hour, can we take a quick break?
MORGAN: Just let me make sure we're at a good stopping point and I think we probably are, but let me just. Yeah, it seems like as good a place as any, why don't we take a quick break. We'll go off tape, it is 11:37.

MORGAN: Okay. We are back on tape. It's about 11:48 a.m. I'll continue with the interview of RON FRASHOUR on IAD #2010-B-0004. When we left off we were talking about MR. CAMPBELL had exited his apartment, walked backwards to somewhere in the neighborhood of 15 feet of the patrol car and he is stopped facing south, hands on the back of his head.
FRASHOUR: Yes.
MORGAN: Tell me what happens from there.
FRASHOUR: A couple of minor things happened as he got that close. I switched my aperture sight for closer range shooting, better - - quicker target acquisition and I stood up because I had been squatting, kneeling for a long time and my legs were in pain. And as he got that close I got uncomfortable. I mean I think everybody did and that's why he was told to stop. I became uncomfortable with my position if I had to retreat or move or I don't know what I would have to do quickly. I was afraid I wouldn't be able to do it quickly. Uh, so he stopped at about 15 feet away. I know Officer LEWTON was giving commands here because with the way the angle changed, Officer LEWTON was more in my peripheral vision a little bit and I know it was him. Where am I here? I remember now, okay, the same with when I heard him say stop, I also (indecipherable) and I think I heard him say put your hands up and they were on his head. And that was one of the only commands now thinking back that stood out because I thought to myself briefly, well, they're already on his head. And then I thought well, but, that is how we are suppose to do it. So I I don't because I, yeah, so I remember, I believe I remember Officer LEWTON saying put your hands up as opposed to already on your head and MR. CAMPBELL didn't and then he turned uh, with his hands on his head, but he kind of and I'm demonstrating, I know you can't see it on the tape, but he's looked through me, open hole in his arm made by his elbow with his hand and he looked in the direction, me and Officer WILLARD because we were the farthest ones up on the police car. I don't know that he would - - I don't know if he, it's right to say he was looking at Officer LEWTON, but he looked in the direction of me. I don't know if he saw me, but he looked in my direction and he yelled and I don't know, I - - the dog is barking and he so it's loud out there, but he yelled something and it was, I took it, I understood it to be aggressive and hostile and loud. And I've heard people yell when we've been trying to take them into custody and I've heard people be happy about it and I've heard people say things like sir, I want to comply with you, I can't, for example, if he had a bad leg, or a broken arm and can't raise his hand, or whatever. He was not trying to communicate any intent to comply. Very much not trying to do that. He was communicating an intent and showing not to comply. He was
yelling back at the commands that were being given by Officer LEWTON. And other than the command to put your hands up, I again don't remember the others. He just yelled something that I

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understood right away to be aggressive. Um, his hands were still on his head. I – then he was hit with the bean bag gun. He was hit with the bean bag because I saw it, I saw the bean bag bounce off of him, I believe in the rear-end, or just below, he was hit with the bean bag and it bounces to the ground and I saw it and heard it. And I knew what it was right away. It was a uh, he took a if you give me a second I want to turn to that, uh, detective's interview.
MORGAN: Let me just ask you a couple while you're in - -
FRASHOUR: Okay.
MORGAN: And you can hopefully try to find it while you're doing that, if not no big deal.
FRASHOUR: Okay.
MORGAN: The sequence of events was you heard the command get your hands up.
FRASHOUR: Uh-huh.
MORGAN: And after that command is when he turned and peaked over his left shoulder?
FRASHOUR: That's why I want to - - well - - I think so.
MORGAN: Okay. And you said that he turns over his left shoulder, says something uh and then he's hit with the bean bag. Is he still angled looking back when the bean bag is deployed or as he turned back facing south?
FRASHOUR: Well, his body is, torso is still facing south. Uh, I don't know if he was angled with his head or not.
MORGAN: Okay. Could you hear and you really may not remember the specifics, did you hear any commands from officers between him turning and saying something and the bean bag going off?
FRASHOUR: I couldn't, I just don't know.
MORGAN: How long was the gap between him what we now know what he said, shoot me, between him saying go ahead and shoot me and the bean bag going off. How long was the time between those two events?
FRASHOUR: Well, it wasn't long, but uh, I just refocused on physically what he was doing other than him turning his head. I was just refocused on him and again, not paying as much attention to the wording because everything seemed normal from the officer's point of view. The words being said were norm. So I just couldn't tell you, I just wasn't paying attention to what they were. I mean if somebody had said something just completely out of line or out of the ordinary it would have registered in my mind. I may have, I would have addressed it on my own if I felt we needed to correct flawed commands. Uh and I just couldn't tell you that I - -
MORGAN: Do you think it would have registered with you if multiple officers had been giving commands and those commands were contradictory?
FRASHOUR: Yes.
MORGAN: Would that have registered with you?
FRASHOUR: Yes.
MORGAN: Alright and so again, and I realize this is difficult, but just trying to pin this down. LEWTON says get your hands up.
FRASHOUR: Yes.
MORGAN: He turns his head says, go ahead and shoot me.
FRASHOUR: Well, that's ultimate what he said, like I said I - -
MORGAN: Right, right. I'm sorry. I'm shortcutting that - -
FRASHOUR: No, that's fine, I just want to make sure that it's clear that it wasn't, I wasn't clear on what he was saying.
MORGAN: Right, okay. He says that, the bean bags deployed and you don't remember hearing any commands between MR. CAMPBELL saying that and the bean bag going off.

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FRASHOUR: I just don't know. I don't remember it, yeah, I don't remember.
MORGAN: And there's a short time frame between him turning and saying that and the bean bag going off. Are we talking a quarter of a second, are we talking two seconds, are we talking 15 seconds?
FRASHOUR: No, like a uh, not 15 uh, like a two is how I imagine it, not a split second. That's in my mind. That's how I yeah.
MORGAN: And other than not moving his hands from the back of his head to straight up in the air.
FRASHOUR: I'm sorry - - no I'm just trying to read this specific spot in the report here. Yeah, the way I have it in the brief, that's still the way I remember it is that he was yelling (indecipherable) statement, I continued to aim at him and then all of the sudden I saw a bean bag hit him. That's the best I can describe that.
MORGAN: Other than uh, not moving his hands from the back of his head to straight up in the air, did you see MR. CAMPBELL fail to comply with any commands?
FRASHOUR: No.
MORGAN: From your perspective why was the less lethal deployed?
FRASHOUR: To get compliance and to get him to put his hands up in the air.
MORGAN: Did it surprise you when the less lethal - -
FRASHOUR: Uh, I don't know if surprise is the right word, but well, yeah. Yeah.
MORGAN: Do you remember hearing any commands specific to the less lethal? Officer LEWTON saying anything? Get your hands up or you will be bean bagged?
FRASHOUR: No.
MORGAN: Do you remember hearing that phrasing?
FRASHOUR: I just want to reemphasize one thing again. I heard all the commands because it was right there and I read and I know he said like if you don't put your hands up you'll be shot. I know he gave him warning and I'm sure I heard it, I just don't remember it.
MORGAN: And again, and I apologize for kind of beating this, but just to be very clear. Did you remember processing, did you hear LEWTON giving the commands to the or the warning to the cover officers bean bag, bean bag, bean bag, or anything like that?
FRASHOUR: No, I didn't hear that because the first time I knew anything about a bean bag being fired is when I saw it hit him.
MORGAN: Okay. And if you, if he had said bean bag, bean bag, do you think that would have processed with you as somebody who has a lethal weapon deployed?
FRASHOUR: Probably.
MORGAN: Did you feel this was a situation where the taser would have been appropriate?
FRASHOUR: Would have been appropriate?
MORGAN: Would have been appropriate and why not?
FRASHOUR: Uh, we would have had to be too close. You know and I say 15 feet and I don't know. I wonder if that's not right. You know how high stress situation distances. The thought of using a taser there didn't cross my mind, well, I had a job, but it didn't cross my mind. We were behind a police car. Tasers aren't always effective and I don't know, even if you're at the (indecipherable) feed of the wire, that's assuming you have a perfect shot and you had a perfect probe placement, bulky clothing and they don't always work and I've seen them fail. I don't know that a taser was - - I don't know. And he's, he even said he's armed. And uh, you know, a taser just thinking about it now, when you hit someone with a taser which I've done a number of times, that's when you get all of the sudden get really violent rapid movement a lot, people start kicking around and I'm just looking at it now and I don't think that's what you want there either. So, I don't think a taser was the right tool.

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MORGAN: Okay. What was the ultimate plan for getting MR. CAMPBELL into custody? Had there been any discussion about we're going to do it at this location or we're going to do it from a high risk prone position? Or had any of those discussions taken place with the custody team?
FRASHOUR: Discussions had not taken place. Uh, what I've commonly seen in other incidents, situations where someone's come out quickly, or a little bit unexpectedly is that you get them in the prone position because you want to control their movements, their body, and then you need to, then you can adjust your custody team. I would speculate - - that stuff didn't happen, but I would have imagined if you were going to probe him out and then pause and readjust our people because we need to get out from behind the police car. I'm going for cover, but I can't (indecipherable) the cover with the rifle from where I was. It wouldn't have been safe at all. We would have moved things around. I believed what was going to take place was get him in the prone position and then adjust.
MORGAN: Okay. Did you feel like for the most part this was being handled like a high risk stop?
FRASHOUR: That would be, yeah, that would be accurate.
MORGAN: And was there any discussion at any point about modifying the procedures or modifying the commands to take into account the fact that you're dealing with a suicidal subject rather than a criminal suspect?
FRASHOUR: I don't think we have a difference in our - - we don't do it differently. We do it the same way every time. Maybe slight modifications because of terrain features because mental people can all of the sudden attack you just like a criminal could also attack you, so we would have done it the same.
MORGAN: Was there any consideration or any discussion about taking CAMPBELL into custody? At the point he's standing still, facing away, hands on the back of his head, was there any discussion about taking him into custody just from that position?
FRASHOUR: No.
MORGAN: Why not?
FRASHOUR: Well, we don't train to do that. It does happen occasionally. Again, making adjustments for situations. I mean that situation wouldn't have dictated that. Not when he's telling us he's armed. Not when, not in that situation, you don't - - we don't want to walk up on him still standing with his hands behind his head, no. There was no conversation. We wouldn't have done that either.
MORGAN: And what besides the fact that you believe he's armed, what other factors play into that why that would not be a viable option for you?
FRASHOUR: It, it's just we don't train that way. It's just not the safest practice for everyone, including him. Um, you have to adjust your team differently for approaching. Uh, you have backdrop features if you have to shoot. Let's say it's totally, for example, if he stays standing and has his hands on his head and the decision is made to approach and take him into custody. Well the lethal force officer who have had to move, me. I'm still, you still have to have a lethal force officer, but now by backstop is uh, assuming he didn't move and he's still facing south, my back is I believe is Prescott Street, or an open field or something back there, it's not a wall. And when you prone people out your backstop is the ground. It's at least safer for bystanders. Uh, uh, if all the sudden a subject is taken into custody from standing and decides to run, it's much easier to do when you're standing. It's a lot harder to get up off the ground and run. There's just a very good reason why we always do it prone out and I don't see any reason why we would have done it different. Short of, which has happened. Somebody has some kind of physical ailment or there's another emergency taking on right here and we just have to grab this man right now. I mean those things happen. That didn't apply here.
MORGAN: Okay. And so just to be clear. MR. CAMPBELL'S hands are still on the back of his head when the first bean bag round is deployed?

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FRASHOUR: Yes.
MORGAN: Tell me what happens from there. I know you said you see an impact and just tell me what happens from there.
FRASHOUR: He stumbles forward. When I say stumbled, I think I said a half-stutter step. Not a full, not a full step forward, but you know, I believe he was using his left foot, kind of stumbles forward to catch a balance, like maybe his upper body leaned forward a little bit, but his hands staying on his head. He brought his feet back square facing south. He regained his balance and stood back up.
MORGAN: Okay.
FRASHOUR: I want to uh, how the county described it in here, so I want to find something in here. Okay. He keeps his hands on his head, oh, okay. He kept his hands on his head with that half-step and he may have just been bean bagged again before he corrected himself and I know he was given commands is what I said in my thing. I, I can't remember now. I said it there and I believe I probably heard commands given.
MORGAN: And just to be clear, we're talking about commands being given after the first bean bag round?
FRASHOUR: Yes, yes. That's what I said in my detective interview. I had no reason to believe I remembered it different. I'm having a hard time remembering that now. He was given a chance to comply. I think it was the first bean bag round, stumbled forward, hands still on the head, a second bean bag round, but then regaining balance and very specifically, I mean righting, I mean in control of his own body, standing straight, righting himself, bringing his upper body up straight, regained his composure, all very quickly. That happened very fast, but then in reaching that left hand straight down in the back of his waistband into his pants.
MORGAN: Okay. And that was after the second bean bag round you believe?
FRASHOUR: Yes.
MORGAN: Okay. When he first starts reaching down to the back of his pants, is he standing still at this point?
FRASHOUR: Yes.
MORGAN: How quickly do you think those first two bean bag rounds were fired?
FRASHOUR: Uh, there was a - - well, not like the 15 seconds probably, but not, not like uh, gunfire, not boom-boom, not like that. But there was a pause. I'm having a hard time, the time, a couple of seconds again maybe.
MORGAN: Okay.
FRASHOUR: Now I felt like after the first he had a chance to comply, so there was time for him to adjust himself and then there was the second.
MORGAN: Okay. And so uh, MR. CAMPBELL makes a statement, hands on the back of the head, he's standing still.
FRASHOUR: Yes.
MORGAN: Bean bag goes off.
FRASHOUR: Yes.
MORGAN: It knocks him forward a bit.
FRASHOUR: Yes.
MORGAN: Or he moves forward a bit.
FRASHOUR: Yes.
MORGAN: Regains balance, hands are still on the back of the head, they haven't moved.
FRASHOUR: They may have slightly separated in motion of - - but I would say they were still on his head.

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MORGAN: Okay. And does he actually bring them back together, even closer?
FRASHOUR: I don't know.
MORGAN: Hands are still basically on the back of his head.
FRASHOUR: Yes.
MORGAN: He's standing still.
FRASHOUR: Yes.
MORGAN: The second bean bag goes off.
FRASHOUR: Oh, okay. Okay. Uh - - that part, second bean bag. I have a hard time with the second bean bag. I don't know if he yet fixed himself or if he was in the process of fixing himself when the second bean bag went off.
MORGAN: Okay.
FRASHOUR: I definitely keyed in on him being totally in a balanced stable position when he reached. That's where everything I remember from here on very clearly.
MORGAN: Okay.
FRASHOUR: Let me - - so he kept - - the first one he kept his hands on his head for sure after the first one his hands were still on his head. Uh, and the way I said it before he was being bagged again and then I know when he was bean bagged he was given commands and he was given a chance to comply. Honestly, that's the best I can explain it. I don't want to keep guessing about it.
MORGAN: Right, we don't want you to speculate. From the time and whether it's after the second bean bag (indecipherable), from the time he regains full composure and is now standing still with the hands on the back of the head. Are bean bag rounds pretty consistently still going off?
FRASHOUR: I never knew of more than the two until um, I think until maybe even after the Grand Jury reading documents. I never knew. I thought there were two.
MORGAN: Okay. And so at the time you are registering that the bean bag was continually going as he - -
FRASHOUR: My understanding as he ran away it was continually fired. I have no memory of that. No, I didn't know that at all.
MORGAN: Did it appear that any of those rounds after he takes his hand off his head, did it appear that any of those rounds had any affect? Did you see any stumbles? Did you see any pain or reaction? Did you see any of that?
FRASHOUR: No, no.
MORGAN: Other than the initial stumble from the first one, did that appear to you to be a reaction to the bean bag?
FRASHOUR: Well, it had to have been, I mean, yeah.
MORGAN: Did it appear to be somebody who was surprised by sudden pain? How would you describe? Or was it an involuntary reaction to the force hitting him or how would you describe that?
FRASHOUR: I don't know how to describe. I mean it was very basic. He got hit in the butt or right below and took a very short step forward. I'd be guessing if I said it was because it hurt him because I don't know.
MORGAN: Okay. After one or two bean bags we now get into a position where he's standing still, hands on head.
FRASHOUR: Uh-huh. For sure after the second one he was in position, in that, yes.
MORGAN: Does he maintain that position for any length of time before that hand comes down?
FRASHOUR: He just adjusted himself. He got himself set is the way I - - like in an athletic stance is the way I'm remembering it. His feet were uh, you know, shoulder width apart and he was looking south and he was balanced and upright with his upper body. That's - -

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MORGAN: Okay. And does he maintain that position?
FRASHOUR: Just to set himself, no, he doesn't maintain that a length of time.
MORGAN: Okay. And then left hand comes down.
FRASHOUR: Yes.
MORGAN: And describe, verbalize - - I realize it's hard to verbalize, as best you can the track that hand takes and where exactly it goes and - -
FRASHOUR: Yeah, I understand. The left hand comes off the head, reaches very deliberately again, deliberate uh, I will have a hard time with time on this. It gets messed up in my mind, the speed of things, but very deliberate movement of the hand. And I described it before, straight down the middle of the back, I mean I'm watching the hand go down and it goes all the way down inside his pants, inside his waistband, not grabbing his belt, he didn't grab his belt. Wasn't reaching for a wallet - - into his pants in the middle, kind of on butt crack is where his hand went and that was uh as his feet were still set is how I remember this and I remember thinking right away like oh what, phrase that actually came to my mind was oh, my gosh what are you doing, don't do that, that's just dumb. And what I was telling myself was he's grabbing his gun. I can't believe he's doing that, all those statements take place like right away. Uh and as he does that, like right as his hand gets in his pants uh, he turns to his right and starts to run and I am sure from the outside looking in that that was like almost one big fluid move - - I'm sure that diving his hand in his pants and turning to run was pretty fast, but my mind broke it down in real, in chronological. And uh, again, I had no idea continual bean bag rounds are being fired until much later. He starts to run straight at the silver Volvo. I had already mapped out, I had been there long enough to map out escape routes and safe places to cover for him. I knew that, just like I was behind that car looking at his walk. I knew that that Volvo provided him hard cover. I knew that if he bypassed that Volvo that brick wall, which I had also used as hard cover, it was hard cover for him, protecting him when he was going to pull out a gun and start shooting. I knew, I did not know until later, I did not know even at my detective's interview that the alcove was not a pass-thru alcove to the back. I didn't know there was a wall. My understanding is there's a wall. I didn't know that. I didn't know if he was going to just start running through and run through the other side and confront officers on the back side. They would be taken by surprise because they're hearing things, but not knowing what's going on. I was very aware of all of that. As he ran, he was running, but his left hand stayed in his pants and I've seen people run away from the police before with baggy pants. I've never seen anybody, well, I don't think I've ever seen anybody grab the back of their pants and run away. It's always they grab their pants in front and run, it's easier to run that way. His right arm was pumping and running, sprinting. His left hand was down the back of his pants. It stayed there and I believe he's digging for that gun. Um, I, I tracked him with my rifle. I'm sure that I was behind the curve. When he started running I think I had to catch up with the gun and get it on him again. And it's almost like I was waiting for him to have a chance to have an empty hand. I think I, I think I was justified in deadly force when the hand went in the pants based on all the information that we've been talking about, knowing he's armed and yelling. Oh, I knew I was justified then, but that wasn't when my decision to use deadly force was made, not when he first reached, not when he first ran, but when he continued to run and continued to have a hand in his pants. It's like I was waiting for him to give up, but I knew he cannot get to the front of the Volvo, the direction he was running, I can't let him get to the Volvo. And he gets to the Volvo, his hand is still down in the back of his pants and I remember getting a sight picture and I remember like going and taking my eye off the front site and looking back at the hand again and it was still there and I remember thinking the word jumped into my mind, gun. And I remember thinking that gun, I mean the way he's moving it, it looks like he's pulling, he's about to pull it out. He's going to start shooting at the police. I cannot let him shoot at the police. I cannot let

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him do it from a position of cover behind that car. I've got to shoot him. I mean that just all came right to my mind, I thought I have to shoot him and I did. It was almost like the training totally just kicked over. I, to make it clear, it was certainly not an accident and I wasn't surprised when it happened, but it almost, I almost didn't have to make a conscious thought to pull the trigger. It's like that decision was made for me by everything he was doing up to that point and I knew I couldn't let him get behind that car. I fired. My intended target was the middle of his back. That's where I put my front site, I remember putting the front site on the center of his back at one time and he went down instantly pretty much. Uh, let's see and he fell, the way he fell, the way his momentum carried him was straight in front of the Volvo between the Volvo and a hedge. The hedge up against the wall of number 37. I could see his shoe. There was no doubt, no doubt whatsoever that he was hit by a bullet. It wasn't, there was no question and he went down he was hit and he wasn't moving, but I could see his shoe. I aimed at him for a second. I think I lowered my rifle to reach, or to reach my microphone. Um, because I was aware of over the radio Sergeant BIRKINBINE specifically, I'm pretty sure I knew it was him was saying bean bags have been fired and I'm thinking uh, well, that's not an appropriate, it's not bean bags, we need to make it clear. So I know that from I know like in the CAD at the time, I know that the shot was fired in my mind, it might have been a couple of seconds before it's recorded because I came on the air deliberately after the shot to say, no, shots fired, it's a lethal force shot and he's down. I wanted to make sure that everyone out there knew that it was a lethal force shot, not just bean bags again. So I might have taken my, I know I did. I took my rifle off for just a minute to say that, to say shots fired lethal force, he's down and then I brought it back up to maintain cover on him. I also know that I am the only long cover there so I can't just leave now. I need to keep covering him, but I yelled, I yelled in generally to my right where all the other officers were, I fired, we need another long gun because I need to be relieved, not in a, not in a panic, not in a get me out of here, but just understanding the way our policy and our investigations go is that I need to be moved. I maintain cover until relieved. I remember it as being very quickly relieved. I understand now that I actually maintained coverage while Officer WILLARD and some others I think actually ran all the way to the apartments to try to get eyes on him and when he came all the way back it just seemed from that point it happened very fast. An officer with an AR did come up and relieve me. I made certain Sergeant BIRKINBINE knew it was me. He confirmed well, are you the one that fired? Yeah. And he said you're relieved. Officer WILLARD walked me out and uh, walked out I think Sergeant BIRKINBINE said report to I don't know what he said. I was told to report to whoever and it might have been the captain on the other side of the building or a lieutenant. I walked around the corner, or I walked to the north and just slightly west towards where the police cars were with my rifle slung and I said uh, I fired, do you want me to make it safe? The gun. No uh, most people aren't trained in AR-15's, I didn't know who was going to be handling it. I didn't want an unsafe firearm. I also know you're not really suppose to - - it was going to be clear that I was going to unload it, but I asked, do you want this gun unloaded and made safe and that was told no, leave it just like it is and then Lieutenant RODRIGUES walked me to his car and said just put it in here. I left it as was with the safety on, loaded though with the chamber ground in the trunk of his car. It was (indecipherable) to him and he locked it in the trunk of his car. And Officer WILLARD and I were separated right away. As soon as we came and we didn't have any and we had no discussion other than he said are you alright and I'm yeah, I'm alright. And then we were separated and I never saw him for like a week or more, I never saw him, we didn't talk.

MORGAN: Okay. Let's back up here.

FRASHOUR: Yeah, I'm sure you have a lot - -

MORGAN: And kind of go through this step by step here. He reaches the left hand down uh and you said it does all the way into the pants.

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FRASHOUR: Yes.
MORGAN: Were you confident it was inside the belt line rather than in the back pocket of the pants?
FRASHOUR: I'm confident. Yeah.
MORGAN: And you said his right hand was pumping in a running motion basically?
FRASHOUR: Yes.
MORGAN: And did the right hand stay doing that the entire time once he started moving?
FRASHOUR: Uh, it seems like it. I just remember specifically getting a glimpse of it pumping, so I'm assuming it was the whole time.
MORGAN: You never saw it doing anything else?
FRASHOUR: Like reaching or something?
MORGAN: Yeah.
FRASHOUR: No.
MORGAN: And the left hand remained below the beltline the entire time?
FRASHOUR: Yes. And again, I should clarify that, why other than the obvious reasons, that's alarming to me is I'm a defensive tactics instructor and I had specifically hidden guns, small ones, in the same spot where they can't be seen from just someone viewing the beltline where you have to grab them and I've done that to new hires to people at Advanced Academy. I've done that myself, so I was aware of that. I'm aware that it can be done.
MORGAN: And describe you have, but just to be clear. Describe how the motion of that hand was different than someone grabbing or reaching for a spot in pain.
FRASHOUR: Okay. Well, it just seemed too methodical if he was doing it on purpose. Uh, uh, a sharp quick pain that you're not waiting for, I would think someone would, their whole body would move in response, violently arch your, your know, arch your back and grab and your feet will move and it wasn't. It was he made a conscious motion with his hand down into his pants.
MORGAN: Okay. And describe exactly what position MR. CAMPBELL was in at the moment the shot was fired.
FRASHOUR: He was in the act of running. He was facing directly southwest, almost west because he was getting to the point in front of that car, facing straight away from me. Now as I'm, I can get he's facing directly away from me and I'm facing slightly southwest.
MORGAN: Okay.
FRASHOUR: Yeah. Um, his right hand was free, but his left hand was in his pants until I shot him I saw his hand come out as he fell.
MORGAN: Okay. And did the left hand still appear to be - - what was the left hand doing in the pants? If you can tell me.
FRASHOUR: It looked like he was trying to remove something and I believed it to be he was trying to remove a gun to fire on the police. I mean not just try to remove a gun, trying to remove it and fire on the police behind cover.
MORGAN: And just kind of talking big picture for a second here.
FRASHOUR: Yeah.
MORGAN: Describe how you assessed the threat level of MR. CAMPBELL throughout the call. Did it move, was it at times higher and at times lower? Just kind of from the time you guys get the call to the time the shot is fired, explain to me how that changes.
FRASHOUR: Sure. Well, I wasn't involved, apparently the call took place for like an hour before I was involved. So I'm not commenting on that part of the (indecipherable), but from when I got there, yeah, there may have been some ups and downs. Uh, you know, uh, uh, you know like the kids being released was bold. It was oh good, I mean it was a relief, these kids aren't going to be hurt today and

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they're safe and there's not a hostage situation. That was positive. At the same time it's like well, they were too, way too young just to be released in the parking lot by themselves. Why isn't an adult coming out? Why is he releasing the kids? Well, maybe he's ready to make good on suicide by cop and he cares enough about the children to not have them be hurt. I was aware of both of those things. Yeah, he's let the children out, but he's not out and he's planning something. That's bold. Uh, yeah, I see him come out and uh, but he's not coming out normal so that raises it a little bit. And he's yelling back and certainly from the point he came out everything was one step up, everything just kept elevating as it (indecipherable). You know, I'm uh, he's out, there's a threat. He is a threat. It doesn't mean you act on it, but he's, I've got to be aware of him. Now he's walking too fast. Now he's uh, yelling at us, which turns out to be just fucking shoot me. And now he's not putting his hands up and now he's reaching and everything was just one more notch higher in my mind all the way up to where he got shot.

MORGAN: And just to put it as bluntly and clearly as possible. Why did you shoot?

FRASHOUR: Sure. I shot him because I believed he presented an immediate threat of death to the other officers at the scene and myself.

MORGAN: And walk me through how you got there. What was your - - how did you get to that conclusion?

FRASHOUR: Because uh, uh - - I had the information that he was in possession of a firearm from the beginning of the call. That he had tried to kill himself. That he was still armed. That he had mentioned suicide by cop. All of the factors that I know of what suicide by cop means. That I know a suicidal person is rational sometimes and could be threatening and aggressive and homicidal. That he himself, not just from someone else's word, sent a text message saying, "Don't make me get my gun." That was huge. Why would I not believe you when you're going to tell me you're going to get your gun. I have to believe you. He said that, that, the determined, the plan he appeared to have when he walked out of the apartment, I don't know what it was, but it looked like he had a plan. He knew what he was doing. The fact that he was looking out the blinds. Why are you looking out the blinds? There's no other reason than other than to see the police outside. Okay. The yelling at us, verbally telling us no, now I'm not going to do what you say. Uh, the refusing to put the hands up. Uh, the reaching in the back. Now, now because I believe he's armed because of all those things I just said, he told us don't make me get your gun. And the girl said he had it on him, on his person. Okay. She said he had it on his person and he said I got a gun. Okay, now he's reaching. Now he's digging for a gun. Uh, and running away. Well, running away, no matter why he's running is not complying. But I believe he was running for hard cover, uh, to shoot that gun to kill some cops before he gets killed. Maybe he's not suicidal anymore and he just wants to kill some cops. It doesn't really matter. I'm not going to let, I am not going to let that happen. And he's running at that car and he is going to pull a gun out because he told us he was going to pull a gun out. I'm going to take him at his word at that point. I'm going to assume that he's making a threat he's serious about it and I shot him.

MORGAN: Okay. And can you go ahead and describe for me your understanding of policy 1010.10, the use of deadly force policy. What is required for deadly force?

FRASHOUR: Okay. I had memorized it before. I know you know that from the class. I can't give it verbatim anymore, but I understand it. I understand I can fire when I have the probable cause to believe that someone is in a death - - in an imminent or immediate danger of death or serious physical injury. To affect a capture, if the, if to let the person escape presents a great risk of death or serious physical injury, weigh the risks. Um, I acted under the part that says immediate threat of death or serious physical injury.

MORGAN: And what is your understanding of immediate?

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FRASHOUR: Immediate meaning uh, it's going to happen right now. Right now, in a couple of seconds, I don't mean 30 minutes, okay. Uh, I also believe he was in the act of doing that. In the act of making good on,on the threat, pulling the gun out while moving to cover. That's immediate even though he's, I will never say, I haven't said I saw the gun and he certainly wasn't shooting at us, that's immediate too because it's happening, but when it's about to, I mean it was still happening. It was still happening right now and I know in action/reaction that when I, when the gun is pointed at me and already firing I am way behind the curve and I am not going to get shots off on him before he gets shots off on us.
MORGAN: And do you remember, have you ever received any specific training from the bureau on what immediate means as applicable to the deadly force policy?
FRASHOUR: Uh, well, I remember the wording was changed, was it imminent to immediate and I remember there was discussion informal discussion between me and Sergeant KELLOGG actually, he's retired, coming down to it, it's the same thing. Okay. I have received so much training over the years, I'm sure that's been covered, but I can't - - I can't believe it wouldn't have been covered and I can't tell you what it was one of what immediate is and it is hard to put it into words.
MORGAN: Okay. And then you mentioned that you're concerned that the alcove was pass through and then he might be able to reach the officers in the back.
FRASHOUR: Right.
MORGAN: Did you have any reason to believe that the officers in the back were not behind adequate cover themselves?
FRASHOUR: I had no idea because I, I had other than Officer KENNA who was not behind cover when I first approached him, he was tucked away a little bit, not what I would say was covered. I had also heard them moving their positions back there. I assume they're getting in the best positions they can, but I don't know what they're doing. That threat, I want to make clear, the idea of I don't know where he's going, if he can pass through, if there's other people in apartments, I was aware of those things, those are serious things, but those were secondary to what was going to happen to us in the parking lot right now. A gun is coming out and shooting now.
MORGAN: Okay.
FRASHOUR: I was aware of all of it. He got shot because of what he was doing right then, right now, not because he's gonna run to the other side and shoot other officers. I had it all factored in, but I can tell you very clearly I thought a gun was coming out right now to shoot at us right now.
MORGAN: Did you have, I know you said you never got an answer to the question. Did you have any reason to believe there was anyone in apartment 37 once CAMPBELL exited?
FRASHOUR: No.
MORGAN: And did you have any reason to believe there was anyone in any of the other apartments that shared the alcove?
FRASHOUR: Yes. Well, I saw people looking from upper story windows, looking, I mean I saw people looking from the apartments. Whether or not they shared, I don't know how they connected, if they connected to the same stairwell.
MORGAN: Did you ever receive information that the other apartments that shared the alcove were vacant?
FRASHOUR: No, I did not.
MORGAN: And I know you said there's a secondary concern in your mind that uh, other people in the apartments could be in danger.
FRASHOUR: Yeah. Well, when I said that before I think I was talking about number 37. I didn't necessarily believe it to be occupied, but I didn't know.

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MORGAN: Okay.
FRASHOUR: I think it came across in the transcripts as me worrying about all the other apartments. I'm aware of other occupied apartments, that was a lesser concern.
MORGAN: Did you have, based on everything that happened on the call so far uh, did the possibility that MR. CAMPBELL was going to go into a stranger's apartment and take people hostage, did that play any role in your decision to deploy lethal force?
FRASHOUR: No, I don't think it did.
MORGAN: And I know you talked about, and I think you used the word running away here, but correct me if I'm wrong, in your mind MR. CAMPBELL was running towards cover.
FRASHOUR: Yes.
MORGAN: What about his actions led you to believe he was running towards cover rather than running to get away?
FRASHOUR: Well, it all, it all goes down to back to his threats of using a gun, getting the gun, don't make me get it, I'm serious, or do you think I'm joking, don't make me get my gun. It has to do with the things he was saying like that. That has to do with the way he was reaching. It has to do with all of those other things that I already covered, all the way to the fact that he's filling his mission, his plan and it's getting kind of covered. And then there's some things about it that are just very hard to put into, like intuition that the training and experience, the hairs on the back of your neck and your conscience telling you. That too. I mean I've seen people run away from the police just to get away and he wasn't running away from the police just to get away. I have a hard time putting it into words. He just wasn't.
MORGAN: You talked about you couldn't let him get behind the Volvo.
FRASHOUR: Could not.
MORGAN: Could not let him get behind the Volvo. That was, and forgive me if I'm putting words in your mouth that that was kind of a point of no return, that was the last right there.
FRASHOUR: Yeah.
MORGAN: Considering that you were armed with a rifle.
FRASHOUR: Yes.
MORGAN: Uh, highly accurate weapon at distance.
FRASHOUR: Yes.
MORGAN: You believed he was armed with a handgun.
FRASHOUR: Yes.
MORGAN: Were you in any way not confident that if he had pulled out a gun and begun shooting that you still would have been able to successfully neutralize the threat with your superior weapon?
FRASHOUR: Right. Uh, no I wasn't confident that - - if I understand what you're asking and clarify please. I can't let him get behind the car because that car will stop the bullets from that rifle. Yes it is a very, uh, it can be a very accurate rifle, but the more of him hiding behind a car there is while he's shooting gun, the less of him I have as a target, I could have missed. I could miss. I am very confident with that rifle, very much. I know my abilities with it. I know my training with it, but I had much more of a target while he's outside of the car versus hiding behind it. That car will stop AR-15 rounds, the rounds we use, they will not penetrate it. It is a superior weapon and that's true, but it doesn't matter because his weapon is very deadly, very much just as deadly and maybe he wouldn't have been shooting at me. Maybe he would be shooting at the other officers, other places in the parking lot, but I'm the lethal cover for other, I'm protecting the other officers as much as myself. So, just because I have a better gun and a more accurate gun doesn't mean I can allow him to get himself into a better advantage. And I can't, there's no way I can allow him to have the upper hand. Did I?

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MORGAN: I think that answers the question, yeah. Yeah. Did you at any point in the event, I guess specifically once he emerges from the apartment, did you consider the possibility that he was unarmed?
FRASHOUR: Well, there's always that possibility. I didn't, you know, there's always that possibility and you know, I allowed him the opportunity to give up while he was walking out. I allowed him the opportunity to give up as he's backing up. And I allowed him to get bean bagged and give up. I allowed him to start running and stop running. He could have stopped and proven he was unarmed and complied at any point in that and he didn't. I'm always aware of the possibility that somebody's unarmed or armed. But at the point with the fact that he told us he was armed, at the point he started doing the physical things he did, there is no way I was going, I believed him to be armed. It wouldn't have been reasonable to believe otherwise.
MORGAN: And you discussed obviously, I've asked a couple of times throughout this- -
FRASHOUR: That's okay.
MORGAN: - - the suicide by police angle. Did you consider at any point while the event was unfolding that MR. CAMPBELL was deliberately baiting you into shooting him?
FRASHOUR: Meaning did I think he was unarmed and just baiting? I never thought him to be unarmed once he started those things. If I thought him to be unarmed I would not have shot him.
MORGAN: And - -
FRASHOUR: And to clarify looking back, I understand he had no gun on him. I totally think he did what he did to look like he could, to get shot deliberately in order to die.
MORGAN: Okay. This is kind of difficult to phrase so bear with me.
FRASHOUR: That's fine.
MORGAN: The Grand Jury wrote a letter after this and one of the things they talked about was a training issue where to paraphrase, they felt that you were too technically trained - -
FRASHOUR: Over trained?
MORGAN: Over trained on the rifle and under trained on the decision making. And just tell me about that. Do you feel at any point in this, do you feel that you were so focused on having the target picture and the techniques of shooting a rifle accurately that it impacted your decision-making ability on whether or not to fire?
FRASHOUR: No.
MORGAN: And it's hard to articulate - -
FRASHOUR: I understand.
MORGAN: - - but if you could explain to me why not.
FRASHOUR: No, I think they're incorrect. They don't understand, the Jury, they don't uh, they'll never understand unless they spend a number of years as a police officer, it's hard to explain that to people. As I've stated a number of times, even though I'm aiming, yes, I am very highly trained with a rifle and I'm very confident with the rifle. I'm very confident with a lot of police tactics and stuff. And yes, I was focused, but I was thinking and I think I've articulated I've thought about things and escape routes and possibilities. I'm thinking of those things while this is going on. I didn't ask for a time out so I could go over and think and come back. I'm thinking while I'm doing my job and I'm thinking how dumb it is for him to be reaching into his pants. Well, I'm aiming, but I'm not shooting him yet. I'm able to, I'm controlling myself. I'm, I see him get hit with the bean bag, but I don't reflectively jerk my trigger and shoot him by accident because I'm so focused that I got to get a shot off. I didn't (indecipherable) shoot him. The, you know, I was able to - - to think I was listening to the radio. I'm saying now I can't remember everything because I can't remember, but I heard it. I had my radio on and I listen to everything. I was able to think of these things. I was aware of it right at the shot to say

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why in the world would you say bean bags were fired, let's make it clear that it was a lethal force shot. I think you can hear on the radio how calm I was right afterwards. I wasn't nervous and antsy and jumping around. I was calm during the entire thing because I'm confident in my training. That doesn't mean I was so focused that I was disregarding important information. I made my thought with a lot of information.
MORGAN: Are you okay right now?
FRASHOUR: Yeah.
MORGAN: Do you know where the sergeants were located, physically located when you shot?
FRASHOUR: I do now. I didn't know exactly. I believed them to be actually farther back near the (indecipherable) in the building, but I knew they were somewhere behind and to my right.
MORGAN: Okay. And you said that uh, you said something along with being on the air about that was a lethal shot.
FRASHOUR: Uh-huh.
MORGAN: Or something like that. Do you remember saying anything else to any of the other officers at the scene?
FRASHOUR: After the shot?
MORGAN: At the car?
FRASHOUR: After the shot?
MORGAN: Correct.
FRASHOUR: Uh-huh, I do. I said, shots fired, lethal shot and he's down. I uh, said I wanted, then I wanted to make sure everyone else knew it was me that fired. We need a (indecipherable) up here, I need to be relieved, or something to that affect. I identified my - - then my relief came and I put it, and I didn't know if, I actually thought it was Officer BOYLAN, he used to be an AR-15 operator. I thought it was him that relieved me until I found out later it was I believe Officer STEVENS relieved me as the AR-15 operator. I said, probably added a little bit of you want to start explaining and also because I wanted to make sure he understood the seriousness of why this man got shot. I told him he was reaching for a gun and he went behind cover. I didn't say I think he had a gun like I was trying to defend myself. I wasn't trying to justify it. I said to him he was reaching for a gun and he was behind cover. He said, he acknowledged, and he started (indecipherable) relief.
MORGAN: Okay.
FRASHOUR: Other than that and the conversation, the walk up with Officer WILLARD where it was very simple, are you alright? Yeah. Are you alright? Yeah. That was it and then checking in with ultimately uh, Lieutenant RODRIGUES, here's my gun. But in the conversations of the events that took place, none. None at all.
MORGAN: When you were saying he was reaching for a gun, that was to HUGHES then presumably?
FRASHOUR: Yeah, I mean it was to whoever relieved me. I believed it was BOYLAN.
MORGAN: And were any other officers close enough to be able to overhear that?
FRASHOUR: Yeah, all of them, the same officers were still right there.
MORGAN: Okay.
FRASHOUR: Well, yeah, they could have heard it. We were talking loud over the dog and such.
MORGAN: Okay. And you described where CAMPBELL fell. Describe once he's down and how much of him you were able to see?
FRASHOUR: I almost could only see, like, it must have been his left foot, the white shoe, maybe a part of his ankle, but he fell almost completely out of side behind the car.
MORGAN: Okay.

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FRASHOUR: Between the car and a green hedge, I think a green hedge, a hedge of plants.
MORGAN: And did you see the K-9 deployed?
FRASHOUR: This is going to take me a second to explain. I was very aware that a K-9 was on the scene. I talked with Officer ELIAS about positioning the dog and I've worked with JEFF ELIAS a lot. I knew the dog was on the scene. I heard the dog barking. I understand the dog was deployed. I had no idea the dog was deployed when he was shot. In fact, I can even tell you that even if I had seen the dog running I would have shot him anyway, it wouldn't have mattered because he was pulling a gun out. That wouldn't have weighed on my decision, I don't think. But I didn't know the dog was deployed until uh, and there was some questions about that in Grand Jury. And then the Chief read me that Grand Jury's letter. She called me on the phone and I said before the Grand Jury's letter was released to the public, tell me about it. She said, she read it to me and there was the part about the dog being released and I asked her, I said Chief, a dog was released and she said yeah, it was. And I didn't know that. But like some of the other things not uh, I have a picture in my mind now of MR. CAMPBELL falling and the K-9 in the air coming from my right. I honestly don't know if that is a picture I took in my own mind because I saw it or if I've created that in my mind with information and made it, oh, I guess there was a dog and I put a dog in there. But I remember a dog jumping in mid air uh, as MR. CAMPBELL was falling. That memory would be consistent with what I've heard that Officer ELIAS did let the dog go.
MORGAN: And you said this, but uh, in your mind did you consider waiting to fire to see if the K-9 would be effective?
FRASHOUR: No. The way I see it is that Officer ELIAS also immediately recognized him, everybody used the tool they had right at that time to stop what they all believed to be was a big, big threat. Officer ELIAS it was letting a dog go. Officer LEWTON continued to fire bean bags. And I shot him with a rifle.
MORGAN: And do you know why anyone else didn't fire?
FRASHOUR: Well, we all had our different jobs. I was the designated lethal cover. They didn't have guns out, lethal guns and it happened real fast.
MORGAN: And did anyone try to approach MR. CAMPBELL in that immediate aftermath after he fell?
FRASHOUR: While I was still on the scene I never saw anyone approach him and I understand that while I was still on the scene officers actually moved to try and get a view, although at that point my focus on things was really different. But I never saw anyone approach.
MORGAN: Did you uh, hear or did you participate in any of the discussions about uh the practicality of approaching him by uniform or the need to call out SERT?
FRASHOUR: No. I was sitting in a police car, radio still on, I was hearing those things. I was hearing we were still giving him commands. I couldn't hear them, but I could hear that it was Sergeant BIRKINSINE saying we're still yelling at him. I remember when they called for SERT. I remember thinking uh, he's dead, we don't need to call SERT.
MORGAN: And what did you base that conclusion on?
FRASHOUR: Because I knew where I aimed and I was pretty confident I hit where I aimed and I know what that round does and I knew that there, it was at its lethal and there was almost absolutely no way anyone could survive a shot to the torso with an AR-15.
MORGAN: Had you conveyed that opinion to anyone while they were trying to determine whether to approach?
FRASHOUR: No. I was uh, I did not communicate about the incident to anyone until the attorney was there.

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MORGAN: Okay. And do you know who was in charge of the crime scene after the shot was fired?
FRASHOUR: I saw, well, I saw sitting out the back, sitting out in the police cars. I still saw Sergeant REYNA moving around. I heard well, Captain DAY was in charge and I knew he was on the scene. He was in charge. I saw a number, I saw Sergeant WHEELWRIGHT walking on the scene. I heard officers setting up different things and there was a number of things still taking place. And ultimately I mean the detectives came and the Chief came. Everybody came.
MORGAN: And other than what you've already described, the tactical information given to HUGHES when he arrived to relieve you, the information that it was a lethal shot and that you were the one who shot and then the comments to WILLARD, just about are you okay on the way back.
FRASHOUR: Yeah.
MORGAN: Any other discussion with officers on the scene about the incident?
FRASHOUR: No.
MORGAN: Who was your officer that you sat with?
FRASHOUR: I originally sat with Officer TY GARRISON and I know him somewhat. He is actually a very, was very good friends growing up with my cousin. We were able to talk about family stuff, that type of nature, very little about police work at all and nothing about the call.
MORGAN: And do you have any idea if anyone on the scene was maintaining a crime scene log after?
FRASHOUR: I know that were later.
MORGAN: Did you sign one or were you asked to sign one?
FRASHOUR: No, no I didn't. I don't think I ever signed one.
MORGAN: Okay.
FRASHOUR: Oh and then, I'm sorry, then I was assigned to Officer CHRIS GJOVIK as an actual (indecipherable) and when he got there and again we didn't talk about the incident.
MORGAN: Okay. That's all I've got there.
RENNA: I've got about four or five questions. Do you want to take a break before we start?
FRASHOUR: I've got time.
RENNA: Alright for the tape this is BARRY RENNA. When you first arrived and things were developing still, how much communication was there among the officers that you were with?
FRASHOUR: The officers at the car?
RENNA: Yeah.
FRASHOUR: Uh, there was, there was clarification things, making sure, making sure we understood the right apartment. Making sure we understood there was a man inside with a gun. At that point still children inside. There was, reiterating that type of stuff, making sure we all understood that. Officer LEWTON was still taking some part in setting up the overall picture because I remember him talking about having officers, I found later this did happen, but I didn't know that it ultimately did, but I remember him talking about having officers go into the apartment complex to the east so they could see a more direct line to the front door. That kind of conversation. Setting up, Officer KEMPLE talking about officers for (indecipherable). Those kinds of conversations which I can voice and then when the kids came out, reiterated some of that information again. I don't know why I asked, but I asked is the guy black and I don't know now, maybe I didn't understand that he was a black male because I asked him, is he black because I saw the black kids and I maybe I thought he was white, it doesn't matter, but I clarified. So I clarified the description. I clarified again, did he say suicide by cop. Is that, yeah, and I was told yes he did and I asked and there's a gun in his pocket. (Indecipherable) kind of clarifying our discussion and then pretty well understood, it was really easy to understand when we were out there whose role was what. The bean bag guy, the lethal cover guy and - -

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RENNA: Okay. Was there any talk among your group there at the car that if he came out that he wasn't going back in?
FRASHOUR: No. I never heard that.
RENNA: Okay.
FRASHOUR: I never heard that and I read where that was said. I don't think that was said in the presence of the officers in the car, I think it was said in the alcove somewhere. I never heard that.
RENNA: And if it was said in an alcove it was never communicated either to the people at the car or among the people at the car.
FRASHOUR: Correct. I certainly never received that communication.
RENNA: I'm going to kind of jump around because Sergeant MORGAN kind of covered things pretty thoroughly, so I just made some notes.
FRASHOUR: That's fine.
RENNA: Up to the point, I'm going to address the point when MR. CAMPBELL came out of the apartment you said that you were alarmed at his appearance because he just came out.
FRASHOUR: Yeah, alarmed at him appearing in front of me, yes, yes.
RENNA: Correct. That he just came out of the apartment.
FRASHOUR: Yes.
RENNA: Would you have been less alarmed if you had information that he was coming out?
FRASHOUR: Yes.
RENNA: If that had been communicated to you.
FRASHOUR: Yeah. I mean the coming out itself was a surprise to me. I would not have been surprised if someone told me he's coming out.
RENNA: And how did - - describe for me if you can.
FRASHOUR: Okay.
RENNA: You were alarmed that he just appeared. I mean that he just comes out.
FRASHOUR: Yeah.
RENNA: And I think you already described how you felt. How did that translate through the rest of the time that he starts side stepping and then backing up?
FRASHOUR: Oh, it, well, I mean it didn't really matter. Other than the initial alarm of there he is, okay. Okay, now we're done there he is. Now we'll just start dealing with him. I mean now I start picking up on the way he is presenting himself. The determination of his walk, the speed of his walk, his hands are already on his head, the things he's doing, didn't really matter I guess that he did come out. It was just a matter of oh, there he is and now that's a sign of what he's doing.
RENNA: Would it have made a difference if you knew that he was coming out at the request of one of the officers at the scene as opposed to just walking out of the apartment?
FRASHOUR: Throughout the whole course of the - - I guess it would have shown some compliance on his part and I would have registered that as some compliance on his part. It wouldn't have affected the end result, I can tell you that. I know that's not, I'm just, but yeah, it would have shown compliance on his part and it would have taken some of the alarm off I suppose of what was going on (indecipherable).
RENNA: You indicated that you weren't aware that the apartments connected by that same alcove were vacant. If you had that during the moments, during the time that you were out behind the police car, would that have been helpful information for you to have?
FRASHOUR: It probably would have been helpful, it certainly wouldn't have hurt. It probably would have been helpful to know, just to know where people are.
RENNA: And my last question.

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FRASHOUR: Okay.
RENNA: You indicated that you gave MR. CAMPBELL several opportunities to give up or I think that's the word you used.
FRASHOUR: Or comply.
RENNA: Okay. If you had known that he was coming out at the request of officers at the scene uh and then he's got his hands on his head and he's backing up and he slows down and he stops a couple of times at the request of the officers. Isn't that what he was doing?
FRASHOUR: Yeah, that is what he was doing. I (indecipherable) what you just asked.
RENNA: Right. Isn't he in the process of giving up?
FRASHOUR: Well - -
RENNA: Isn't he in the process of complying is what I'm asking?
FRASHOUR: I see what you're saying. Do I believe he was in - -
RENNA: If you connect all those dots - -
FRASHOUR: Right up to that point, right?
RENNA: Up to the point and it sounds like up to the point when he reaches into his pants.
FRASHOUR: Well, not up to that point.
RENNA: Up to the point - -
FRASHOUR: Up to the point of - -
RENNA: - - of not raising - -
FRASHOUR: - - and yelling. I would say the appearance. Up to the point of the yelling I would say, I know I want to say it's hard - - the outward appearance, absolutely, he was doing as directed. Yes. I don't think that was his mindset, but that's me what I think and what I believe, or what I believe now. Yes, he appeared to be compliant. I was uh, for instance, I certainly and it didn't, wouldn't have shot him when he walked out the door because that's not against the law, that's not non-compliant, that's not aggressive physical resistance or anything. You know, he came out and he backed up, but a point was reached when everything changed. So, I hope I'm asking, answering what you're actually asking and if not, please ask it again.
RENNA: No, I think you're giving your explanation as to when the event changed from - -
FRASHOUR: The event changed – while I was alarmed at his determination of walk and the speed of the walk, that in my mind didn't justify doing anything different to him.
RENNA: Okay. I hope I didn't interrupt.
FRASHOUR: No, go ahead.
RENNA: My question is just tell me or describe for us if you will how his, you described the tone of his voice and when he turned. How is that not compliant?
FRASHOUR: That's showing the intent to engage in resistance, aggressive or physical resistance. But he's showing, now he's showing the intent because he's verbalizing the intent to not comply mixed with right about in there somewhere he's not putting his hands up when told. So he's not doing it and saying uh, what (indecipherable) what he was saying, but I just perceived it as hostile.
RENNA: You indicated to Sergeant MORGAN that you'd had people say things like uh, I want to comply but I can't because of - -
FRASHOUR: Yeah.
RENNA: - - maybe an injury or something.
FRASHOUR: I've even had people complain because the ground is wet and they question whether they really need to get on the ground and you explain to them they do.
RENNA: Alright. Have you ever had anybody yell at you?
FRASHOUR: Yes.

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RENNA: And how does that turn out?
FRASHOUR: I have never shot anybody else, so I mean, but I've seen people bean bagged where they still didn't comply, they just didn't present lethal threats, or uh, yeah.
RENNA: I don't have anything else. Do you guys have a preference, I don't know. Go ahead, Scott.
WESTERMAN: Okay. Starting from the beginning I'll do the best I can. They asked questions about whether or not you considered SERT and things like that. When you first got to the scene and it was a welfare check and your understanding that there's an armed person in the apartment complex with girl or kids, or both.
FRASHOUR: Right.
WESTERMAN: Uh, without any other information would you or have you ever heard of anybody activating SERT under those circumstances?
FRASHOUR: I would not have. I don't know that I've ever heard anybody ever doing it.
WESTERMAN: What are you kind of waiting for then?
FRASHOUR: Well, I've been on a number of scenes where you let people at the scene deal with it to the extent of their abilities and we hadn't done that yet. We hadn't uh, when I'm getting there, to my knowledge when I first got there I didn't know that had we made a phone call in and we (indecipherable) the house and we don't call SERT until we've tried that stuff.
WESTERMAN: Okay. So you had no confirmation yet that any of the information you received had actually been accurate so to speak.
FRASHOUR: No, I didn't.
WESTERMAN: You don't know that the aunt that called got the information, was delayed in calling 911 and you call in and the guy comes out and sits there and says no, I'm fine, this was so yesterday, we're fine. I mean that could have happened, right?
FRASHOUR: Yeah, I didn't know - - I had no idea what the chain of, or I mean, there was an aunt there, yeah there was, but I don't know the chain of calls to dispatch and - -
WESTERMAN: But you're waiting for some kind of confirmation that there is in fact a barricaded subject or a hostage situation before you actually activate SERT. In other words, the information you received did not have - -
FRASHOUR: For example - -
WESTERMAN: Right.
FRASHOUR: If there had been text message or phone calls from MR. CAMPBELL that says, I'm in here with a gun and I'm holding these kids hostage, I'm not coming out. Yeah, that's a SERT call. That didn't happen. Nothing like that happened.
WESTERMAN: Okay. They talked a little bit about what you knew of his history or didn't know of his history at the time you were arriving.
FRASHOUR: Uh-huh.
WESTERMAN: Did his criminal history have anything to do whatsoever with you actually pulling the trigger at the time you did?
FRASHOUR: Not at all.
WESTERMAN: Okay. Did his race have anything to do with you pulling the trigger at the time you pulled the trigger?
FRASHOUR: No.
WESTERMAN: Had he, while standing with his hands behind his head or locked behind his head, or whatever, had somebody on the custody team said let's go up and take him into custody. What would you have said or done?

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FRASHOUR: I don't think that's a good idea. I would like to think that I would have stopped that from happening. I would have said no, we need to reevaluate, but no not that.
WESTERMAN: Have you ever seen somebody make a tactical decision kind of express that tactical decision and think wait a second, that's not good, let's rethink that.
FRASHOUR: Yes.
WESTERMAN: So had somebody - -
FRASHOUR: Have I asked someone to rethink their tactical decision?
WESTERMAN: Right.
FRASHOUR: I know I have, I can't think of a specific incident.
WESTERMAN: So had you seen somebody say let's go up while he's standing there with his hands up, not on his knees, not with his ankles crossed, nothing like that. Well, let's go back. Why do we have people go into prone or onto their knees with their ankles crossed? Why do we do that?
FRASHOUR: To immobilize them.
WESTERMAN: Okay.
FRASHOUR: To give us an advantage and take away their advantage.
WESTERMAN: A person with their hands up - - you're a defensive tactical instructor?
FRASHOUR: I am one.
WESTERMAN: So a person who stands with their hands behind their head standing up, are they restricted in any way, shape or form as far as their ability to attack a person?
FRASHOUR: Not really. Other than the fact that he would have to turn around on us, but that's a very, that's a momentary, that's easy to do. His feet aren't restrained, his hands aren't restrained from actually fighting. There's no, yeah, there's no restraint.
WESTERMAN: Going back when they talked about the Grand Jury comment and going back to the actual moment for which you pulled the trigger. In your mind with everything you observed, what would have happened had you waited one, two or three seconds? Did it just stop or is that the battery?
MORGAN: Well, it's running, but it's flashing at us, so that's a new one. Why don't we take a quick break here and let's make sure we're on tape because I'd hate to redo it. It's 1:10 in the afternoon, 1310.

MORGAN: Okay. This is Sergeant CRAIG MORGAN. We're continuing with the interview of Officer RONALD FRASHOUR on IAD Case #2010-B-0004 and his PPA rep, Sergeant WESTERMAN was just going through a few questions with him, so SCOTT, go ahead and continue.
WESTERMAN: I think we left with what would happen had you waited one or two seconds longer?
FRASHOUR: Shots would have been fired by him at the police.
WESTERMAN: One of the things that was brought up was uh, you know, you had a superior weapon with great accuracy and he had a small weapon with not nearly as good of accuracy. So why wasn't waiting for him to fire his weapon an option?
FRASHOUR: It's just so many (indecipherable) you just can't let that happen. Just because a weapon is not accurate doesn't mean bullets won't hit people. Alright maybe he's aiming at your head and he hits you in the chest or the other way around, it doesn't matter. You just, I don't know why in the world you would wait for anyone to start firing before you stop - - you can't. I have no training at all to allow someone to starting firing.
WESTERMAN: You mentioned that the people in the apartment complex were a secondary concern, but if he were to have the opportunity to start firing would that be an additional concern for you?
FRASHOUR: Yes, yes. You don't know where those bullets are going to go.
WESTERMAN: When did you find out he didn't have a gun?

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FRASHOUR: When?
WESTERMAN: Yeah.
FRASHOUR: Uh, I think just before the Grand Jury.
WESTERMAN: Was that surprising to you?
FRASHOUR: Uh, I mean, yeah, it was surprising. It was disappointing because I realized how that would look to the media and to people. At the same, yeah.
WESTERMAN: Have you taken people into custody that you thought were unarmed and then later found them to be armed?
FRASHOUR: I once uh, yes. Well, I once stood in front of a subject and talked to him for about five minutes, no farther than myself to Officer DOBLER, three or four feet, for about five minutes waiting for code option to get there and he was totally compliant. He was conversational, he polite and showed no - - he didn't alarm me. And when my sergeant got there and suggested rightly so that we search everyone we were talking to, my sergeant searched him and there was a Tech 9, gigantic, almost machine-gun looking pistol in front of his pants the entire time he was talking to me.
WESTERMAN: How about the other way around. Have you heard or thought somebody was armed and when you went to take them into custody or search them you found them to be unarmed?
FRASHOUR: (Inaudible response.)
WESTERMAN: Does that mean that happens?
FRASHOUR: That happens.
WESTERMAN: As far as the dynamics between the communication team and the custody team. The communication team for example like in a hostage negotiation team, the communication team is typically in a van parked somewhere, right?
FRASHOUR: Yeah.
WESTERMAN: So in this particular case you may not have known, in fact you didn't know where the communication team was actually physically located. You thought they were one place and you found out later that they were someplace else?
FRASHOUR: Yes.
WESTERMAN: Okay. When typically from your training experience, does the communication with the subject transfer from the communication team to the contact or custody team?
FRASHOUR: When the contact custody team has the contact with the subject visually and can start verbally addressing that person like in this case.
WESTERMAN: So regardless of whether he was asked to come out even though that information could have been beneficial up front, once he came out of the apartment complex, the communication team is no longer in control of communicating with him?
FRASHOUR: Correct.
WESTERMAN: And if they are, for example, if he comes out still talking in the telephone, what's one of the first things that you've seen or you would do as the contact person at that point?
FRASHOUR: Hang up and listen to the direction of the officers who are in front of you who are contacting.
WESTERMAN: Uh, we talked about your being alarmed by his sudden presence, but you articulated that and I think you articulated it well enough. I want to make sure that that in and of itself had no bearing whatsoever on whether you fired, correct?
FRASHOUR: Yeah. I'm sorry, I'm starting to get tired and I'm not listening very well. Can you say that again?

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WESTERMAN: We talked a little bit about you being alarmed at his sudden presence coming out of the building without knowing if - - you weren't aware that he was coming out and all the sudden he came out.
FRASHOUR: Right.
WESTERMAN: That in itself didn't play any part in your actually pulling the trigger?
FRASHOUR: No.
WESTERMAN: Uh, now you've articulated why you pulled the trigger so I'm not going to go over that. And the last thing just kind of came up, I don't know if it was from Investigator RENNA or not, but have you ever taken somebody into custody that was compliant, that while you were in the process of taking him into custody he became non-compliant?
FRASHOUR: Yes.
WESTERMAN: So even though MR. CAMPBELL was compliant all the way up to this point, the from what I understand from you, the reaching into his pants and then running for hard cover, those were the two primary motivations behind your firing the (indecipherable)?
FRASHOUR: Yes.
WESTERMAN: That's all I've got.
MORGAN: This is going to be DAVE DOBLER.
DOBLER: Two questions. One is when you received information on the weapon that MR. CAMPBELL had you said there was a weapon in a sock.
FRASHOUR: Yes. A weapon in his sock in his pocket.
DOBLER: In his pocket of what?
FRASHOUR: In his coat.
DOBLER: Of his coat. And when he came out what he wearing a coat?
FRASHOUR: Yes.
DOBLER: So did that register to you hey, I have information he has a firearm and it's in a jacket and he's wearing a jacket?
FRASHOUR: Yeah. I don't remember how - - I was certainly aware of that, I don't remember how I broke it down in my mind. It's not like I said to myself, oh, look out, he's wearing a jacket and I know he's got - - but I certainly had that information and it had weight on everything.
DOBLER: When he came out, he came out kind of into the middle of the parking lot and then basically north towards your location behind the car?
FRASHOUR: Yeah. East from the alcove and north to us, yes.
DOBLER: And then the way he ran back was toward the front of the Volvo, correct?
FRASHOUR: Yeah, it was diagonal southwest back toward the Volvo and the apartment.
DOBLER: The area he was running to, was there any sidewalk or anything that would indicate that a normal person would have used that area, like a sidewalk back to the apartments as opposed to the way that he came out? Which would you say would have been more convenient just for the average person going back?
FRASHOUR: Well, he was going in an area that was between the wall and the car. I mean although you can't walk through there, you have to go around the car. I don't know that I could answer that question fairly on what any other normal person would do.
DOBLER: Did it concern you that he came out one way and then now he's leaving quickly in a different direction?
FRASHOUR: Yeah, I mean I thought he was very specifically running to the car, if not, if he gets past the car there's the brick, there's the hard cover of the alcove and I know those things and he, both of them was where he was running to, the car being the first immediate one.

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DOBLER: One quick question. My understanding is that due south the parking lot was kind of a field or (indecipherable) open area, is that right?
FRASHOUR: Uh-huh.
DOBLER: Had he just run towards the open area and pulled his hands up without a weapon, would you have fired at that point?
FRASHOUR: No.
DOBLER: So in other words if he was not - - it was a combination of reaching for the weapon and going for hard cover.
FRASHOUR: Yes.
DOBLER: It was the combination of the two because when he reached you didn't fire, is that right?
FRASHOUR: That's correct.
DOBLER: And you were hoping that he would change his mind or do something like that that would not precipitate the use of deadly force.
FRASHOUR: Yes.
DOBLER: And it was when that combined with the hard cover.
FRASHOUR: Yes.
DOBLER: Was what caused you to do what you did.
FRASHOUR: Yes.
DOBLER: Okay.
MORGAN: Okay. Just one quick follow-up that came - - I promise we're done with the last couple of wrap-ups here. You mentioned in response to a question that if you had gotten some sort of information, a text from him saying I'm holding the kids hostage, I've got a gun to their heads right now, I'm not coming out. That that would be a SERT call operative clearly.
FRASHOUR: Yeah.
MORGAN: And we talked earlier about the one text message that actually did occur on this case, don't make me get my gun - -
FRASHOUR: Yeah.
MORGAN: And that that really alarmed you and was uh, really played into your thoughts on the call.
FRASHOUR: Yes.
MORGAN: After hearing of that text message, don't make me get my gun, at that point did it enter your head that this might be a SERT call out?
FRASHOUR: Uh - - not a SERT call out at that point. I've been on calls where we believe the person inside may be suicidal, may be armed, but we still make communication and then we decide to walk away. I was aware of the possibility depending on how the sergeant felt things were going or how that this could become a SERT. I don't think still at that point. It could become a SERT call, or we can get up and leave. And I remember thinking both those things.
MORGAN: Alright and then just some wrap-up questions here. Have you talked with anyone else about this case or read or heard any of the news accounts of this incident that have influenced your perception of the events?
FRASHOUR: Um, I have read almost everything there is on it. Like I said, the part about the dog running loose, I know I didn't know that. The picture I have in my mind of the dog, I think I saw that and as my mind has unraveled things I did see it, it is possible that I read it somewhere and put it in my mind. The same with the get your hands up part. I believe now after some time I heard that, but I might have not. That could have been influenced with something else.
MORGAN: Do you feel like the key events of the incident, the crux of it, do you feel like you still have an independent recollection?

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FRASHOUR: Yes, I do.
MORGAN: Do you participate in the EAP brief?
FRASHOUR: The EAP? Yes, I did.
MORGAN: Okay. Did anything you learned there, do you feel like any of that contaminated your independent recollections of the events?
FRASHOUR: No. Not my independent recollections, no.
MORGAN: Do you have any information that you believe would be relevant to this case which we haven't covered here today?
FRASHOUR: No.
MORGAN: Anything at all related to the call that you feel we haven't gone over here today?
FRASHOUR: No.
MORGAN: And anybody else you think we need to talk to about this call that we wouldn't - -
FRASHOUR: I believe everybody - - no.
MORGAN: And keeping in mind this is an administrative review, is there anything about this incident that caused you concern or that you want to address in an effort to improve future performance?
FRASHOUR: No.
MORGAN: Anybody have anything else? Okay. We'll go ahead and conclude the interview then. It is 1:32 p.m.

10b0004trs-frashour1, 10b0004trs-frashour2
Transcribed 04/19/10 @ 9:00 p.m. Ruth Harnisch

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PORTLAND POLICE BUREAU
INTERNAL AFFAIRS DIVISION
Confidential Taped Statement
Sergeant Craig Morgan DPSST #38846

Interview Date: 03/25/2010
IAD #: 2010-B-0004
Complainant: Portland Police Bureau

Interviewed: Officer Ryan Lewton DPSST #34674

MORGAN: Okay, this is Sergeant CRAIG MORGAN. It is March 25, 2010. It is 4:10 in the afternoon. We are located in an IAD interview room on the 12th floor of the Justice Center. Present with me is Officer RYAN LEWTON, his PPA Rep Officer DAVE DOBLER and my IAD partner Investigator BARRY RENNA. We're here on IAD case number 2010-B-0004. The associated PPB case number is 10-8325. Officer LEWTON has been advised that his conduct and/or the conduct of any other bureau member present on January 29, 2010 at 12800 NE Sandy Boulevard is the subject of this investigation. Officer LEWTON has reviewed information necessary to be reasonably apprised of the nature of the allegations of the complaint. Officer LEWTON has been informed that he is a witness in the case, and that Captain Ed Brumfield is in charge of the investigation. I have advised Officer LEWTON that he could have representation present during the interview and Officer DOBLER is here in that capacity. Officer LEWTON has been provided a copy of the Advanced Notice and Waiver Form and has signed it. Officer LEWTON, under the authority of Captain Brumfield, I am ordering you to answer all of my questions fully and truthfully. If you fail to respond fully and truthfully, you may be disciplined up to and including dismissal. Do you understand?
LEWTON: Yes.
MORGAN: Okay. All right. What we're here to talk about today obviously is the officer involved shooting at the end of January. So let's just start with some kind of basic background questions here. What's your current assignment?
LEWTON: I'm currently assigned to North Precinct, afternoon pre-relief.
MORGAN: Okay. And how long have you been there?
LEWTON: Oh, on…at North Precinct?
MORGAN: Yeah.
LEWTON: Eight years.
MORGAN: Okay. And how long have you been employed by the Portland Police Bureau?
LEWTON: Eight years.
MORGAN: Okay. So you've been there pretty much since probation?
LEWTON: Yes.
MORGAN: Okay. Any prior police experience before Portland?
LEWTON: No.
MORGAN: Okay. And on the afternoon of January 29, 2010, what was your assignment that day?
LEWTON: Um, my assignment was, um, my unit number was 657, so I was working 650s.
MORGAN: Okay. And are you a utility car over at North?
LEWTON: Yeah, generally. I normally…they normally put me in the 650s though.
MORGAN: Okay.
LEWTON: But technically I'm utility.

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MORGAN: Okay. And at some point during the shift you responded to a call at 12800 NE Sandy Boulevard. Tell me how it came about that you were assigned to that call.
LEWTON: Sure. I was on another vandalism call, and had a couple officers down there with me. And, um, I was interviewing someone involved with this vandalism, and one of the officers came up to me and says, "Hey, I'm going to clear," Officer QUACKENBUSH told me, "I'm going to clear, and go to this other call." I said, "Yeah, go ahead. I'm okay here for now." So, he then clears and heads to this call, so, um, I finished up with my investigation of the vandalism call, and I, um, heard something like, he's got eyes on the place, and it kind of perked my interest. Um, so I pulled the call up and actually saw the call was in the district that I was working in that day, so I made the decision to head to the call. It was a welfare check, so I made the decision to head to the call.
MORGAN: Okay. And when you pulled it up on the computer, what else did you see besides that it was a 650 call and that it was a welfare check?
LEWTON: I didn't really see much, just the address, I didn't really read through the call at all.
MORGAN: Okay. And so you responded code three up there?
LEWTON: Uh-huh.
MORGAN: Okay. And tell me what happens when you arrive.
LEWTON: When I arrived, um, I parked, um...and do you have a, like a...Can I show you my diagram here?
MORGAN: Yeah. I think there should be one in the report. If not, we can grab you one real quick.
LEWTON: ...there's a diagram here...the back page here. Where is it? Right here. This is the diagram I used for my detective interview. But, um, when I arrived, I actually parked right here.
MORGAN: Okay.
LEWTON: I contacted Officer BOYLAN, who was right here. This is the entrance to 12800 NE Sandy. And I contacted Officer BOYLAN who was in the middle of this interview with, I'm guessing, the 911 caller who actually started the call. Um, he was heavily involved in this interview with this guy when I walked up to him. And I say, Hey, what's going on? And he told me that there was a suicidal guy...he didn't give me a lot of information, but he told me there was a suicidal guy in apartment 37, which I marked 37 right here.
MORGAN: Okay.
LEWTON: And he said that, um, suicidal guy, and he's got, there was a girl in there and her three kids are in the house.
MORGAN: Okay.
LEWTON: And he kind of went back to continue to interview this guy. Um, so, I then go and contact Officer QUACKENBUSH, who was right here. These are all alcoves, by the way. That's an alcove, that's an alcove, that's an alcove. Each alcove goes to like four apartments, I think.
MORGAN: Okay.
LEWTON: Um, and I go contact Officer QUACKENBUSH, who was right here. Because he was watching down here, watching this particular alcove right here, kind of taking cover in this alcove. And I go and talk to him, and I said, You know, what's going on? And he tells me there's a suicidal guy in apartment number 37 and, um, he wants to commit suicide by police. And...
MORGAN: Just to stop you real quick, did you have any idea where Officer QUACKENBUSH had gotten that information? The suicide by police portion?
LEWTON: No.
MORGAN: Okay.

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LEWTON: Um, he…I then decided that we needed a sergeant, so that's when I got on the air and requested a sergeant to respond to our call. And that's when Sergeant REYNA was dispatched to the call.
MORGAN: Okay. And what was your thought process on that? Why did you decide that?
LEWTON: Um, it was just…we have a potential, possible, you know, um, hostage situation, maybe. You know what I mean? Um, we needed some…we needed a supervisor on scene to kind of coordinate larger things, if we needed to call more officers and that kind of stuff. We already had three officers there. I felt like we needed a supervisor on the scene to kind of coordinate the call.
MORGAN: Okay. And let me just stop you real quick and kind of go back over a couple of things, and then we'll have you keep kind of going through. Um, you said when you first pulled this up in the CAD, you basically saw a welfare check and address and started going. Um, did you, on the way to the call, was there any radio traffic about this call that gave you more information about it?
LEWTON: I don't recall a lot. Um, I…I mean, I was driving from 42nd and Sandy to 128th and Sandy in rush hour traffic code three, so I…I was really focused on the traffic at that point in time. I don't recall, um, any type of updates or radio transmission driving from 42nd to 128th.
MORGAN: Okay. And so when you first contact BOYLAN on the scene, and he kind of gives you the quick update, is that the first time that you learn suicidal man, gun, kids are in there, all of that?
LEWTON: Yes. That's the first time that I really started learning what was going on the call when I first contacted Officer BOYLAN.
MORGAN: Okay. All right. And who was the primary officer on the call?
LEWTON: At that point in time, Officer BOYLAN was the primary officer, but since it was my district, my whole plan was to get there and to kind of take over that responsibility.
MORGAN: Okay. In your mind did you feel you were primary once you arrived?
LEWTON: Well, yeah, but he was really involved in this interview, so I just kind of let him go on with this interview.
MORGAN: Okay. And you mentioned that you felt like there was a possibility that this was a hostage situation. Um, explain to me what your thought process was in coming to that conclusion.
LEWTON: Um, I mean…I guess it was just a scenario that I had in my mind. I didn't really have any facts that this was actually a hostage situation. Um, all I knew is that we had a suicidal guy that wanted to commit suicide by police, and there was three people inside that apartment with him…three or four people. Actually, there were three kids in there and the woman, inside that apartment with him. So, I guess, hostage situation was something that just came to my mind that could have been a possibility.
MORGAN: Okay. All right. And did you feel at that time that you were dealing with a barricaded suspect?
LEWTON: Um, I guess that thought has never crossed my mind, that we were dealing with a barricaded subject.
MORGAN: Okay. So, go ahead. You talk to QUACKENBUSH, kind of get the scoop of what's going on down there. And what happens next?
LEWTON: Right. While the sergeant's enroute, I go over here to the manager's office, to kind of find out about who actually lives in 37. Um, and the manager told me, she pulled out her records and everything, she went into her office and she pulled out these records, and she told me that there is like a mother, an older mother, a daughter, and the daughter has three kids. This is what the manager told me. Um, and she said the ages of the kids are 6, 5, and 3. And she even gave me their names. I brought my notebook here too. I've got…
MORGAN: We'll get a copy of that at the end.

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LEWTON: Yes. And she gave me her name, and she gave me some possible telephone numbers for the place. So that's the information I got. Um, and then by that time, I came back and around, and that's when Sergeant REYNA had arrived.
MORGAN: Okay. And so, who briefed Sergeant REYNA when she arrived?
LEWTON: Um, Officer BOYLAN did.
MORGAN: Okay. And what info…were you there when that happens?
LEWTON: Yeah. And actually, the briefing was really quick because just as she arrived, as she was walking up and Officer BOYLAN and I were kind of meeting her, I mean, it was seconds when we see the female that lives in 37 come walking up to us.
MORGAN: Okay.
LEWTON: So we really didn't have any time to really brief at all.
MORGAN: Okay. So, let's just back up a second. From the time you arrived until the time Ms. JONES walks out, ballpark for me, how long do you think you were there before that happened?
LEWTON: Fifteen minutes.
MORGAN: Okay.
LEWTON: Twenty minutes.
MORGAN: And that time was spent basically gathering info from the other officers and the manager of the apartment?
LEWTON: Right.
MORGAN: Okay. All right. And then, in the call there is some information about officers trying to ping the cell phone of the female.
LEWTON: Yes, I'm sorry.
MORGAN: Were you involved with that or was that other officers?
LEWTON: Yeah…other officers tried to…because that's some of the information that I got from Officer BOYLAN when I first talked to him. He told me that we're trying to ping the cell phone to see if she is actually in this area.
MORGAN: Okay. And, I know you said it was quick, and then Ms. JONES came out. What information got shared with Sergeant REYNA?
LEWTON: Um, I was kind of standing behind, BOYLAN and REYNA were really talking to one another, and I was just standing behind them, just kind of listening in. Um, I had heard her say something like, we've got him calmed down now, and then she was like, don't go in there because you're just going to aggravate the situation. And then she tells us that she left her, um…well, she also says that he's definitely got a gun, and the last time she saw it, it was either next to him, somewhere on him, or in his jacket. And those are the three things that I had in my mind about where this gun was, um, and I never really got a description of the gun, so I don't really know what kind of gun it was. But she said he definitely had a gun.
MORGAN: Okay.
LEWTON: And then she also said that she had left her three kids inside apartment 37 with him.
MORGAN: Okay. All right. And, again, that's BOYLAN primarily doing that interview with her? Or REYNA?
LEWTON: Yeah, in fact, it was BOYLAN and REYNA kind of talking to her, and I was just kind of standing behind them, just kind of listening in.

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MORGAN: Okay. And do you know if the information about, um, it turned out to be Mr. CAMPBELL, um, being calm now…did that information get broadcast to the other officers on the call?
LEWTON: Um, yeah, because…well, okay, so, I know, the only officers that were on the call right now were us three, and then QUACKENBUSH, and I don't know if QUACKENBUSH ever learned that he was calm now.
MORGAN: Okay. Do you remember later on in the call when it started kind of growing, and you got more officers on the scene, do you remember if that information ever got broadcast at a later time, what Ms. JONES had said about him?
LEWTON: I don't recall.
MORGAN: Okay. And, just backing up to BOYLAN's conversation with the dad, COURTNEY JONES. Did you overhear any of that conversation, or was it more of BOYLAN breaking away from the conversation to brief you, and then when he went back you walked away.
LEWTON: It was more of BOYLAN breaking away from the conversation to brief me.
MORGAN: Okay.
LEWTON: I never really, um, talked to the dad. I never heard anything, any statements he made to BOYLAN.
MORGAN: Okay. So you were getting that information…the information that came from the dad, you were getting through BOYLAN, not overhearing it?
LEWTON: Right.
MORGAN: Okay. All right. And so, again, just kind of continuing here, so now Ms. JONES is talking to BOYLAN and REYNA and kind of giving them information on what's going on. What happens from there? What's the next thing that happens?
LEWTON: Um, our…one of the plans that came together at the very beginning was to…first of all, Sergeant REYNA made me go get my bean bag gun right about there just in case he came out of this apartment, we could start addressing him with some sort of less lethal option.
MORGAN: Okay.
LEWTON: So that's when I went and got my bean bag gun, and I had it throughout the entire incident.
MORGAN: Okay.
LEWTON: Um, and one of our, one of our kind of discussions was should we just put together a team and make entry into apartment 37, um, because we didn't know really what we had. But we kind of talked about that for a little bit, and Sergeant REYNA made the decision not to do that because of kind of the general lay-out of the place that she had gotten from, I'm guessing, the female.
MORGAN: Okay.
LEWTON: Um, so we decided to, um, not do that.
MORGAN: Can you be more specific. What about the lay-out? What was the concern?
LEWTON: I don't recall. But I think there was a long hallway or something like that, after you lead into the place, and it just wasn't a tactically smart decision to make entry into a long hallway and that kind of stuff.
MORGAN: Okay.
LEWTON: Um, so that's when we formed our first initial custody team, and we moved…someone moved my police vehicle, which was right here, up to about right here.
MORGAN: Okay.

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LEWTON: And, um, you know, I put a…I put a rectangle as if that's a vehicle, but I can't recall if that's a…okay, I think that's someone's private vehicle that was parked in that space. I can't recall if that's a police vehicle or a private vehicle, but this is my police vehicle right here.
MORGAN: And just since we're on tape, you're referring to the one that's kind of canted at an angle.
LEWTON: Yes. Canted at an angle in the center of the parking lot.
MORGAN: Okay.
LEWTON: Um, and at that point in time…oh, let's back up. Before we even moved into position, I called for an AR, for an AR15 to come.
MORGAN: Okay.
LEWTON: And…
MORGAN: And explain to me, was that your decision or was that made consulting with the Sergeant, or how did that happen?
LEWTON: No, that was my decision to make, and I…
MORGAN: What was your thought on that?
LEWTON: My thought was that, um, I've shot the AR before, and I know that they're more of an accurate weapon. I'm not certified, but I know that they're more of an accurate weapon and, um, you know, we didn't want to be…if we're going to put rounds, we didn't want to be putting them all over the place like a shotgun. You know, a shotgun has a certain spread at a certain distances, you know. And we wanted more of an accurate weapon there, especially at a distance.
MORGAN: Okay. All right. Very good. And did Sergeant REYNA have her AR out at this point?
LEWTON: Yes. When we first moved into position here, Sergeant REYNA moved up with her AR until Officer FRASHOUR arrived.
MORGAN: Okay. And was that…
LEWTON: (phone rings) I'm sorry, let me turn this off
MORGAN: Do you remember if Sergeant REYNA deployed the AR after you had already asked for one over the air, or was that before, or how did that come about? Do you remember?
LEWTON: Um, it…she deployed while…I believe she deployed it while…after FRASHOUR was dispatched.
MORGAN: Okay.
LEWTON: So, she deployed it from when we called for one up until FRASHOUR arrived.
MORGAN: Okay. And so you called for an AR. It becomes clear it's going to take a little while for one to get there.
LEWTON: Right.
MORGAN: So REYNA assumes that role until she can be replaced. Is that kind of…?
LEWTON: Yes.
MORGAN: Okay. All right. And so you called for an AR, um, you guys moved the car up, and who is where at this point and what's going on?
LEWTON: Um, we also called for…I also called for a canine to come, and…
MORGAN: And then, same question, was that your idea, or was that from REYNA or…?
LEWTON: Um…well I know early on in the call, Officer ELIAS was originally dispatched to the call, but he was somehow cleared, and we thought, in case this guy comes out, we could have a canine option in case he runs or something like that. So, that's why I called for the canine officer. I believe I called for the canine officer. And…
MORGAN: And your thought on that was just as a containment option?

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LEWTON: Yeah. Exactly.
MORGAN: Okay. Go ahead. Sorry, I keep interrupting, but we're covering stuff we'd have to get to one way or another, so....
LEWTON: Um, so, here's my car here. ELIAS takes up a position right about here because there's some dumpsters over there...there's a dumpster right here he was able to kind of move into position. Um, Officer KEMPLE, who had come to the call moved up with me. I'm less lethal, and then, um, Officer FRASHOUR and Officer WILLARD also come up here to this car here, because FRASHOUR and WILLARD are together that night.
MORGAN: Okay.
LEWTON: And so FRASHOUR takes up a position with his AR at the front of the car here. And I'm kind of more above the driver's window, or whatever, with my A...with my bean bag, and then KEMPLE and WILLARD are somewhere back here, or something like that. I don't know exactly where they were standing.
MORGAN: Okay. All right. And then besides the four of you, the other officers on the call, where are they located at this point?
LEWTON: Um, at this point in time, um, Sergeant REYNA, Sergeant BIRKINBINE, BOYLAN, I want to say QUACKENBUSH, are all in this alcove right here.
MORGAN: Okay. All right. And you knew that first hand having seen them...
LEWTON: Right. I can look over and I can see them in there.
MORGAN: Okay. All right. And, I know you used the phrase custody team. What was your, um, what was your role at that point, at the police car? What did you interpret your role to be?
LEWTON: Um, a less lethal operator. Um, you know, in case less lethal rounds need to be deployed.
MORGAN: Okay. And then, I guess as a whole for the group, was there a plan as far as what you guys were...how you guys were going to be engaged in this call?
LEWTON: Yeah. Well, my plan was that, um, I was less lethal, FRASHOUR was lethal cover, and then WILLARD and KEMPLE were going to be like a custody team go hands, actually go hands on.
MORGAN: Okay. And had that been discussed or was that a conclusion you reached in your mind just based on the equipment that was present and the officers that were present?
LEWTON: Um, you know, I don't recall actually discussing it, but that was just kind of the conclusion that I had in my mind.
MORGAN: Okay. And do you believe every officer on the scene was on the same page as far as that was the...
LEWTON: Yes.
MORGAN: ...that that was the roles. Okay. And were you assigned to the role of less lethal operator would you say? I know you said Sergeant REYNA kind of told you to go grab it.
LEWTON: Uh-huh.
MORGAN: In your mind was that you being assigned to the role of less lethal operator?
LEWTON: Yes.
MORGAN: Okay. And who was in charge of the custody team?
LEWTON: Um, in charge of the custody team...like as far as the Sergeant goes?
MORGAN: Not necessarily...who in your mind was in charge of those four officers at the car?
LEWTON: Well, I kind of believe I kind of took primary there because I did...I actually made verbal commands and that kind of stuff, but we really worked together as a team, so I...there was really no one, no set person in charge of the custody team.

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MORGAN: Okay.
LEWTON: Um, but I mean, we were also under the command of Sergeant REYNA and, you know, I guess, Sergeant BIRKINBINE, who were in the alcove there.
MORGAN: Okay. And what was your understanding of Sergeant BIRKINBINE's role on the call once he arrived?
LEWTON: Um, you know, I…to assist Sergeant REYNA, and I know, he's a negotiator, so, I'm guessing he was giving advice on, let's say, as far as negotiation and that kind of stuff.
MORGAN: Okay. Is it your impression, then, that Sergeant REYNA was the incident commander from the time you guys briefed her and got her up to speed?
LEWTON: Yes.
MORGAN: Okay. And did Sergeant REYNA provide you with any specific guidelines on the use of force?
LEWTON: No.
MORGAN: Okay. Any discussion of rules of engagement specific to the call?
LEWTON: Um, not that I recall.
MORGAN: And were you given any specific instructions about what to do if the subject came out of the apartment on foot?
LEWTON: Um, we were not given any specific instructions from Sergeant REYNA, but my…I had in my mind if he did come out, we were going to address him and take him into custody, and then investigate from there as far as what we needed to do.
MORGAN: Okay. And what were you going to be taking him into custody for, in your mind at that point?
LEWTON: Um, some sort of…probably going to be a mental hold.
MORGAN: Okay. And did you have any information at any point during the incident that CAMPBELL had threatened anyone other than himself with harm?
LEWTON: Um, not that I recall.
MORGAN: And did you have any information at any time during the incident that CAMPBELL had committed a crime?
LEWTON: Not that I recall.
MORGAN: Um, I guess going back to the same kind of thing, did you have any specific instructions, or in your mind, did you come to any conclusions about if he came out of the apartment and it appeared he was trying to flee, what the plan would be?
LEWTON: Um, no we did not have any…we did not have any type of instructions on what the plan would be then, but I'm assum…but, you know, we did have the canine there, so, um, you know, I'm sure the decision would be made pretty quickly about whether or not… what we were going…how we were going to address that.
MORGAN: Okay. And do you remember any specific discussion about not letting Mr. CAMPBELL back into his apartment if he came out?
LEWTON: No.
MORGAN: Okay. Never overheard that at all?
LEWTON: No.
MORGAN: Okay. Um, did you participate in or overhear any conversations about activating SERT at any point prior to the actual shooting occurring on this call?
LEWTON: No.

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MORGAN: Okay. Had you personally considered the thought about calling out SERT on this?
LEWTON: I don't recall.
MORGAN: Um, so, okay, once you're in position now, are you being kept up to date with information about what's going on with the contact team, for lack of a better term, from the alcove.
LEWTON: Yeah, um, I…well, information is coming in like bits and pieces, but I heard, I can't recall if it was over the radio or if someone just said something to us, I believe it was over the radio, that, you know, we're starting to get somewhere, and that they were using…I was under the impression that this guy wouldn't answer the phone, that he would only text message back and forth. That's kind of what I heard from over here, um, so that they were texting him and that kind of stuff, and the information that I got was, we're getting somewhere.
MORGAN: Okay. All right. And, was any information being communicated face to face? Was anyone walking from the patrol car to the alcove or back?
LEWTON: No.
MORGAN: Okay. So pretty much the two teams were separated at that point?
LEWTON: Yes.
MORGAN: And remained that way for pretty much the duration of the call? Is that right?
LEWTON: Yes.
MORGAN: Okay. So any updates you got would have been via the radio then?
LEWTON: Right.
MORGAN: Okay. And do you remember who was broadcasting that information on the radio?
LEWTON: I believe it was Sergeant BIRKINBINE, but I'm not 100% positive.
MORGAN: Okay. And anything besides the update about, we're texting, we're getting somewhere? Do you remember any other updates?
LEWTON: No.
MORGAN: Okay. And were you aware the children were going to be coming out when that happened?
LEWTON: No.
MORGAN: Okay. Tell me what happened with that.
LEWTON: Um, I mean they…we were just, we were sitting there keeping eyes on the place, and all of a sudden the three kids just appeared from the alcove.
MORGAN: Okay.
LEWTON: And I had no indication that they were going to come out at all. So, what we did was we started to, you know, call for them. Come on kids. Come to us. Come to us. And they ended up running down this way, north, up the alcove to some other officers who were standing right here. And then who eventually brought them out of the area. I think it might have been Officer BOYLAN or something like that. I don't really recall exactly who was there, but they ended up moving them out of the area.
MORGAN: Okay.
LEWTON: I don't know where they went after they came around the corner.
MORGAN: Okay. And what was your reaction to the kids coming out as far as what it meant to this call? Did you feel like this made the call a more threatening call, a less threatening call?
LEWTON: Yeah, I thought…I thought there was…it was almost like…it was almost to me like it was more threatening, like, this guy inside is serious. He's sending out these kids, and I, yeah, I thought it was a little bit more serious after he sent the kids out.

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MORGAN: Okay. And so the kids come out, and what happens at that point? You're in position. Do you guys just remain in position? What happens?
LEWTON: Yeah, we kind of remained in position, and we're watching, um, just kind of watching the alcove and the windows of apartment 37.
MORGAN: Okay. All right. And any more updates coming at this point from the contact people?
LEWTON: Not that I recall.
MORGAN: Okay. Do you remember a specific update coming that he had texted, "I'm not playing. Don't make me get my gun."
LEWTON: Yes. Actually, I'm sorry, I do recall that update.
MORGAN: Do you remember where in the sequence of events that update was?
LEWTON: I'm sorry, I can't recall if it was before or after he brought the kids...the kids were sent out.
MORGAN: Okay.
LEWTON: I want to say it was after the kids, but I can't exactly recall on when that...when that texting was done.
MORGAN: Do you remember how you got that update? Was that a radio broadcast?
LEWTON: Yes.
MORGAN: And what was your interpretation of that?
LEWTON: Um, that we have a serious, serious situation on our hands right now.
MORGAN: Okay.
LEWTON: And this guy...this guy...I took that very seriously.
MORGAN: Okay. And did you at any point during the call, did you get any background information on Mr. CAMPBELL?
LEWTON: Um, actually...I talked to Officer BOYLAN...it might have been after I came out of the manager's office, that he told me that this guy has had some gun charges in the past. Um, and so that's when I kind of got some...and I think that...yeah, just some...a violent history or something like that. I didn't actually specifically look at his PPDS, but Officer BOYLAN told me that he had had some gun charges in the past, and he had kind of a violent history.
MORGAN: Okay. And do you know where BOYLAN got that information? Did he look at the PPDS?
LEWTON: No, I asked BOYLAN. I go, did you read the PPDS and he said yeah, I actually read the PPDS.
MORGAN: Okay. All right. Very good. Um, were you aware that officers were going to be attempting to talk Mr. CAMPBELL into coming out of the apartment?
LEWTON: Um, I believed that was a situation that was going to happen. No one actually specifically told me, but I just assumed that someone was going to try and talk him to come out of the apartment.
MORGAN: Okay. And, I'm sorry, I'm just kind of dropping back a quick second here. Um, once the kids came out, did you have any reason to believe there was anyone else inside the apartment at that point?
LEWTON: No.
MORGAN: Okay. And tell me you were thinking about? What the, I guess, the big picture...what is this call now to you, now that the kids and the girlfriend are out?
LEWTON: Um, an armed, suicidal guy inside apartment number 37 by himself.

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MORGAN: Okay. And so you were saying you, I guess, assumed that the ultimate goal was to talk him out of the apartment?
LEWTON: Yes.
MORGAN: Were you surprised when he actually appeared?
LEWTON: Yes, I was very surprised.
MORGAN: Okay. And tell me about that.
LEWTON: Um, he comes out of this alcove right here. He's facing away from us, so he's facing south. And he is sidestepping very quickly. My first thought was that he's been arrested by the police many times because he thinks he knows exactly what we want him to do. So he's sidestepping, sidestepping to about the center, right there. And that's when I addressed him. I tell him, stop. And then I tell him, walk back slowly towards the sound of my voice. So he starts taking these giant steps and almost starts like running back towards the...walking backwards or running back towards the sound of my voice. I'm telling him, slow, slow, slow down. And he's not doing it. He's not slowing down. He's still coming back fast at me. I finally tell him, stop. And he stops. And this is like right about here, right. And I tell him...I tell him, um, I tell him again, walk back slowly towards the sound of my voice, because I want...the reason why I told him to stop was because he was coming at us way too fast, and I wanted to slow the situation down and take control of it again. And, um, he then starts walking slowly towards the sound of my voice 'til about right here, and this is probably about ten to fifteen yards away from our police car. Probably ten. And I tell him, stop, again. And that's when he stops.
MORGAN: Okay.
LEWTON: And he's facing south, um, with his feet, you know, kind of shoulder length apart, standing behind with his hands inter, with his hands behind his head. And that's when I tell him, do exactly as we say or you will be shot. And, um, he then turns to me...he then kind of holds like this and kind of just turns around like this, and says something like, just go...he said something like, go ahead and shoot me. Um, and I tell him...I tell him, um...and then he moves back, so he's not like continuing to look at us. He looks back and says, go ahead and shoot me, and he moves back and starts facing south again. Um, I tell him, put your hands straight up in the air, because my plan was to move him into the, I guess, the high risk prone position that we're taught in defensive tactics. I was going to have him go down to his belly with his arms out, palms up and cross his legs, and that kind of stuff. So that was my whole plan. I tell him...so I was going to have him put his hands straight up in the air, and then I was going to have him turn around and face me, and then I was going to have him go down to the ground. Um, I tell him, put your hands straight up in the air, and he just kind of...he stays there. I tell him...and I tell him again, I said really slowly, I said, put your hands straight up in the air. And he just stays there again. Um, and he was not putting his hands straight up in the air. He was standing there. And that's when I fired my first bean bag round at him.
MORGAN: Okay. All right. Let's back up a little bit, and then we'll kind of go through the incident, this part of it, kind of step by step here. So, you're kind of surprised when he comes out. Do you remember, did anyone get on the radio and advise that he was coming out?
LEWTON: You know what, I was so into dealing with him that I wasn't...I was so into addressing him that I looked at that as my main duty right then, and that's what I was dealing with. And I don't recall anybody getting on the air and saying, he's coming out.
MORGAN: Okay.
LEWTON: Um, at that point in time.
MORGAN: And describe for me the lighting conditions as he's coming out.

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LEWTON: Um, it's dark, but it's actually pretty well lit, um, in the apartments. Um, and there's also a spotlight on him, too.
MORGAN: Okay. And did the spotlight stay where it was supposed to on him, sometimes when people are moving you can lose them.
LEWTON: Yeah. And with the overhead lights…the overhead lights in the…from what I remember, the overhead lights in this parking lot here are pretty bright. We had enough lighting.
MORGAN: Okay.
LEWTON: I mean, it wasn't full daylight, but it was pretty good lighting.
MORGAN: And you said he came out, kind of sidestepped 'til he cleared the cars.
LEWTON: Uh-huh.
MORGAN: Is he facing away from you the whole time that he's doing this?
LEWTON: Yes.
MORGAN: Okay. And are his hands on the back of his head from the first moment you see him, pretty much?
LEWTON: Yes.
MORGAN: Okay. And that was on his own? Not in response to anyone's command?
LEWTON: Right.
MORGAN: Okay. What was he wearing?
LEWTON: Um, I think he was wearing, um, blue jeans, um, some sort of jacket, longer jacket, um, but I don't really know the length of the jacket because I recall seeing his underwear, I believe, when I was looking at his rear end. So, I don't know if the jacket was that long to be able to cover the rear end, but, um, I think he was wearing black underwear. Black like boxers. Um, dark colored boxers, but that's about it, that I can remember.
MORGAN: Okay. And would you describe…you're saying that you could see his underwear. Were his pants sagging did you feel like?
LEWTON: Yeah, his pants were sagging, because that's the area that I was aiming for.
MORGAN: Okay. Was it a significant sag or how, I know it's kind of hard to describe…
LEWTON: Not totally significant sag, huh-uh.
MORGAN: Okay. And could you see any skin above the underwear?
LEWTON: No.
MORGAN: Okay. And you described it today as very quick, and then in your detectives interview, I think you used the phrase actually, "almost jogging" backwards when he was coming back.
LEWTON: Yes.
MORGAN: How did you interpret that? What did that mean to you?
LEWTON: I mean…I felt…I felt as if, um, he was coming back really fast for my comfort, and it was almost as if he was sucking us in. Do you know what I mean? To, you know, almost planning on attacking us. So, that's why I wanted to gain more control of him and tell him to stop right out there because he was moving very quickly at us, from my interpretation.
MORGAN: And just explain to me what you mean by you thought that he was…
LEWTON: I mean, closing, closing distance on us to, you know, get a better shot off or attack us or whatever he was going to do. What, you know, I don't know, but that's what I thought.
MORGAN: Okay. And what was the first command you remember giving him?
LEWTON: Walk slowly toward the sound of my voice.

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MORGAN: And as far as you know, were any other officers giving commands when he first appeared?
LEWTON: I don't recall.
MORGAN: Did he ever act, through his body language, did he ever seem confused about what you guys expected him to do?
LEWTON: No.
MORGAN: Do you remember having to raise your voice to be heard over other officers who might have been yelling at the same time or…?
LEWTON: No, I think my voice was…I have a pretty loud voice at times, so I don't think my voice was…it was as loud as it was going to go from the beginning.
MORGAN: Okay. And you were giving loud commands?
LEWTON: Clear, verbal commands, yes.
MORGAN: Okay. And so, he walks backwards at a really rapid pace for awhile, while you're saying, slow, slow, slow. When you tell him to stop, he does so?
LEWTON: Yes.
MORGAN: Okay. And it just took one time saying, stop, as far as you remember?
LEWTON: Yes.
MORGAN: Okay. And then you told him to start coming back again, slowly, and at that point his pace is noticeably slower?
LEWTON: Yes.
MORGAN: Okay. And how far do you think he travels at that slower pace before he stops again?
LEWTON: Ten yards.
MORGAN: Okay. And the second time he stops, it was also at your request?
LEWTON: Yes.
MORGAN: Okay. And so, again, just because we're gesturing a lot, to be clear for the tape, when he stops, what is the command you give him at that point? Or what is the statement you make at that point?
LEWTON: I tell him, um, I said to him, do exactly as we say or you will be shot.
MORGAN: Okay. And what was your rationale for using that phrasing?
LEWTON: Um, that's, you know, how we're trained in bean bag school. It's just we're trying to give a, some sort of, some sort of warning prior to deploying the, deploying the bean bag gun.
MORGAN: Okay. Did you have any reasoning when you gave that warning to feel that you were going to be deploying the bean bag gun imminently?
LEWTON: At that point in time? Did I have any specific reasoning at that point in time, no.
MORGAN: Okay. And so you give that warning, that's when he, with his hands still on the back of his head… were his fingers interlaced as near as you could tell?
LEWTON: I don't recall. I know…I think they were just clasped on top of each other. I don't think they were interlaced. I think they were just on top of each other.
MORGAN: Okay. And he does, I guess maybe a half, forty-five degree, ninety degree turn?
LEWTON: Quarter turn or whatever, yeah.
MORGAN: Okay. And looks over his left shoulder?
LEWTON: Yes.
MORGAN: And basically says, go ahead and shoot me, then, or something to that effect?
LEWTON: Correct.

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MORGAN: How many times does he say that, do you think?
LEWTON: Just once.
MORGAN: And what was his tone when he was saying that?
LEWTON: Um, it was kind of like just a, um…go ahead and shoot me. It wasn't like…it wasn't screaming, it was just a, just a, I don't care-type tone, I guess. Go ahead and shoot me.
MORGAN: Okay. And he says that once. Do you say anything in reply to that?
LEWTON: Um, no.
MORGAN: Okay. And after he says it the once, he turns back, so he's now facing directly away from you again?
LEWTON: Right.
MORGAN: Okay. Hands still on the back of the head?
LEWTON: Yes.
MORGAN: Okay. And what happens at that point exactly?
LEWTON: I tell him, put your hands straight up in the air.
MORGAN: Okay.
LEWTON: And he does not do that. He still stands there with his hands behind his head.
MORGAN: Um, any verbal response from him at that point that you could tell?
LEWTON: No.
MORGAN: If he had made a verbal response, do you think you would have been able to hear it?
LEWTON: Yes.
MORGAN: Okay, and keep going.
LEWTON: I tell him again, I tell him again, put your hands straight up in the air. And he does not do it again. He just stands there with his hands behind his head.
MORGAN: Okay. And, so two commands to do that?
LEWTON: Uh-huh.
MORGAN: How much time between the two commands, would you say?
LEWTON: I mean, two to three seconds, put your hands straight up in the air, wait for a response, doesn't do it, put your hands straight up in the air.
MORGAN: Okay. And do you feel at that point that it's possible that there was some confusion as to what was expected of him?
LEWTON: No.
MORGAN: Okay. And, where do you come to that conclusion?
LEWTON: Um, I think he understood the commands that I was giving him. Because I…because just by telling him to slow down and stop, walk backwards to the sound of my voice, slowly, he did it. The second time I told him to stop, he was following my commands then. I don't think there was any confusion about when I told him to put his hands straight up in the air.
MORGAN: Okay. And so, after the second time, put your hands straight up in the air, he's still motionless more or less at that point?
LEWTON: Yes.
MORGAN: With his hands on the back of the head, facing away from you?
LEWTON: Yes.
MORGAN: Feet still shoulder width apart roughly?
LEWTON: Uh-huh.

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MORGAN: Okay. Um, how long from the time you give the second command to the time you deployed the bean bag?
LEWTON: Um, maybe two seconds.
MORGAN: Okay. Do you feel it was ample time to…
LEWTON: Put his hands…
MORGAN: …physically respond to the request?
LEWTON: Absolutely, yes.
MORGAN: Okay. And just, again, just to be clear and to articulate it, um, what was your desire in getting him to go from a position of hands on the back of the head to hands straight up in the air? Why was that important to you that that happen?
LEWTON: Um, because I wanted to, first of all, I was going…it opens up the palms so I could see if there is any weapons in the palms. And it also kind of…if he's putting his hands straight up in the air, it will naturally lift your whatever type of clothing, jackets, that kind of stuff, up so when we turn him around, we could check his palms and his front waistband area.
MORGAN: Okay. And did you believe at that time that Mr. CAMPBELL was armed with a gun?
LEWTON: Yes.
MORGAN: And what was that based on?
LEWTON: Based on the information that I received from the girl that came outside the apartment; her telling us that he definitely has a gun.
MORGAN: And, again, just for articulation or explanation purposes, explain how him standing still and not following the command to take the hands from the back of the head to straight up in the air, how in your mind did that constitute aggressive physical resistance that would justify the use of less lethal?
LEWTON: The totality of circumstances, with a person that I believed was armed, not following my commands. Um, I felt that was…that would more than justify aggressive physical resistance, because of the potential that he's armed, he's suicidal and he's not doing what I told him to do.
MORGAN: Okay. And do you remember any commands specifically in regard to the bean bag, other than the, do what we say or you'll be shot? Any other reference to the less lethal?
LEWTON: No.
MORGAN: And did you specify less lethal in that command?
LEWTON: No.
MORGAN: Okay. And was there any thought given to, um, varying the command, do what we say or you'll be shot, um, considering this was suicidal subject rather than a criminal suspect?
LEWTON: No.
MORGAN: Okay, and why?
LEWTON: Um, because everything was happening so fast that, um, I felt as if I needed to act at that point in time.
MORGAN: Okay. And was there any discussion about taking him into custody in front of the car where he had stopped in position, and just taking him into custody from that standing position?
LEWTON: Um, we wouldn't…I was not going to do that because it would have put…I believe that it would have put the custody team – FRASHOUR, or not, KEMPLE and WILLARD, where are we going to go up and grab onto him – in a very dangerous situation because he was not controlled at all. He was just standing there uncontrolled, just…I mean he could have done anything. He could have turned, grabbed a gun and shot FRASHOUR, or shot WILLARD and KEMPLE. So, um, I was not

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going to go up there and put hands on a guy until we have him on the ground face down with his arms, palms up.
MORGAN: Okay. And did you hear anyone else discussing, let's just go get him. Did you hear anything like that in that few seconds interval?
LEWTON: No.
MORGAN: And what was your goal in deploying the less lethal?
LEWTON: My goal was to gain compliance, to have him realize that, okay, it's time to put my hands straight up in the air now.
MORGAN: Okay. And do you remember from your less lethal training, um, was compliance discussed specifically as one of the acceptable goals of deploying less lethal?
LEWTON: Yeah, I think that compliance is, um, with any of our tools, you know, whether it is pepper spray or baton or taser, you know, once you've gained compliance, that's the ultimate goal I think, I believe with any of our tools.
MORGAN: And you made reference to the, um, feeling the need to act right away. When you got him into a position where he was not moving, not saying anything, holding steady, why did you feel the exigency at that point? Why did you feel like it was important to move quickly at that point?
LEWTON: Because, um, because it goes back to, um, he was uncontrolled. He was standing there, he was uncontrolled, he was not following our commands. And it goes back to, was he just trying to bring us in...one of my thoughts was, was he trying to bring us in. Was he planning...is he going to turn around and start shooting at us. Is he going to pull a gun out of his waistband and start shooting at us. He wasn't doing what we were saying to, so, I mean, from the information that we had, he was armed and suicidal and, um, I felt as if we needed to take immediate action.
MORGAN: And you said it today, and you mentioned it in your detective's interview, your ultimate plan was to get him into a high risk prone position.
LEWTON: Correct.
MORGAN: For lack of a better term. Um, do you know if the other officers knew that was your plan?
LEWTON: No, but I think...I think that we were all on the same page.
MORGAN: Okay.
LEWTON: We never...I never turned around and said, I'm going to bring him into a high risk prone position, but I think we all had the same understanding of what we were going to do.
MORGAN: Okay. And at any point had a specific custody plan been discussed? Even before he came out, hey, we're going to do this, behind the patrol car, hey, we're going to do this right there in the open spot? Any discussions like that occur at any point?
LEWTON: No.
MORGAN: Okay.
LEWTON: And, again, because...I think it was because we were still surprised when this guy came out, altogether, so we had not discussed really how, if he did come out, where we were going to put him and that kind of stuff.
MORGAN: Okay. At the...again, at the position where he's stopped and kind of frozen, before you deployed the bean bag, did you feel like a taser would have been appropriate at that point?
LEWTON: No. Because we were standing over a car, and, first of all, I was unsure about the distance of the taser from where we were at. Second of all, we would have had to deal with taser probe and wires and that kind of stuff over the hood of the car, and it was just not the optimal situation for a taser.

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MORGAN: Okay. And so, walk me through now. So you deployed the less lethal first round…
LEWTON: Uh-huh.
MORGAN: What's the reaction? What happens from there?
LEWTON: Um, the first round hits him in the rear end. He kind of takes it, kind of like…he kind of like takes it and sucks it in, you know, and then there was a, probably a one- to two-second pause where I believe that he was making a plan and thinking about what he was going to do next. Um, because I'm sitting there watching him, because he just kind of takes it and just kind of, you know, just kind of pauses. And then his hands start to come off his head, um, and he starts to take a step, and his right shoulder kind of just kind of starts to move back towards this apartment 37. In my mind that…my mind is that he was starting to run. He was going to start running. Um, and that's when I fired a second bean bag round at him.
MORGAN: Okay. And what was your thought? What was the rationale for the second bean bag round?
LEWTON: Um, again, to make him…to gain compliance. To make him, you know, put his hands above his head.
MORGAN: Okay. You had mentioned you thought he was gonna be running. Why would him running have been a problem in this circumstance?
LEWTON: Um, because…because he is now moving, and, um, I think it goes back to that, I believed he was armed. We were having an armed, suicidal guy not doing what we were telling him to do, and he was starting to move now. And, um, it was the option that I had available to me in my hands, and that's, that's what I started using.
MORGAN: Okay. All right. And do you remember, did you give any additional commands between the less lethal rounds at all?
LEWTON: No.
MORGAN: Okay. And after the second bean bag round, what happens from there?
LEWTON: Um, he then starts picking up speed a little bit. I fired a third bean bag round. Um, and then he's now moving pretty quickly now, fourth, and then, as I marked on this thing here, I fired a fifth, and then I'm still firing at the…at kind of his rear end area. And then when I fire my sixth bean bag round, that's when I hear the gun shot to my left.
MORGAN: Pretty much simultaneous with your last round, would you say?
LEWTON: Yes, just about simultaneous.
MORGAN: Okay. All right. And, um, you said there was like a one- to two-second pause, probably a two-second pause between round one and round two?
LEWTON: Uh-huh.
MORGAN: Um, are two, three, four, five, six pretty much as fast as you can?
LEWTON: Uh-huh, as fast as I can go.
MORGAN: Okay. And did they all appear to impact, as best as you can tell?
LEWTON: Uh-huh.
MORGAN: Any effect whatsoever?
LEWTON: No effect at all.
MORGAN: Okay. And besides running, anything else he's doing on the way back towards the apartment?
LEWTON: Um, I lost sight of his hands.
MORGAN: Okay.

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LEWTON: After his hands came down below his shoulders, I totally lost sight of his hands.
MORGAN: Okay. Um, did he appear to be running as fast as he was capable? It's obviously hard to tell how fast someone is capable…
LEWTON: Yeah, he was moving pretty quickly when he got to…when he got to when I fired my sixth bean bag round.
MORGAN: Okay. And besides his hands, did the rest of his body appear to be consistent with someone running full speed?
LEWTON: Um, you know, I…I was so focused on his rear end that I don't know if I really can answer that question. I mean, he…I guess there's a lot of varying different answers to that question. I mean, but he was moving quickly. I'll say that. I don't know if he was full speed, but he was moving quickly.
MORGAN: Okay. And what exactly was he doing when you heard the lethal round fired?
LEWTON: Um, moving towards the…moving towards the front of this car here.
MORGAN: Okay. And still running at this point?
LEWTON: Yes.
MORGAN: Okay. And you could not see his hands at the time the lethal…
LEWTON: No.
MORGAN: …the lethal shot was fired?
LEWTON: No.
MORGAN: Okay. Um, what was your assessment of the threat level Mr. CAMPBELL posed?
LEWTON: Very high.
MORGAN: And what…explain that.
LEWTON: Um, again, because he was…I believed he was armed, I believed he was suicidal, I believed that, um, that…and he was not doing what we were telling him to do. And I took that as a very high threat level.
MORGAN: Okay. Do you know where the sergeants were when the lethal round was fired?
LEWTON: I think they were still in this first alcove here. I'm not 100% though.
MORGAN: Okay.
LEWTON: Actually, sorry, hold on for a second. All right. I know that at some point in time, um, Captain DAY had called Sergeant REYNA, and I believe they went this way. So I want to say BIRKINBINE was here. And then I want to say Sergeant REYNA and Captain DAY were somewhere over here.
MORGAN: To the north side of the building, basically?
LEWTON: Yes.
MORGAN: Okay. All right. Um, did you hear Officer FRASHOUR give any warnings or say anything before firing the shot?
LEWTON: No.
MORGAN: Okay. Did you hear him say anything after firing the shot?
LEWTON: Yes. Um, I kind of turned to look at him, and he goes…he looks at me and says, um, something like, he was reaching for his waistband. I thought he was going for a gun.
MORGAN: Okay. And do you think any of the other officers were close enough that they would have heard that statement by Officer FRASHOUR?
LEWTON: Um, I know that WILLARD and KEMPLE were standing right there, but I don't know if they heard him say that.

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MORGAN: Okay. Um, after the lethal shot is fired, Mr. CAMPBELL falls kind of in front of that car there, can you…do you have eyes on him at that point?
LEWTON: Um, I have eyes on his feet.
MORGAN: Okay.
LEWTON: Because he went down between this…the front of this car and some bushes, and the distance between that little area that he fell is probably about a foot and a half.
MORGAN: Okay.
LEWTON: Maybe even…maybe, give or take a little bit, but all I could see was his feet.
MORGAN: All right. And did you see the canine deployed?
LEWTON: Yes. Um, I don't know exactly when Officer ELIAS sent his dog, but after CAMPBELL gets shot with the lethal shot, that's when the dog actually catches up with him. Um, and then follows him down to where he's…where he is…where he lays in front of the car there.
MORGAN: Okay. Um, and I know time is hard on this, but is the dog on him almost immediately after the shot?
LEWTON: Pretty darn close.
MORGAN: Okay.
LEWTON: I mean, we're talking…we're talking…because I think he comes in, he gets shot, he hits the hood of the car and then falls down to the front of the car, and that's when the canine is almost on top of him, right after he hits the hood of the car.
MORGAN: Okay. Um, based on the distance and how far the canine had to travel and whatnot, is it possible the canine was enroute when the fatal shot was fired?
LEWTON: It's possible.
MORGAN: Okay. Is it possible that it was released after the shot, or do you think he got…that would have been too fast to get there?
LEWTON: I don't…I don't know. I think, you know, sometimes dogs take a little bit to get going, you know, as far as getting their feet set and that kind of stuff, but, um, I don't know exactly when the dog was sent.
MORGAN: Okay. Had there been any discussion about releasing the dog, um, if he got to a point where he wasn't following commands, or was there any discussion with ELIAS about any of that sort of thing before he came out?
LEWTON: No.
MORGAN: Okay. Were you surprised to see the canine when it appeared in your field of vision?
LEWTON: Um, no, I guess I kind of expected it. I wasn't really shocked.
MORGAN: Okay. And so, once Mr. CAMPBELL is down and you've got an eye on his feet, what's going on at that point? What happens next?
LEWTON: Um, at that point in time, Sergeant BIRKINBINE comes up. He's right there like a split second afterwards. And he moves FRASHOUR out, and brings HUGHES in, now our AR operator because HUGHES was originally on the back, back area, I guess, somewhere around here. But he had moved HUGHES back around to here to the custody team. Um, and then, um, Officer BOYLAN goes and acquires a pair of binoculars to kind of get an eye, get a better eye on AARON CAMPBELL to see what's going on with him. Um, and we kind of made the decision, I should say Sergeant BIRKINBINE made the decision to activate SERT because of …because of the way that the area that AARON CAMPBELL was laying, it made it tactically difficult to get there without any type of armor or shields or whatever.

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MORGAN: Okay. And there was a few minutes there after the shot was fired and before SERT was activated…
LEWTON: Uh-huh.
MORGAN: What was going on there with…I know you said BOYLAN was getting the binoculars. What else was going on?
LEWTON: Um, QUACKENBUSH and KEMPLE were kind of over here near this car against the building here talking, trying to make communication with AARON CAMPBELL saying, move your feet. Let me see your hands. That kind of stuff, to see if…to try to get him to move a little bit so we could at least get his hands, and that kind of stuff. Um, QUACKENBUSH had to leave for some reason, and I go over there with KEMPLE and I go over there, and I tried to also start making communication with AARON CAMPBELL.
MORGAN: And no response?
LEWTON: No response at all.
MORGAN: Okay. Um, was there any discussion about the officers on scene approaching and taking him into custody?
LEWTON: Um, there was a discussion, but specifically, I did not like going up there without any type of shield because I didn't like the…I felt we wouldn't have adequate cover to go up there and do…and take him into custody.
MORGAN: Okay. And it was your impression it was Sergeant BIRKINBINE's decision ultimately to activate SERT?
LEWTON: Yes.
MORGAN: Okay.
LEWTON: Yeah, when I say that. I didn't like it, that's what I told Sergeant BIRKINBINE.
MORGAN: Okay. Um, and who was in charge of the crime scene after the shot was fired?
LEWTON: Well, okay, I think…after the shot…directly after the shot was fired, I would say Sergeant BIRKINBINE because he came right up there…right up on us.
MORGAN: Okay. And then do you know…do you have any impression on who was running the scene once, you know, once things calmed down, once SERT cleared out, as a crime scene?
LEWTON: As far as sergeants go?
MORGAN: Yeah.
LEWTON: Well, I know that after SERT came out and cleared, Sergeant WHEELWRIGHT came up to me, and then assigned me with another officer, and we left the area, but, I mean, I'm guessing Sergeant WHEELWRIGHT…
MORGAN: Okay.
LEWTON: …came in and took control. I don't know.
MORGAN: Okay. And did you have any discussions at the scene with any other officers about what you had witnessed or what had happened?
LEWTON: No.
MORGAN: How long do you think it was before you were separated and kind of given your partner officer there?
LEWTON: Twenty minutes.
MORGAN: Okay. To your knowledge, was anyone maintaining a crime scene log?
LEWTON: Um, not that I know of. That…I wasn't part of that…

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MORGAN: Okay. Um, do you feel like if you had known that officers were about to request Mr. CAMPBELL to come outside, and that you had a little more notice that he was about to appear, do you feel like that would have ultimately affected the outcome of the call?
LEWTON: No.
MORGAN: And why not?
LEWTON: Well I'm gonna be honest and say I don't know. Because I don't know if it would have affected the outcome of the call. Um, just because I don't know.
MORGAN: Do you feel like your commands or your less lethal deployment would have changed at all, um, if you…
LEWTON: If he did exactly…if we knew he was coming out and he did exactly the same? No.
MORGAN: Okay. And how many times have you deployed less lethal in your career?
LEWTON: I don't know the exact number. Do you want me to give you a rough number? I would say ten.
MORGAN: Okay. And how long have you been certified on it?
LEWTON: Six years.
MORGAN: Okay. So it's a fairly infrequent occurrence that you actually shoot it?
LEWTON: Yes.
MORGAN: Um, and then just one last kind of technical question here, and then I'll turn it over to BARRY. Um, on your Use of Force Form, um, which I think is almost the last page in that packet there, um, at the outset where you check the reasons for use, um, you actually checked physical resistance, rather than aggressive physical resistance. Any explanation for that, or any thought as to why you checked that one box?
LEWTON: Um, that…I…when I filled this out, I was sitting in Starbucks with my attorney, and it was a couple days after the event. I was still emotional, you know, about the whole event, so I checked that under the advice of my attorney. Just checking boxes, so, um, as far as what box I checked or reason, I really don't have a reason why.
MORGAN: Okay. BARRY, you have anything?
DOBLER: Can we take a quick break?
MORGAN: Yeah, why don't we take five minutes. We'll go off tape here. It is about 5:20, and we're going off.

MORGAN: Okay. This is Sergeant CRAIG MORGAN. We're returning from our break in the interview with Officer RYAN LEWTON. It is still March 25, and it is now 5:35 p.m. And why don't we start. Investigator RENNA has a couple real quick follow-ups and then, Officer DOBLER, you can go ahead.
RENNA: Can you tell me again, how you became aware, or if you became aware, of any conversations between Mr. CAMPBELL's girlfriend when she described what his current mental situation was the day that you guys were there?
LEWTON: Um, we were…I was…again, I was kind of standing behind Sergeant REYNA and Officer BOYLAN when they were talking to, kind of interviewing, um, the girlfriend, and I was kind of overhearing the conversation, so that's how I became aware of that.
RENNA: Okay. And what do you remember him being described as?
LEWTON: Um, she said that he was calm.

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RENNA: Okay. Did she…did you overhear anything about him being better today than the previous day?
LEWTON: Hmm, that does kind of ring a bell a little bit, but, I mean, um, it does ring a little bell, but I'm not 100% positive that's exactly what I heard.
RENNA: Okay.
LEWTON: I do remember that he…I do specifically remember that he…her saying that he was calm now. So, I don't recall…again, I wasn't in their little circle. I was just kind of overhearing them.
RENNA: Well, I'm just…the reason I'm asking this is the information was originally broadcast, put in the call in whatever fashion that the responding officers were getting information that he was suicidal.
LEWTON: Uh-huh.
RENNA: Just wondering…I'm asking if at some point, did you personally hear or was it broadcast over the radio in some fashion, that that behavior had been the day before and that he wasn't displaying any of that behavior at the time you were there.
LEWTON: No. Not that…I don't recall any of that being broadcasted.
RENNA: Okay.
LEWTON: Or at least getting any of that information, I should say.
RENNA: Okay. So, if that information was obtained, it wasn't broadcast or relayed to any of the other people?
LEWTON: Not to me.
RENNA: Okay. Um, when you were talking about the totality of the circumstances…
LEWTON: Uh-huh.
RENNA: Um, one of the things that you included in there was the fact that he was suicidal.
LEWTON: Correct. In the totality of circumstances, when you were referring to aggressive physical resistance?
RENNA: Yeah, I believe so.
LEWTON: And then, um…can I expand on that?
RENNA: Go ahead.
LEWTON: Um, you asked me, aggressive physical resistance. Um, he…and I said the totality of the circumstances, um, I would also have to include the fact that he made that text saying, I'm going to go get my guns, or I'm not playing, I'm going to go get my guns. And then, he turns to me and says, go ahead and shoot me. Um, that statement alone, I believe, in this circumstance with everything else, is aggressive physical resistance.
RENNA: Okay. And if you took... just a sec, let me just finish up here, if you don't mind. If you take suicidal out of that equation, if the information is that he is not displaying any suicidal behavior, as this event is progressing and unfolding, does that change things for you?
LEWTON: I think it might change the entire call. I think it might change…if he's not suicidal, I think it might change the entire call altogether.
RENNA: To what?
LEWTON: To us maybe not even responding to the call. I don't know, I mean, but…I mean, I think him being suicidal was a huge part of this call from the beginning.
RENNA: Did the information that was being communicated from the alcove from either Officer QUACKENBUSH, Sergeant BIRKINBINE or Sergeant REYNA about things going better, that texting was taking place, did that change…did that influence any of the group that you were with behind the car? Were you getting that information?

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LEWTON: We got that information that things were going better, but, I mean, we were just kind of in a holding pattern right here, just kind of waiting for things to happen, you know. So, I mean, we just kind of just continued just to wait for things to happen, and it didn't really change what we were doing at the car.
RENNA: Okay. I think that's all I've got.
MORGAN: Go ahead DAVE.
DOBLER: I just want to get some clarity on some things, and I'm not trying to beat a dead horse, but, I don't know if it's clear to me on what one of your questions was. Initially when you showed up and you were at the north end of the complex and you had some information that he was doing better. Right?
LEWTON: Yes. Right here.
DOBLER: They were having a little huddle, and you were kind of eavesdropping on that, getting information? Correct?
LEWTON: Uh-huh.
DOBLER: Okay. And then later on…was it later on, or about the same time, or before, that you got the information that, I'm not kidding. I'm going to go get my gun.
LEWTON: This was later on in the whole, um, event.
DOBLER: So, initially everything looked like it was going okay. Then it started going south, started going bad when the text came out that, yeah, I'm not playing around?
LEWTON: Right.
DOBLER: Okay. So when you're talking about the totality of the circumstance, did it appear that this call changed from something that, okay, maybe we're doing okay, to now things are not going well. This man has a gun and he's talking about going and getting his gun?
LEWTON: Yes.
DOBLER: Okay. Can you also talk about some of the other factors when you're talking about the totality, because police, we're so used to saying the totality, but really explaining it to somebody that is reading this, it's going to be different. So, kind of from start to finish, can you go over some of those factors that you're considering as the totality of the circumstances?
LEWTON: We knew he was armed. We knew he was suicidal. We, um, he was not doing what we were telling him to do. Um, we have the information about him going and getting his guns, and that he was not playing around. And that we told him…or he turns and tells us, go ahead and shoot me. And I tell him to put his…and he's walking, he's just assuming that he knows what we want him to do, and he's just doing it. He's not following any commands. He's not doing what we tell him to do. He's just doing what he thinks needs to be done, he's just doing what he wants to do, you know, and he's not doing what we tell him to do.
DOBLER: You alluded in your earlier testimony where you said that he was kind of looking around. I think you mentioned, over his left shoulder?
LEWTON: Yes. So he was getting…he was looking almost…looking directly at us, so he kind of turned around and looked to us, as if he was kind of gauging where we were at, you know. Plus, he had been around this entire area already, so he, I mean, he could have been formulating plans. So, he knew…he knew this entire area and we didn't know this area because we hadn't been up there.
DOBLER: Okay. And when he initially started to run back, you had already given testimony that you believed that he was armed. Is that correct?
LEWTON: Yes.
DOBLER: And he was running back towards what?

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LEWTON: He was running back towards this car right here, back towards this area right here, and we didn't know...we didn't know...we hadn't cleared this car. We didn't know...but we knew there was this car there, and I knew at least that it could provide cover for him, and I didn't...I also didn't know who else was inside this apartment right here. I hadn't actually physically been inside the apartment, so I don't know who else was in here, or...
DOBLER: Did you know anything about that car? Did it belong to him, or a friend, or could there be something else in that car that maybe you didn't want him to get to?
LEWTON: I knew nothing about that car, but there's a thousand possibilities.
DOBLER: Okay. Um, can I just take a look at my notes here? I wanted to also mention, Sergeant MORGAN had asked the question, you know, which is a good question, is why not when his hands are kind of behind his head, why not just go up and approach him? Can you talk about cover and concealment and tactical planning in order to do that safely.
LEWTON: It all comes down to control. Um, first of all, our cover, it's adequate cover. It's not behind a brick building. I mean, it's okay cover, but it's not great cover. Um, and we had not...I mean, we had not seen the palms of his hands, so we didn't know if he was carrying, had a gun, a small gun in his hands, you know, and he...there was no control. He wasn't controlled. He was just standing there. He had the position of power on us. If we...if we had moved beyond what cover that we had, these officers would have had zero cover. And all he needed to do was turn around and shoot at them, you know, and they wouldn't have had any cover at all. And, um, he was not controlled at all. That's why we were not going to approach him unless he was face down on the ground with his palms in the air, and we knew that we had good control over him. And we had a position of...we had a position...it was just not tactically safe to go up there and just grab onto someone.
DOBLER: You had mentioned earlier that your plan, your plan since you were basically the contact officer, giving the verbal commands, but in your mind your plan was to prone him out. Why do we prone people out?
LEWTON: Um, it's the...I would say it's the best control we can have over someone in the field, because they're face down. I mean, just by their, you know, their muscle structure, you know, everything, all their muscles are face down to the ground, so they...you can't...they can't...if you go up and put them in, take them into custody, they can't fight you very well from a prone position.
DOBLER: In a prone position, are their legs usually crossed so they can't get up and run?
LEWTON: Yes. Legs are crossed, arms...palms are straight up from the ground...straight up in the air, and you usually have them put their ear, either ear, an ear on the ground to where they're looking away from you.
DOBLER: So, why do you want them looking away from you?
LEWTON: So they cannot see your approach to them.
RENNA: You said that he was doing what he wanted to do. Explain that to me.
LEWTON: He was making his own decisions about what he was going to do. I mean, because no one was giving...no one told him to come out and side step to us, he just did it. So, he was making his own decisions about what he was going to do.
DOBLER: How many times did you tell him to stop?
LEWTON: I told him to stop twice. I told him to stop right there, in the center area, or, I should say ten yards, and then I told him to stop again after another ten yards. So I told him to stop twice.
RENNA: And did he do that?
LEWTON: Yes.

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RENNA: Okay. Um, after he first came out and he was doing those sidesteps, and you said that, if I remember correctly, he was backing up pretty fast.
LEWTON: Uh-huh.
RENNA: Large strides, after that, um, was he taking action that was going against what you were directing him to do?
LEWTON: The only time he followed what I told him to do is when he was coming back at me really quickly, I told him to stop. That's the first time he did anything I told him to do. I told him to walk back towards the sound of my voice slowly. He did that too. And then I told him to stop again. That's the only time that this guy did what I told him to do.
RENNA: Okay. I have one more question.
LEWTON: Okay.
RENNA: Um, have you ever had someone, other than Mr. CAMPBELL in this situation, say to you, go ahead and shoot me?
LEWTON: No. And that's actually…goes back to the totality of the circumstances. I had never had anybody tell me that directly. I was thinking about it. I had never had anybody tell me, go ahead and shoot me. And when I've actually pointed the bean bag gun at them, because…I've never had that happen.
RENNA: Okay.
MORGAN: And just one more quick one from me, and then we've just got a couple kind of catch alls at the end here. Um, you said it a couple times, both in relation to a discussion with your fellow custody officers about exactly what steps you were going to have to take to get him prone, um, and then again when I asked you if you considered issuing different commands rather than the standard, do what we say or you'll be shot.
LEWTON: Uh-huh.
MORGAN: …since he was suicidal. Um, and your response I think in both those circumstances was, you know, he was coming out so fast and everything was just happening so fast.
LEWTON: Uh-huh.
MORGAN: My question is, um, from the time the kids came out to the time he came out, per the CAD, and we can look at the exact time, and it was roughly thirty minutes, um, what was going on at the patrol car at that point? Was there any planning discussion being done, or what exactly was being done at the patrol car for that, for that half hour?
LEWTON: We were really…we were really just kind of focusing on the windows and seeing if we saw any movements in the windows and that kind of stuff. Um, we weren't really discussing a plan of how if he did come out, how we were going to take him into custody.
MORGAN: Okay.
LEWTON: Um, we…because it was a total surprise to us when he actually did come out. Now, um, if we did have…our previous information…if we did have information about him coming out, we may have then had a discussion about, okay, you know, KEMPLE and WILLARD, you guys are going to go hands on, you guys are the arrest team, and then from there on.
MORGAN: Okay. In hindsight, do you feel there was ample time to discuss that tactical plan between the time the kids came out to the time he came out?
LEWTON: Um…
MORGAN: Was there enough of a break in the action to allow that to happen?
LEWTON: There was a large break, but, um…there was a large break.

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MORGAN: Okay. Did you have one more follow-up before…? Okay. And then just, oops, I'm sorry. Go ahead. We're jumping around on you here a little bit.
RENNA: Um, you were there pretty early on.
LEWTON: Uh-huh.
RENNA: So, my question is, was there any…did you overhear, or were you part of any discussion about if Mr. CAMPBELL came out of the apartment, he was not going to be allowed to go back in?
LEWTON: There was…what I recall now is that there was a…I kind of recall something, and I don't really know, I believe maybe it was with Sergeant REYNA or whoever it was with, I'm not really sure, but I…you know, to be honest with you, I don't…I kind of recall something about not letting him back in, but I don't really recall being actively engaged. It doesn't really come or strike my mind as an active conversation that I had with someone. I can't really think of who specifically it was with.
RENNA: Was that discussed among the group of officers that you were with behind the car?
LEWTON: Um, no, not with us there.
RENNA: Among yourselves, outside the presence of a sergeant?
LEWTON: Not that I recall.
RENNA: Okay. Do you know if Sergeant REYNA communicated that to anybody that wasn't there early on like you?
LEWTON: Not that I recall. I don't remember.
RENNA: And what would…what would something like that be…why would that plan be there in the first place?
LEWTON: Well, if he does come out. You'd have to look at it tactically. I mean, I'm trying to answer your question here. Um, but, I guess, if he does come out, he could come out and take a look at what our set up is and that kind of stuff, and then go back in and get his guns and start firing on our positions, I guess. I don't…I…
RENNA: Okay. That's all I've got.
MORGAN: Okay. All right. Um, have you talked with anyone else about this case, or read or heard any of the news accounts of this incident, that you feel have influenced your perception about what you saw or observed?
LEWTON: That have influenced my perception? No.
MORGAN: Okay. Um, did you participate in the EAP debrief?
LEWTON: Yes.
MORGAN: Anything you learned there that you feel like that has contaminated your independent recollections at all?
LEWTON: No.
MORGAN: Okay. Do you have any information that you believe would be relevant to this case which we haven't covered here today?
LEWTON: Just my notebook.
MORGAN: Okay. Anything related to the call at all that we didn't discuss that we should have?
LEWTON: No.
MORGAN: Okay. Anybody else that we should talk to that you think we're unaware of?
LEWTON: No.
MORGAN: Okay. Um, and finally, keeping in mind that this is an administrative review, is there anything about this incident that caused you concern or that you want to address in an effort to improve future performance?

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LEWTON: No.
MORGAN: Okay. Anybody got anything else? Okay, we'll go ahead and conclude the interview then. It is 5:54 p.m.

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Transcribed 0402/2010 / 10:45 p.m. Gayle Laird (0402gl02)

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PORTLAND POLICE BUREAU
INTERNAL AFFAIRS DIVISION
Confidential Taped Statement
Sergeant Craig Morgan DPSST #38845

Interview Date: 03/30/2010
IAD #: 2010-B-0004
Complainant: Portland Police Bureau

Interviewed: Sergeant Liani Reyna DPSST #28925

MORGAN: This is Sergeant CRAIG MORGAN. It is March 30, 2010. It is 1650 in the afternoon. We're located in an IAD interview room on the 12th floor of the Justice Center. Present with me is my IAD partner Investigator BARRY RENNA, Sergeant LIANI REYNA and her PPA representative Officer DAVE DOBLER. We're here in reference to IAD Case #2010-B-0004. The associated PPD case number is 10-8325. Sergeant REYNA has been advised that her conduct and/or the conduct of any other bureau member present on January 29, 2010 at 12800 NE Sandy Boulevard is the subject of this investigation. Sergeant REYNA has reviewed information necessary to be reasonably apprised of the nature of the allegations of the complaint. Sergeant REYNA has been informed that she is a witness in the case, and that Captain ED BRUMFIELD is in charge of the investigation. I have advised Sergeant REYNA that she could have representation present during the interview and Officer DOBLER is here in that capacity. Sergeant REYNA has been provided a copy of the Advanced Notice and Waiver Form and has signed it. Sergeant REYNA, under the authority of Captain BRUMFIELD, I am ordering you to answer all of my questions fully and truthfully. If you fail to respond fully and truthfully, you may be disciplined up to and including dismissal. Do you understand?
REYNA: Yes.
MORGAN: Okay. And just so we have it on our tape, just to clarify, um, we were discussing the terminology of witness versus suspect officer on this, and since it's an internal review of a shooting, we did make a hand-written note on the waiver form that indicates that you're an involved officer for lack of a better term regarding this case.
REYNA: Okay. And in line with that I'll just raise an objection for the record on Article 61.1.1 regarding informed of the nature of the investigation whether the officer is a witness or a suspect to comply with that , so that's an objection.
REYNA: Okay. Yep, same, same kind of area there so...Okay. Let's go ahead and get started then. Um, we'll just start with kind of the basic background and then move into the call here. Um, how long have you been employed by the Portland Police Bureau?
REYNA: Sixteen years.
MORGAN: Okay. And how long as a Sergeant?
REYNA: Four and a half.
MORGAN: Okay. And any prior law enforcement experience before Portland?
REYNA: No.
MORGAN: Okay. And you don't have to give me the whole recap, but just kind of where have you been assigned since you've been employed at the police bureau?
REYNA: After going through the training rotation through the then three precincts, I worked at Northeast Precinct for I think five years.
MORGAN: Okay.

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REYNA: During my tenure at North Precinct I was detached to SERT and I spent two years on the SERT team and transferred to Southeast Precinct while on the SERT team. I spent about four months in the Telephone Report Unit, and then I went to North Precinct in St. John's in 2001.
MORGAN: Okay. And then since you were promoted, where have you been assigned as a sergeant?
REYNA: North, well the two north precincts.
MORGAN: Okay. And what is your current assignment?
REYNA: North Precinct.
MORGAN: Okay. And afternoon shift?
REYNA: Yes.
MORGAN: Okay. And what was your assignment on January 29th of 2010 this year?
REYNA: I was working North Precinct.
MORGAN: Okay. And pretty early on in your shift there you became aware of an incident that was going on at 12800 NE Sandy Boulevard. Tell me how you came to be aware of that call.
REYNA: While I was logging on to my car getting my equipment ready in the parking lot, I heard an officer come on the air and say can we have a supervisor.
MORGAN: Okay. And you answered up at that point?
REYNA: Yes.
MORGAN: Okay. And what did you know about the call that you were responding to?
REYNA: Well, I didn't hear it come out because I was doing some other stuff in the precinct, and I was on Tac 2, so I missed the initial dispatch. So, when I answered up, I asked for the nature of the call.
MORGAN: Okay.
REYNA: And dispatch gave me a quick rundown, and then as I got it, I pulled it up and I read it.
MORGAN: Okay. And do you remember what you gathered from that initial read-through of the call?
REYNA: Um, what was initially put in the CAD printout, which said that we were doing a welfare check on ANGIE JONES with her three kids, she had a suicidal boyfriend who tried to kill himself. Um, they weren't hearing from ANGIE, and they were concerned because the guy was armed with a gun and he had lost a family member and he was distraught. They included the guy's PPDS record in the call, and I was able to glance through the charges and I saw Attempted Murder, handgun. So there was all that going into it.
MORGAN: What did that charge indicate to you at that time?
REYNA: Um, this is a potentially violent person, the highest threat level that you can consider.
MORGAN: Okay. And you were, um…North has a pre-relief and a regular relief at this point? Is that right?
REYNA: Yes.
MORGAN: You were the late relief, I guess, on that day. Is that right?
REYNA: Yes.
MORGAN: Okay. Do you know if the call had been going on for a little bit, what the pre-relief sergeant, why they hadn't responded at all to the call?
REYNA: Um, Sergeant ELLERTSON was the pre-relief sergeant. She was in the office at the time. And WHEELWRIGHT was the other late relief sergeant. I don't know what JAN was doing. I couldn't tell you.

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MORGAN: Okay. And so officer asks for a sergeant, you say, I'm on the way. You read through the call, you head there. And then just kind of tell me what happens from there.
REYNA: So, I'm listening to it. I'm monitoring it as things are going on. I can tell that they've already got people there set up on it, and they're trying to do a telephone ping. And the officer is asking Dispatch, can you ping the telephone so we can try to find out if she's even there. And there was a lot of problems with the company, the telephone company, because Dispatch was saying, I don't know if they can do it. But then there was some broadcast about like a location or something like that.
MORGAN: Okay.
REYNA: And so, basically, I'm listening to the officers who are running it and they're working it, and I'm just trying to get there.
MORGAN: Okay. And when you arrive on scene, what do you do when you first get there?
REYNA: When I first arrived, I asked them where to meet them, tell them I'm coming into the area. They tell me to come straight into the front of the complex, I'll see the cars. So I see the patrol cars out there. And BOYLAN was talking to a man. And LEWTON came up to me, and I'm like, you know, what's going on? So they're trying to give me the story, and I can't remember exactly specifically that interaction.
MORGAN: Okay. Do you know who the man was that BOYLAN was talking to? Or did you figure it out?
REYNA: Well, I know now that it was her dad.
MORGAN: Okay. You don't remember if he...did you know that at the time that that's who it was?
REYNA: I can't remember if I knew that at the time.
MORGAN: Okay. Were you privy to their conversation, or were they a little ways away from where you and LEWTON were?
REYNA: Initially they were a ways away.
MORGAN: Okay.
REYNA: And that's why I turned to LEWTON because LEWTON was the free guy running around. So I naturally went to him to see if he could help me out with it.
MORGAN: Okay. And anyone besides LEWTON, BOYLAN, and QUACKENBUSH on scene when you arrive, or was it just those three and yourself?
REYNA: I think BOCCHINO and GRYPHON were already on the back.
MORGAN: Okay. And you said you don't remember specifically what LEWTON told you? Did he have any information, new information that wasn't in the call on the CAD?
REYNA: Not that I remember.
MORGAN: Okay.
REYNA: Because we were going to need to get it from BOYLAN, he was talking to the guy.
MORGAN: Okay. And so after LEWTON kind of gives you the quick lowdown, what happens next?
REYNA: Well, I'm trying to think of okay, what are we going to do? This is a welfare check. I mean, we don't know what's going on. And we don't know that anything bad has happened because the only reason we're there is the family couldn't get in contact with the woman. And you can't...you could assume the worst, you could assume the least, so, really, we're just there right now collecting information. And so that's what we were going to need to get from the dad, and then BOYLAN is coming over to start talking, and I hear him say, oh, there she is. And here comes the woman walking out from the center of the apartment complex.
MORGAN: Okay.

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REYNA: So it's like, oh, well good, you know, she's alive. She's safe. That was a really good thing.
MORGAN: Okay. How long after you got there would you say that…?
REYNA: Really soon. Relatively soon.
MORGAN: Okay. And so then, did you ever get from BOYLAN what ANGIE's dad had told him?
REYNA: Sitting right here right now I can't remember because of how everything kind of expanded. Um, you know, my concern was, you know, this guy's upset because he lost his brother and people get really emotional. We don't know what they're going to do. The initial call had this…he threatened to kill himself, but we didn't know from the call what he tried to do. And my concern now is for her safety, for the safety of the three children, and his safety. You know, maybe he needs some mental health assistance, and we're gonna need to provide that. So, um, you know, since I've thought a lot about this, sitting here right now I can't tell you.
MORGAN: Okay. And you kind of covered this a little bit, but just to be specific, when you were…when you first dispatched to the call and you're on the way, what is in your head about what kind of call this is?
REYNA: To me this is a routine call. We…even after this incident, we are getting a lot, a lot of calls of suicide, and I noticed, typically around December and the holidays, you get a spike in suicidal calls, but with the recession, it has been exponential and we go constantly to suicidal calls, and, um, you know, it's something we go and we either leave the person alone, or they're willing to go to the hospital with us. So, at this point, it's still a routine call. We need to go find out if it's legit, what's going on, and collect the information. But, also, I'm completely aware of the safety issues too, because of the nature of it. But we do get a lot of, so-and-so called the hot line, has a gun, or whatever type-thing like that. And I knew from previous experience that North Precinct had responded somewhere in St. John's to a guy who was drunk, in a basement, and had actually cranked off rounds with a gun. And they went and they surrounded the place, but he was alone, and he wouldn't come out, so they walked away. So, I already knew that going into this call as well.
MORGAN: Okay. How long before this one had that one been? Do you know?
REYNA: Within a year.
MORGAN: Okay. Um, so you're primarily thinking suicidal subject. Did you feel this might be a barricaded suspect situation?
REYNA: No.
MORGAN: Okay. And did you feel this might be a hostage situation?
REYNA: No.
MORGAN: Okay. And if you can, just kind of explain why you didn't feel those situations were met.
REYNA: There was no indication from the CAD call. I mean, this is simply…the guy was upset and the family had not been able to make contact with her. I mean, you're making a huge assumption here. I can't make that assumption based on this CAD call.
MORGAN: Okay. And did you consider calling SERT and HNT when you first received the call?
REYNA: No.
MORGAN: Okay. And the same reason we just went over?
REYNA: Because that's like pulling the trigger before you even see the target. You don't know what you have. You're…you need to go assess it and make an intelligent decision.
MORGAN: Okay.
REYNA: And I'm very well aware of policy 720.00 and the requirements for SERT. They did not apply here at this time.

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MORGAN: Okay. And did you consider calling for a, SERT for a phone consultation or anything at this point?
REYNA: No.
MORGAN: Same reason?
REYNA: I have prior SERT training, and I have also spoken with Commander JAMES FERRARIS about Critical Incident Management. And he's also given us as sergeants two, at least two training lessons on Critical Incident Management; so I kind of know the template, and the first thing you need to do is you need to get there and assess it.
MORGAN: Okay. And then, kind of a little out of place to ask this, but we'll just get it out of the way here, do you feel like your past history with SERT as has been documented in the local newspapers and that sort of stuff, do you feel like that in any way affected your decision making on this call as far as whether or not to use them?
REYNA: Absolutely not. I won't hesitate to call out SERT when I need them. And I also trust when I call them, they'll come and they'll help.
MORGAN: Right. Okay. So now, just going back to the call here, then. So, um, ANGIE JONES comes out and who is it that ends up kind of contacting her and starting to gather information from her.
REYNA: Um, BOYLAN and I were standing together with her, and one thing I noted was she had this wide-eyed look. You know, just kind of like a...like more than a surprised, kind of like a scared why-are-you-here look on her face. And he was explaining to her why we were there, because we were supposed to check on her. And she said that she wasn't answering the phone because they had just woken up, the family was sleeping, which, yeah, that's possible, you know. And she was telling us about that she had three kids in there, 2, 4 and 5, I think. And, um, she was really worried about us being there. She thought our presence was going to escalate him.
MORGAN: Okay. And so, as far as...she then told you basically the three kids are still inside, um, and Mr. CAMPBELL is still inside with them.
REYNA: Yes.
MORGAN: That's the information you get? Is it your impression they're all still sleeping, or is everyone awake at this point, or did you get that?
REYNA: It was my impression they were in the process of waking up still.
MORGAN: Okay.
REYNA: Because she said the kids weren't dressed. So, I don't know if they were in pajamas, but, you know, it's like why don't you bring the kids out. Because they're not dressed.
MORGAN: Okay. And did you hear Ms. JONES tell Officer BOYLAN that, um, the suicidal behavior that Mr. CAMPBELL had exhibited had all been occurring the day before, and that today – the day in question, the day you guys were at the call – that he's actually doing much better.
REYNA: No.
MORGAN: Okay. Would you have been in a position to hear their entire conversation, or is it possible that she said that to him at a point when you weren't right there?
REYNA: I...I mean if she said it, I don't know what I was doing. I mean, I didn't hear that.
MORGAN: Okay.
REYNA: That's all I can tell you. I didn't hear it.
MORGAN: And as far as you know, that information was never broadcast to the rest of the officers on the call or conveyed to them in some way?
REYNA: Not to my knowledge.

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MORGAN: Okay.
REYNA: And just so I understand, can you clarify that statement that was made?
MORGAN: Yeah. Um, Ms. JONES telling Officer BOYLAN basically, and of course I'm paraphrasing here, um, all of the suicidal behavior that CAMPBELL was showing had been the day before, had been the night before, and he's actually doing much better today.
REYNA: Oh, okay.
MORGAN: Is that…does that…your answers are not going to change based on that clarification at all?
REYNA: No. It doesn't change my answer. I just wanted to make sure I understood totally what you are saying.
MORGAN: No, but I just wanted to make sure I didn't assume your answer would stay the same. So, good enough. Okay, at this point, have you notified the Lieutenant or the Captain at all?
REYNA: No.
MORGAN: Okay.
REYNA: Um, but to add to maybe something that she did provide that I did hear from my detective interview…um, sometime after, we were talking about going inside, and maybe I'm jumping ahead here, I did…I did note that she said that she was really worried that he didn't know we were there because for now the situation was calm. I don't know if that's…
MORGAN: Kind of…yeah, along the same vein anyway.
REYNA: It could be different or not.
MORGAN: Okay. So, I think we'll kind of transition to that part of this now. So, you get the information about where everyone is and what's going on, and what happens next? What's going on at this point?
REYNA: So as far as I know, the only people that are inside this apartment are the three children and him. And my concern is because of his behavior the night before, because of the family's concerns, that they're worried enough about his state of mind that they called us. I mean, they're calling us because they're worried that he harmed her, that we need to check on him. And we really need to have a conversation with him about where he's at emotionally and mentally and is he going to be okay to leave there with the family. I didn't want to say, okay, ANGIE, you're fine. Bye. And then he does one of the homicidal familiacidal things, and we could have been at a point to intervene in that. So, it was really important to have contact with him, but my concern also was, she said he would escalate if he knew we were there, so what's he going to do with the three children now. And that posed a, you know…it posed a strategic question, a tactical question, okay, what do we do and how are we going to safely contact this man without escalating him as she says. Because as far as we were at that point, he didn't know we were there. And I don't even know why she came out. And I don't know if dad put a phone call into her. I still don't know why she came out. How she knew we were there.
MORGAN: Okay.
REYNA: So I started talking with LEWTON and BOYLAN about how we wanted to handle this. Um, if he's sleeping, that's actually good. That's to our advantage. If we can go in there while he's asleep, we can get hands on him, have that conversation, and everything's safe. Um, so I started asking about the layout of the apartment, I wanted to know where things were, you know, the living room, the kitchen, where is he specifically. And she said that there was kind of…you walk into a hallway, and I think she said the kitchen was on the right. He was supposed to be asleep on the couch. And I was asking, well, can you get to him? And she said something about the children being between the door and him. And I didn't…you know, I was trying to clarify, and it was hard getting information from

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her, but for me tactically, that's why I'm trying to think of how fast can you sneak in there and get the hands on him. And so she said, well, the children are there and they might pose a problem in terms of, you know, trying to get to him. So, I included LEWTON in, and was bouncing ideas off the officers, like if he doesn't have access to a gun, do you feel comfortable going in, and we'll just grab him? And they're like, yeah, yeah, that sounds like a good idea. So, I said, well, let's hammer down where this gun is. Where does he keep the gun? So, BOYLAN and I were talking to her about the gun. You know, I'm like, is it in a closet? Does he keep it under the bed? Things of that nature, and she said, he last had it in a sock in his jacket and he's wearing that jacket right now on the couch. That just negated any idea of going in. We couldn't do that. So, I knew at that point, we were going to have to put a phone call in to him and ask him to come out.

MORGAN: Okay. And there is mention in the CAD call and over the radio about setting up for a loud hail. Was an actual, traditional loud hail over the car speaker ever really a consideration? Or how did that come into play?

REYNA: Well, I set up for that in anticipation that he didn't answer the telephone. So what I was doing is I'm thinking, steps ahead, kind of like in a chess game. I wanted to be five steps ahead of any action so if this doesn't happen, then I can go to that. If that doesn't happen, I can go to my third alternate. So, the idea was in all these situations, as Jim FERRARIS has trained me, as the Portland Police Bureau has trained me, first contain the scene. Contain the situation. RYAN LEWTON was working with perimeter, setting the perimeter up. Um, we didn't know what to expect from the guy, so we had to be safe. And he wanted long guns to cover side one and side three, and I thought that was a really smart idea. I said go ahead, order them up. Um, I put a car in there so that if he came out, we didn't know if he was going to come out with a gun. We knew he wanted suicide by cop because that was in the call. And a suicide by cop is an extremely unusual circumstance. It's not just someone wanting to kill themselves; they want us to kill them. And the problem is, we need to talk to the guy, which puts us face to face with him. I mean, ideally, the way to prevent suicide by cop is you take the police out of the equation. They can't accomplish the mission. But we still need to check on him. So we're in a conundrum. So, we had to be prudent and set up a tactical plan, which is why I put the car there, so we could have hard cover. We call him out on the telephone and we could ideally take him into custody, get him mental help. And so when I said loud hail, it was like the farthest future event…if he doesn't answer the telephone, then we're going to go to the speaker on the car and say, hey, AARON, can you come out.

MORGAN: Okay. All right. And, kind of going in to the setting up the car and where everyone ended up, had you worked with most of these officers, or, I guess all these officers enough to feel like you knew their strengths and weaknesses and where they'd best be deployed?

REYNA: Um, yes and no. Like, I knew QUACKENBUSH would be a really good communicator. And when I was putting my people together, and, as I said, I included the officers in the decision making and the planning, I said, we're going to need a communicator. I think QUACKENBUSH would be really good. What do you think? And they're like, yeah. I nominate QUACKENBUSH. So, he had everybody's confidence, so I was very comfortable with that. LEWTON was showing really good judgment with his ability to set the perimeter, and all the other guys at this point, you know, since being at the new North they've shown to be competent. So, I felt really good.

MORGAN: Okay. And just talk a little bit more about QUACKENBUSH as communicator and why you chose him to be the contact person.

REYNA: From reading his reports. You can learn a lot about a police officer by reading their reports. He's extremely articulate.

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MORGAN: Okay. And you said LEWTON was assisting with establishing the perimeter. Um, was that a conscious, I guess, handing off of one of the assignments to him so you could divert your attention, or divert is probably not a fair word, but use your attention elsewhere?
REYNA: It seemed like everyone just worked really well together and they knew what needed to be done. They just worked to get it done. Like, I didn't have to say, you, you, you, all the time. They were just like, okay, I'm doing this, I'm doing this. Okay, that sounds like a great idea. Okay, thank you. And they were keeping me informed too, so I knew what they were doing.
MORGAN: Okay. And did you end up picking which officers ended up as the custody team at the patrol car?
REYNA: I did.
MORGAN: Okay. And any particular reasons for any of those officers having the roles they were given?
REYNA: Yes. LEWTON was less lethal certified, so I told him to get his bean bag gun. Initially KEMPLE had his shotgun out, and I needed two people to be a handcuff team, so BOYLAN was going to be on handcuffing. And we were already ordering an AR and had a less lethal, and I know that you can't have too many long guns or you're limited. So I told, specifically told KEMPLE to go put the shotgun away and said you're going to be hands on. Because we need people to do these a certain way.
MORGAN: Okay. And had you told LEWTON to go ahead and get his, retrieve his bean bag gun and serve in that capacity?
REYNA: Oh, yeah.
MORGAN: Okay. And did you give the custody team members specific instructions as to use of force?
REYNA: Not at that point in time.
MORGAN: Okay. Any specific rules of engagement discussed or anything like that at that point?
REYNA: Standard rules were applying. That's all we operate under in patrol, standard rules of engagement.
MORGAN: Okay. And who was in charge of the custody team?
REYNA: I was.
MORGAN: And you said, I think, LEWTON initially had the idea to call for a couple of long guns. I'm assuming by that you're referring to the AR15.
REYNA: Yes.
MORGAN: Um, you concurred with that decision obviously?
REYNA: Yes, I did.
MORGAN: Um, if he hadn't brought it up first, would that have been something you probably would have been asking for?
REYNA: Yes, eventually, yes.
MORGAN: Okay. And just talk a little bit about why an AR15 was a good tactical weapon to have on this call.
REYNA: Um, there's a couple of reasons. First of all, distance. AR15 gives you more accuracy at a greater distance. You can be farther away and be safe. Um, it's a more accurate weapon than our handgun. Also, ballistically, I know that the rounds that we use in our AR15 are frangible when they impact an object, and they're more likely to break up, whereas a 9 mm will penetrate and you'll get over-penetration so if you miss your target, you run the chance of that round going through an apartment, through people, and even though some of the... I think we still have the hollow tips, a

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different mechanism, if it's filled with gunk, it becomes a ball ammo and it will go even farther. So it really was a good choice of weapon.
MORGAN: Okay. And did you actually have your…you're an AR15 operator?
REYNA: Yes, I am.
MORGAN: Did you actually have your AR15 out at one point in the call?
REYNA: Yes, initially.
MORGAN: Tell me about that.
REYNA: Yes. Um, the location itself was on the outer, outer east end of our precinct. And even though we had two ARs coming, we already had one there, um, in order to get the ball rolling and try to make the contact, I chose to initially deploy with the AR15 with the custody team and because I'm comfortable in managing that, I have a lot of…lot of additional training with weapons, not just because of SERT, but because I've taken personal time to go to pistol schools, rifle schools, I do shooting competitions, so I'm able to talk and think and move with a weapon, which is not usual for most police officers. We don't train like that. So I can coordinate while still having it. And my idea was if QUACKENBUSH can make contact and the guy comes out, then we'll be able to resolve things. But if he didn't, I knew I had someone coming and I could dial myself out of that, and that's what happened.
MORGAN: Okay. And did you know Officer FRASHOUR?
REYNA: Um, peripherally.
MORGAN: Okay. And did you feel comfortable with him as an AR15 operator on the call?
REYNA: I did.
MORGAN: Okay. And then, um, I think it was LEWTON again over the air, who requested a canine. Was that, again, his idea, or was that something you told him to get on the air and ask for one, or how did that come about?
REYNA: No, we needed a canine there, and I don't know if it was…I hadn't said it, but he said it. Like I said, he was working seamlessly. And helping me, so…
MORGAN: Okay.
REYNA: We definitely needed one.
MORGAN: And just explain again, we're kind of going over some basic stuff, but just explain the advantages of having a canine on a call like this.
REYNA: The advantages is for containment and preventing a break out. If Mr. CAMPBELL had come out and decided he didn't want to talk to us, and he was going to boogie into the neighborhood, you have a canine there. And, you know, he could have been armed with a weapon, come out with a weapon and run into the neighborhood. Now you've got some guy running through trying to break your perimeter. You could let the dog go and catch him, hopefully. Um, also, you could use the dog for less lethal force if necessary. And since we were dealing with a guy who had threatened to kill himself the night before, was suicidal, wanted the police to kill him, he was potentially armed, we knew he had a gun in there, it's supposed to be in his coat, you could use a dog as a force continuum to take him down. And I knew that.
MORGAN: Okay. And any other tactical decisions you kind of made there at the initial setup. We talked about having an AR and a less lethal, getting the canine there, establishing a perimeter. Anything else that you remember that you took care of when you first got there?
REYNA: Um, I had someone assigned to ANGIE. That was BURNS, so we needed to keep a constant communication with her.
MORGAN: Okay. And then at one point I think earlier you asked for a reaction car.

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REYNA: I did.
MORGAN: Can you tell me about that? What your thought was there?
REYNA: That is again for break-out. I've learned with, um, when you set up perimeters, you've got people on fixed posts, who you don't necessarily want to move to chase someone because people double back all the time. So if you have a reactionary car you can send them to where the person's fleeing, and they can also jump the perimeter, so if you need to shift your perimeter really quickly, you send the reactionary car to the opposite corner.
MORGAN: Okay. And did you consider doing evacuations of the surrounding apartments at all?
REYNA: I had not because I was told that the apartments near him were empty.
MORGAN: As in vacant?
REYNA: Vacant. Because the information came from the manager.
MORGAN: Okay. If those had been occupied, would that have been something you would have considered?
REYNA: Yes.
MORGAN: Okay.
REYNA: And also, the situation hadn't escalated to a hostage situation or anything like that, as well. I mean, we weren't there.
MORGAN: Right. Okay, and so now you've got your resources in place, you're set up, and QUACKENBUSH is going to attempt to make contact. Just kind of walk me through what happens next from there.
REYNA: So, we're in position, make the call. He says he hung up. Drats. So he says he hung up. And then, the information comes out, I think it was from BOYLAN, that now he knows we're there. He found out we're there, and he said something like, I ain't playing. Don't make me get my gun, or something like that. It's like, oh great, now we've got that. So, um, FRASHOUR arrives. I tell him what we've got, what we're doing there. I leave the custody team, I go to the alcove and I meet with BOYLAN and QUACKENBUSH, and I think that's when BIRKINBINE arrived. And so we start talking about, okay, he knows we're here, he hung up the phone, um, we're going to need to try to put another call in. We need to make contact with him, and how are we going to safely separate him from these children so we can talk to him and have a conversation? And we're talking about that, and, I think this is where, I'm a little fuzzy, I can't remember if ELIAS is there. I think during the alcove conversation we're gathering information and the kids come out.
MORGAN: Okay.
REYNA: And let me try to back up. When BIRKINBINE got there, he asked if I needed anything. I said, no, I've got it. We're working on this. I said we need to make contact, so we can get the children out. And he pulled QUACKENBUSH into the alcove deeper. And they went into a corner of the alcove while I was with BOYLAN.
MORGAN: Okay.
REYNA: And we're talking about, okay, what do we need to do to get these children out?
MORGAN: Okay. Let me just stop you there and we'll kind of go through a few of the specifics of this part of the call here. Um, so QUACKENBUSH says he hung up. Did you get any impression, had there been any conversation at all, or was it, hi, it's the police, click? Or did you get a sense?
REYNA: That was my impression.
MORGAN: Okay.
REYNA: Yeah.

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MORGAN: That it was pretty much an immediate hang up?
REYNA: Yeah.
MORGAN: And how did that information affect your perspective on the call at that point?
REYNA: Well, we were going to keep trying phone contact. And if we couldn't, then we were going to have to do that loud hail that I set up for and anticipated.
MORGAN: And did you, did the information about him hanging up on QUACKENBUSH, um, cause you to reconsider at all the decision to consult or call out SERT/HNT?
REYNA: No. We weren't there yet.
MORGAN: And just explain to me a little more your thought process on that.
REYNA: Well, they're his children. Two of the children belong to him. Um, this is a guy who, you know...we can't assume that he's wanting to harm them. I mean, personally, if I were upset, if I lost a family member, the last person I'd want to talk to is the police. I absolutely would not want any police contact. Because I didn't do anything. I'm upset. My family has died, and I don't need to talk to you. Leave me alone. That would be my personal thing, and so, it's kind of like, well, you know, what's going on here?
MORGAN: Just to try, and by all means correct me if I'm mischaracterizing it, but you felt that was an understandable, not necessarily hostile reaction, to an event such as that?
REYNA: That's a good way of paraphrasing it, yeah.
MORGAN: Okay. And then you said at some point, very close in time, I think, to this, you get the information about him sending a text, don't make me go get my gun, I'm not playing, I'm serious. Do you know how we got that information that he sent that text?
REYNA: Well, I know now that it was a text message. And I know that it was broadcast. And it had to come from the girlfriend.
MORGAN: Okay. And how did you interpret that message?
REYNA: Leave me alone. Go away.
MORGAN: Okay. And did that information cause you to reconsider calling SERT or HNT?
REYNA: No. Because it's understandable. He doesn't want to talk to the police.
MORGAN: Okay. And what role did Sergeant BIRKINBINE fill once he arrived?
REYNA: Sergeant BIRKINBINE ended up helping QUACKENBUSH. Um, he is a hostage negotiator and I know that he is on the hostage negotiating team. So, since he didn't need to do anything there, he decided to help QUACKENBUSH with...and I assumed he was going to help QUACKENBUSH formulate the wordage for what I wanted QUACKENBUSH to convey to Mr. CAMPBELL. That's what I assumed he was going to be able to do.
MORGAN: Who was the incident commander once Sergeant BIRKINBINE arrived?
REYNA: I was.
MORGAN: Okay. And was anyone specifically assigned to relay information that Officer QUACKENBUSH gained to the custody team members?
REYNA: Well, what I envisioned was that information coming to me so I could tell the custody team and actually people on the air, because that's what I did later down the road when QUACKENBUSH told me some texts that were coming through. I heard it from QUACK, so then I turned and I broadcast it.
MORGAN: Okay. So you kind of had that role yourself?
REYNA: Yes.
MORGAN: You feel like...okay.

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REYNA: Can we take a break?
MORGAN: Yeah.
REYNA: I want to refill my water.
MORGAN: Yeah, absolutely. Let's take a quick five minute break. It's about 1728, and we'll go off for a minute here.

MORGAN: Okay, we are back after just a quick break here. It's about 1732 and we're continuing with the interview of Sergeant REYNA. We were just talking about the kids coming out, basically, I think. And, just tell me about how that transpired and where you were when that happened and all that stuff.
REYNA: Okay, I was in the alcove, and BOYLAN was there, QUACKENBUSH was there, and BIRKINBINE was there. And, and this is where I'm getting a little fuzzy on the…the, um, sequence of events here. But at some point the children came out. And it must have been while I was having the conversation with BOYLAN because then I heard the custody team say, we've got children, or some indicator that there were children coming out. And I peeked out, and started seeing all the little children come out. And so the officers went up and started collecting children, counted 1,2,3. I thought, great…at first I thought, great, this is great, we've got the children. Um, and I said, take them, take them out back towards where the dad's car was. He had a big SUV. And I remember specifically having a scary thought because, you know, you've got this guy who wants suicide by cop, and my initial gut reaction was, oh no, he's trying to get the children out of the way so he can escalate. And I verbalized in the alcove, heads up, he may be escalating. That was an initial gut reaction. So, um, they took the children to the SUV and I said get them out of here. Take them down the street, because I didn't even want them at the entrance to the apartment because I felt that would be a safety issue.
MORGAN: Okay. All right. And did you know that QUACKENBUSH was going to be broaching the subject of releasing the children to CAMPBELL?
REYNA: I did not. Um, I missed that whole part, and I was not advised by Sergeant BIRKINBINE that that conversation had occurred.
MORGAN: Okay. So it was a surprise to you when the children appeared?
REYNA: Yes.
MORGAN: Okay. Okay, and then once the kids were out, you said you had an initial concern that he might be escalating. Just kind of tell me big picture-wise what your thought of on what the call is you're dealing with now and what your plan is going forward there.
REYNA: Well, I mean, things are going well in terms of what I had envisioned when I took this incident. I had envisioned containment, isolation, communication and ultimately leaving, with or without him. That's how this call was going to go. That was my mission plan from the get go. We had the containment, we now had him isolated, and the question was, which way is it going to go from here? Is he going to let us help him, or, again, is he going to come out with a gun and force us to shoot him. And that's the worst case scenario. That's the scenario we did not want to happen. But, we needed to try to have a conversation with him to see if we could get him some help. And so, I had a huge sense of relief once the children were out because now I knew the woman was safe and the children were safe, and all I was dealing with was him. And, if he wanted to come out and let us help him, let us take him to the hospital, that would have been the ideal solution. If he told us to go pound sand, didn't want to come out, then we were going to walk away. And I articulated that mission to the people in the alcove, and I had conversations with the officers, we can't force him out. If he doesn't

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want to come out, we're going to leave. So, we're preparing for, hey do you want to come out. Then we'll take him into custody. And then we're preparing to leave.
MORGAN: Okay. And just, timeframes are obviously difficult with something like this, but from the time the kids came out to the time you articulating to the officers, hey, we might be packing it up, do you…how long are we talking about here that this is going on?
REYNA: Um, I don't know how long that mindset had been put out there because I had put out that, you know, we're going to try to get him to come out. If he didn't want to, we were going to leave. And I can't remember if that was, you know, super close in time, but I do know that once those kids came out, there was a, um, there was a problem in the alcove. ELIAS showed up, briefed him on the situation, we were talking about, okay, if he comes out, you've got the dog. If he tries to run away, you're going to get the dog on him. And then, me and LEWTON, me and LEWTON…was it LEWTON? I don't know if LEWTON actually had come back in there. There was a conversation about, what if he comes out and tries to run away or run back into the apartment. So, well, we can use bean bags on him because you can use force on someone to prevent them from committing suicide. It's in our policy. And my concern was him going and getting a gun and shooting himself. So, you know, when it's a…well, if he tries to run, we'll bean bag him, we'll sic the dog on him. And I said to ELIAS, are you okay with that? And ELIAS said, yeah, I'm good with that. Well, then BIRKINBINE interjects and goes, well, are you sure you can do that? And, I got really irritated because I'm trying to move forward now and get this thing done, and, um, ELIAS says, yeah, I can. I said, yeah, you can do that. You can use force. And he goes…you know, he was questioning it, and he was questioning me. I'm flipping my tape. It was like he was questioning me in front of the officers, and I had already considered that. I was considering a lot of things, and my decision making out there was doing this (*snapping fingers*). I mean, I'm firing off on all synapses. I brought my A-game to this table, and I was constantly thinking about, what if this, what if that. I knew that I wanted to keep him from hurting himself if he came out. And I didn't want to have to shoot him. I absolutely was doing everything in my training and power to prevent an officer-involved shooting. And I felt that I had set everything up to protect that and to prevent it. And I'm willing to use less lethal force on someone to avoid lethal force. So JOHN interjects that question; ELIAS is like, well, I'm okay with it but then, it gets him thinking, so then he gets on the phone and calls his sergeant. And says, sarge, can I use the dog as a less lethal tool on this guy? And it was like, yeah. I could tell, he goes yeah, he's okay with it. Well, duh, I already knew that. I didn't need someone questioning it. Especially not there. And then, they're like, well, what if he doesn't come out? Well, then, we're going to leave. And BIRKINBINE is like, well can we? Can we leave him in that apartment? And I'm like, yeah, why not? Well, it's not his apartment. We can still leave him there. But it's her apartment. What if she doesn't want him there? What if she doesn't have anywhere to go? And so, again, it slowed my forward movement down, and I said, well, I'm perfectly fine leaving him there. Because of what we have, it's better to leave him there. And I didn't have the time to fully articulate that reasoning. I mean, I could think of it in my head, all the reasons why I could leave him there. But to satisfy BIRKINBINE, I told BOYLAN to call BURNS and ask her if it's okay if he stays there, and does she have somewhere safe to go. And somehow, whether I picked up the phone, or whether BOYLAN told me, it was made known to me, she's got somewhere safe to go tonight. Okay, let's get this thing rolling. I wanted QUACKENBUSH to send a message in to him and ask him if he's going to hurt himself. So, that's where we're going. And that timeframe was about half an hour.
MORGAN: Okay.

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REYNA: So there was a huge lull because of these things that were going on, and it was…it was a disagreement with Sergeant BIRKINBINE, and based on his questions, it was evident to me that he wanted to stay and talk this guy out. And he didn't want to leave.
MORGAN: Okay. All right. Okay, um, you mentioned specifically in your detective interview, and you kind of talked about it today, the quote in the detective interview is, "the training is, if they say, I don't want to hurt myself, then we can walk away."
REYNA: Yes.
MORGAN: Can you just describe where you got that training, or if you remember…
REYNA: Yeah, I can tell you exactly where I got it. It's from real life experience as a patrol officer back in the mid 90s. And Sergeant WOOTEN was the sergeant in charge of a suicidal female in her house threatening to shoot herself. And I was assigned the less lethal on side three. JAN ELLERTSON was my lethal cover, and I remember specifically, we were up in a tree house watching in her window, I think it was her kitchen window, and we had containment, and I was the less lethal operator, and they were trying to figure out how to get this woman out of the house. We had all surrounded it. And it ended up being a 7-hour deal where they were talking to her, and somehow, I don't know if WOOTEN did this or if his lieutenant did, but they brought a mental health worker, someone from the mental health division was there, and I knew they were there on scene talking to him to try to figure out how to talk this woman out or if they were going to talk to her or not. And the reason this event stuck out so strongly in my head is because after sitting there for seven hours of watching her walk around the house unarmed at that point, she finally goes to the drawer, opens the drawer and pulls out a hand gun. And is now walking around the house with a hand gun. We're like, okay, she's got the gun now. And she's just kind of, not pointing at herself, but she's with a gun. And WOOTEN says, we're leaving. And JAN and I were just incredulous, like, why did we sit out here for seven hours, and now this woman is leaving. So, he brings us all in for the debriefing, and he says that the mental health people said, well, if you make them promise that they're not going to kill themselves, then you have done all you can do. And evidently that's what happened. She promised she wasn't going to kill herself. So…and you can't force yourself…and I already knew this from SERT, you don't barge into someone's house just because they're feeling suicidal. There's no legal justification. You're going to go in there to prevent them from killing themselves, what if they point the gun at you. Then you've got to kill them. That doesn't make sense.
MORGAN: Okay. Um, did you ever…either enroute to the call or at any time during the call, did you have any information that CAMPBELL had threatened anyone other than himself with harm?
REYNA: No.
MORGAN: Okay. And did you ever get any information that he had committed a crime of any kind?
REYNA: No.
MORGAN: Okay. And do you feel like adjustments were made to the overall plan and goals of the call based on the fact that he was suicidal rather than a criminal suspect?
REYNA: What do you mean by adjustments?
MORGAN: Um, let me ask it this way. Do you feel like the members of the custody team at the car, do you feel like they understood that he was suicidal rather than a criminal suspect?
REYNA: Yes, I do.
MORGAN: Okay. And was there any discussion about altering commands that might be given to him if he were to come outside? Um, or in any way altering the way the officers would interact with him based on that fact?

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REYNA: I knew that if he had agreed to come out, that I was going to go back to the custody team and I was going to orchestrate that team. And I knew that if he was resistant, I was going to be using less lethal options to control him.
MORGAN: Okay.
REYNA: And I knew I needed to be flexible.
MORGAN: And, I know you said that, um, you had the discussion with ELIAS. Was either the custody team or ELIAS…did you give them specific instructions to do "X" if CAMPBELL came out of the apartment?
REYNA: No. I mean, custody teams know what they're doing. I knew these officers would know what to do.
MORGAN: Okay.
REYNA: And, as I said, I envisioned myself being with them, and when I'm with a custody team, I talk and I communicate with them about what I want and if I need to move people, I don't hesitate to, you know, shift them around. And I felt that that's what my role was going to be.
MORGAN: Okay. And, you mentioned that if CAMPBELL came outside, you didn't want him to be able to re-enter the apartment.
REYNA: Yes.
MORGAN: Can you just articulate a little more why you didn't want that?
REYNA: Well, my concern was, we needed to get this guy help, um, because he's threatening suicide, he's emotional, um, I just really wanted to get him to a hospital. And they're just, people like that who are so emotionally distraught are unpredictable. If he came out, my fear was that he would go back in and get a gun. I just felt that was a big concern.
MORGAN: Okay.
REYNA: And then, what do you do with him…I mean, what do we do with this guy that night or the next day? If you can get him to the hospital and get him help, hopefully, things will go well. What if he stayed in there and then what would we do with the woman and the children? Do they go back to that guy? You know, it's kind of like if you have the opportunity to get him, let's get him.
MORGAN: Okay. And did you give the officers any specific force instructions on what to do to prevent him from getting back into the apartment if he came out?
REYNA: Um, I can't remember if I did that. I mean, I envisioned using the dog to prevent him because I know the dogs can take people down.
MORGAN: Do you remember having any conversations with LEWTON if he comes outside and starts heading back to his apartment, I want you to deploy your less lethal? Any conversation like that?
REYNA: I think I did have a discussion of some sort we could do that as an option.
MORGAN: Okay.
REYNA: I don't think I ever said it was an order; I said, you know, like thinking of force options.
MORGAN: Do you remember when in this…when in the call that was? Was that early while you were up there at the car, or was that later on?
REYNA: No, that was…I want to say it was the alcove, and that's why I'm telling you some of my timing is getting off. But it seemed, to me it seemed like it was with ELIAS, but LEWTON was supposed to be at the custody team. So, I don't know if he came, you know, people were walking around. I don't know if he came to the alcove to get more information.
MORGAN: Okay.

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REYNA: But I just remember having a lot of discussions with the officers, because I wanted to include them in on the plan.
MORGAN: Okay. And did your opinion about allowing him to be able to re-enter his apartment if he left change at all once the children were out, or did you still feel like it was important not to let him back in?
REYNA: I think the children were out at this time.
MORGAN: When you had that conversation?
REYNA: Yeah.
MORGAN: Okay, um, so now you've had the discussions and you've kind of told QUACKENBUSH, get a hold of this guy and we're going to ask if he's okay. And if we can leave, basically.
REYNA: Yeah.
MORGAN: Now tell me what happens from here.
REYNA: Ask him…I tell him, ask him if he wants to hurt himself. And so then QUACKENBUSH reports back to me, "never, wow you guys can text too, kudos to the police." And I'm like, wow, okay. So, first of all I was like, well, what does never mean? Because I didn't know exactly what QUACKENBUSH had sent to him, so my first question was, well, I don't really understand the response. What do you mean by never. What do you interpret never. QUACKENBUSH said, I interpret never to mean, I don't want to hurt myself. Okay, and I said, well, now he's also showing a sense of humor. I go, he's acknowledging that we have the ability to text message. It seemed to me like levity, like a light-hearted thing, and so when QUACKENBUSH gave me that information, I told, on the air, I said, we're getting positive communication from him. And I also do remember reporting over the air at some point that we were in contact with the male, but we had to use text communication, so it's coming slowly. Be patient, hold your positions. Something to that effect. I remember it was important for me to keep the entire unit, including the outer perimeter engaged, because I know people get really bored, especially when they're on the corners and they start losing focus, and if you talk to them, then they'll remember, oh, I got a mission here. I need to stay and pay attention. So, as soon as I got that from QUACKENBUSH, I put it out over the air, talked to QUACKENBUSH about that "never" statement, and I said, well, you need to button that down. Make him promise…I want you to text him, promise me you're not going to hurt yourself. And I told people we're almost done, we're almost done. He sends that, we're going to leave. My plan was to pull back the custody team first, get the car out of the lot, clear the cars out of the front, and then pull the alcove team out. And then meet later down the street and debrief the whole incident. That was my exit strategy, so to speak.
MORGAN: Okay. And did you feel as the call was going along here that Officer QUACKENBUSH was keeping you apprised of how the communication was going?
REYNA: Um, I guess I'm a little clouded on that because I've read the detective interviews and I've read the Grand Jury testimony, and I can see there's a lot of information that I was not made aware of.
MORGAN: Okay.
REYNA: At the time I thought I was getting what was going on, but I now know that I didn't have.
MORGAN: And what specifically have you subsequently learned that you feel like would have helped you on the call?
REYNA: Like the information from Sergeant BIRKINBINE's Grand Jury – I believe it was his Grand Jury – testimony where he overheard the conversation that QUACKENBUSH was having about the children, and the guy said…they were talking about, we're not here to arrest you, something about we're here to make sure the children are safe, and he said something like, leave me alone or go away. Something to that effect where…leave me alone, that's important for me to know. It's really

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important. Again, like I said, from my standpoint, I wouldn't want the police, so that kind of goes along with my thinking. And then QUACKENBUSH is talking to him about, you're not under arrest. We're here to make sure you're okay, and we can't leave until we know the children are safe. So, we're not going to be able to leave until the children are safe. Well, that's what sent the children out. I guess he didn't say it like, send them out, but it shows that, oh, okay, if I want the police to leave, then I need to send the children out. That really helps my decision making, like, we should be leaving. And, you know, if BIRKINBINE overheard that, he should have told me. I mean, really, he should have communicated that with me.

MORGAN: Okay. And those pieces, was this probably while you were kind of at the, how big, how big are these alcoves? I know it's…

REYNA: It's a little deeper than this room, and they were kind of in the shadow, and I was out at the corner of the alcove talking with, um, BOYLAN, getting more information. And there was like a relay to BURNS because he had the woman and all that stuff. And, yeah, he had the woman. And then I'm monitoring the custody team, and just making sure the guy doesn't come out as I'm making sure everybody's just in position.

MORGAN: Okay. I'm going to guess, is it 12 to 15 feet? Is that close?

REYNA: I don't want to say and be wrong.

MORGAN: Right. Out of hearing range of them anyway.

REYNA: Yes. Right.

MORGAN: Okay. And as far as you knew, were the custody team officers aware that the texting back and forth with CAMPBELL appeared to be going well?

REYNA: When I told them that, they should have been aware of it.

MORGAN: And you kind of covered this, but just to be really clear, um, his initial text response, the "never" statement to Officer QUACKENBUSH, explain to me why you felt that wasn't enough in and of itself to walk away at that point.

REYNA: Because initially when I asked what that meant, it was kind of like, you know, well, I think it means he doesn't want to hurt himself. It wasn't like, no, I don't want to hurt myself.

MORGAN: Okay. Just wanted to eliminate any ambiguity?

REYNA: I just wanted clarification, yeah.

MORGAN: Okay. And that's the instruction you gave QUACKENBUSH, get me a, get me a clear statement…

REYNA: Promise, tell him to promise. Because that's what I knew from the 90s is what worked.

MORGAN: Okay.

REYNA: I mean, I had to look at it from a compassionate standpoint for this man's plight. I mean, we had to make sure he's okay.

MORGAN: Okay. And, um, you tell QUACKENBUSH, get me, get me kind of…the final step here, get me a promise. He, does he then return kind of deeper into the alcove to resume that, or…?

REYNA: Yeah, and now that I think about why I was distracted, why I didn't hear all of the conversations, while I'm there, I was receiving a lot of phone calls. I got buzzed in by Sergeant WHEELWRIGHT, and I remember picking up the phone. I was in the middle of something. Didn't have time to answer, so I let it go to voicemail. When there was a lull, then I listened to the message. It was an irrelevant message. Then at some point, Officer ELLERTSON called, Sergeant ELLERTSON called me. So I took the phone call. Hey, do you need help? Do you need anything? No, JAN, thanks I appreciate it. I got to go, I'm busy. Then the lieutenant called me. Hey, what have you got? Hey, everything's under control. I'm working on it. We're good. You know. See you later.

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And I think he…and then he ended up calling twice. So, I was fielding phone calls while I was in that alcove.
MORGAN: Okay.
REYNA: And that, and that explains to me why I didn't hear everything.
MORGAN: Okay. Right. And, just to kind of jump to that for a second, was that…when the lieutenant called you, was that the first conversation you had with him about the call then?
REYNA: Um, yes.
MORGAN: Okay. And so, you tell QUACKENBUSH, get me a promise from him, and tell me what happens from there.
REYNA: Well, at some point during the texting and the conversation, and this is another piece that I keep forgetting to add, the radio is squawking, I'm being talked to on the radio, the lieutenant in the middle of one of my phone calls with either BURNS, it must have been with BURNS, I need to get some information from BURNS, I'm on the phone, the lieutenant's talking to me in my ear, hey, I need to talk to you, and I said I'm on the phone, I'll call you back, or something like that. So then I have to take the phone call. Then I call RODRIGUES and it seemed like there were other, there were other people chirping in my ear, trying to get my attention.
MORGAN: Okay. And were you present when QUACKENBUSH sent the text saying, can you promise me you're not going to hurt yourself?
REYNA: I think I was.
MORGAN: Okay.
REYNA: Because at this point, is where the lieutenant and the captain are showing up. Captain Bob DAY, Lieutenant DEREK RODRIGUES. And the initial call from RODRIGUES was, you know, what's going on, and I'm trying to give him a quick, hey, we're almost done here, and I'll tell you about it. And I've worked with DEREK enough that he trusts that I'll be able to brief him when there's a really good lull in the action, and he gives me the ability to do my job, finish the task, and then say, okay, here's what I've got, this is what I'm doing. And it seems like there was a sense of urgency on his part at this point in time, with it buttoning down, that …the text message to make him promise, because I'm trying to get out of there. I'm…my plan is to pull that team out, I want to button this down so I can get us out, but now we've got command staff showing up. And they want to know what's happening now. Right now. This instant. And there was a point in time when Captain DAY arrived and he was trying to find me, and I'm trying to explain I'm in an alcove. And then he's calling for people because, I guess there was a crowd control situation out front. And I didn't have time to deal with that. He's there, he can deal with it. I'm busy in the alcove. So then, as I tell QUACKENBUSH, make him promise he's not going to hurt himself, then I get ordered to leave my position and go brief Captain DAY. And I remember just thinking, I can't believe this is happening because I, you know, he wants me to come to him. I looked at BIRKINBINE, BIRKINBINE says, you better get going. All right. You got it. So, that's when I left.
MORGAN: Okay. How was it conveyed to you that you were ordered back? Was that…well, first of all, what was the method, was it radio or…?
REYNA: I'm sure it was on the radio.
MORGAN: Okay.
REYNA: Because BIRKINBINE knew it. He wouldn't have known that if it wasn't on the radio.
MORGAN: Okay.
REYNA: And it was very clear to me what…I can't remember the specific verbiage, but to me it was a very clear order.

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MORGAN: Okay.
REYNA: Come back to me.
MORGAN: Okay. And did you consider telling him, I can't right this minute? I'll be with you when I can. Is that a thought that…
REYNA: I thought there was a lull in the action, because I was just waiting for that text, the response from the text. And I felt that even if I was talking to the Captain, if he says, yeah, I promise I'm not going to hurt myself, they could just tell me on the radio. And then I could order the team back.
MORGAN: Okay, okay. And who was in charge of the call while you were briefing Captain DAY?
REYNA: Well, it would have to be Sergeant BIRKINBINE. Because…well, he's in charge of the custody team and he's in charge of QUACKENBUSH. As soon as I leave that alcove, that's his responsibility.
MORGAN: And was that a discussion you guys had, or is that something you…?
REYNA: It was intuitive.
MORGAN: Okay. Okay, and then, I think it's in your after-action, you made reference that while you were beginning to brief Captain DAY, you received a call from Officer BURNS?
REYNA: Yes.
MORGAN: And he gives you some information? Can you tell me about that?
REYNA: Yes. And this is, you know, one of those things I told you, I was getting more information. Um, he talked to the female, and somehow she starts to tell us that last night he had pointed the gun to his head, pulled the trigger four times, but the gun didn't go off, so instead, he held it up in the air, pulled the trigger, and it went off. And that doesn't really make a lot of sense to me, but, you know, that's what…now she's telling me that happened. So I considered that information, and even knowing that I thought to myself, I'm still comfortable leaving him in there and not forcing a police confrontation with a guy who wants suicide by police. We don't want that. Let's leave. And so after I finished that phone call, then that's when I briefed Captain DAY that everything I had, including that new information, I said, despite this…what I just heard, it would have been nice if I knew it an hour ago, I still think we should leave.
MORGAN: Okay.
REYNA: I'm comfortable in walking away.
MORGAN: And so that was the first time you got that information, that he'd actually fired a shot, was at the very end there?
REYNA: Yes.
MORGAN: Okay. And did you have any impression on had Officer BURNS just learned that information?
REYNA: That was my impression.
MORGAN: Okay.
REYNA: I think it was because we were trying to determine his mental state, you know, if he was okay to leave, or was he going to kill himself as soon as we left.
MORGAN: Okay. And so you began briefing the Captain. The lieutenant is there also?
REYNA: Yes.
MORGAN: Um, prior to Mr. CAMPBELL coming outside, um, had Captain DAY officially assumed command of the call?
REYNA: Well, what do you mean by officially?

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MORGAN: Was it your impression that he was the incident commander at the time Mr. CAMPBELL came outside?
REYNA: Yes.
MORGAN: Okay.
REYNA: Even though he didn't verbalize it, it was my impression the moment he ordered me back that he was taking incident command.
MORGAN: Okay. Had you finished briefing him at the time Mr. CAMPBELL came out? It's kind of hard to get the timeframe sense from the reports.
REYNA: Yes. I can, because what happened is I told him what I knew, here's what I had. Lieutenant RODRIGUES said, I think we should stay. And then Captain DAY stood there and just kind of had a thoughtful look on his face like he's thinking about it. I mean, literally, there was like, we said what we said, and then he stopped and he was just thinking. And he didn't say anything.
MORGAN: Okay. And so it was your impression he had the…or, I shouldn't say it's your impression. You had given him all the information prior to Mr. CAMPBELL coming outside?
REYNA: Yes.
MORGAN: Okay. Um, how long of a timeframe are we talking about here, would you say? From the time you finished, this is everything I've got on the call so far, to the time you hear that CAMPBELL was coming outside.
REYNA: I can't tell you that timeframe. I can only tell you that from reading the CAD printout, the time I left the alcove to when CAMPBELL came out was about nine minutes.
MORGAN: Okay.
REYNA: So that's me leaving, taking the phone call, briefing, and then he comes out.
MORGAN: Okay. All right. Let me put it this way. Do you feel from the time the briefing concluded to the time CAMPBELL came out, was there enough of an interval there that if Captain DAY had decided to pull everyone back, would you guys have been…would there have been enough time to get everyone, to reverse the patrol car out of the parking lot and get everyone around the corner, or was it…?
REYNA: Before CAMPBELL came out?
MORGAN: Yeah. Obviously leaving aside the fact that we asked him to come out, but…
REYNA: If we hadn't asked him to come out and Captain DAY said, let's pull back? Yeah, I think we would have had time.
MORGAN: Yeah, okay.
REYNA: And I say we, I mean BIRKINBINE. I didn't ask him to come out.
MORGAN: Okay. And let's go to that portion of the call here. Did you have any understanding when you left the alcove that QUACKENBUSH was going to be asking CAMPBELL to come outside?
REYNA: Absolutely not. That was not the mission.
MORGAN: Okay. And you were not present when that conversation occurred?
REYNA: No.
MORGAN: Do you know if the information that we were going to be asking him to come outside was conveyed to the other officers at the scene?
REYNA: No, because I didn't hear it. But I don't know if it was conveyed through the alcove. I can't speak for that part. I can just tell you I don't remember hearing it over the air.

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MORGAN: Okay. And I think I know the answer to this, but just to be…just to ask it, um, from the time QUACKENBUSH asked CAMPBELL to come outside to the time he actually came outside, do you have any idea…?
REYNA: No idea.
MORGAN: Okay. And were you actually a witness to any of the activity once Mr. CAMPBELL came out of the apartment?
REYNA: No.
MORGAN: Okay. Did you hear any of the commands being given?
REYNA: No, I just heard yelling.
MORGAN: Okay. Indecipherable?
REYNA: Yes.
MORGAN: Was it, was it your impression that it was the police you were hearing?
REYNA: Yes.
MORGAN: Giving commands?
REYNA: Yes.
MORGAN: Okay. And did you hear Mr. CAMPBELL yelling anything at the officers?
REYNA: No.
MORGAN: From the time that you start hearing yelling, um, the commands being given, is there a gap, time gap, between the yelling stopping and you hearing the bean bag being deployed?
REYNA: Um, I don't know.
MORGAN: And did you hear any yelling or any commands after the first less lethal shot?
REYNA: I don't remember. I heard people, but I don't remember.
MORGAN: Okay. And what happens after Mr. CAMPBELL is shot? What are you doing at that point?
REYNA: I'm devastated. I heard the lethal round.
MORGAN: Okay. Why don't we take a quick break? It is about 1808. And we'll go off tape again for a minute here.

MORGAN: Okay, and we are back on tape here. It is 1816. Continuing with the interview of Sergeant REYNA. And we're kind of at the end of the sequence of events here on the call here, um, I was just asking where you were physically when you heard the fatal shot go out?
REYNA: You asked me what happened, and I said that I was devastated when I heard it, and you asked me what the next sequence of events was. And that was me hearing Sergeant BIRKINBINE call on the air for medical stage, and I was still with Captain DAY and Lieutenant RODRIGUES, and I peeked around the corner and looked at JOHN and the custody team to see what they were doing, and JOHN was trying to get DAY's attention. He wanted to call him, and DAY didn't want to be called at that point in time. And I looked at JOHN's face, and it was this look of anguish, like what am I supposed to do? I mean, I could tell he needed to talk to the Captain. And, um, Captain DAY started doing something, I can't remember what, but at some point BIRKINBINE did make that phone call, and I could hear them talking about whether or not patrol was going to be able to take custody of Mr. CAMPBELL. And the information I gathered was no, JOHN didn't want to do that. So then Captain DAY, um, either at that point or right before had formally come on the air and taken incident command over the air and activated SERT. And I was told to shut down Sandy, so I had broadcast over the air to shut down Sandy.

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MORGAN: Okay. And you were, I guess, around the corner from the apartment building, kind of to the northwest of where this all happened?
REYNA: Yes.
MORGAN: Okay. And did you overhear enough to know why patrol wasn't going to be doing the custody?
REYNA: My assumption was they couldn't see his hands.
MORGAN: Okay.
REYNA: And that's what we're trained not to do, is approach if you can't see the hands. That was my assumption.
MORGAN: Okay. You didn't specifically hear that necessarily, though?
REYNA: No.
MORGAN: Okay. And did you hear any of the officers doing, um, loud hailing towards Mr. CAMPBELL, um, giving him any commands after the shot was fired at all?
REYNA: I may have. I may have had a brief recall of something, but not specifically what was said.
MORGAN: Okay. And was it your impression, was it Captain DAY's decision ultimately to activate SERT, would you say?
REYNA: Yes.
MORGAN: Is that a fair way of characterizing it?
REYNA: Um, well, I think it was him and BIRKINBINE.
MORGAN: Okay.
REYNA: BIRKINBINE wanted SERT.
MORGAN: Okay.
REYNA: And the Captain agreed. I mean, he agreed.
MORGAN: And, again, I think I know the answer to this, but just to be clear for the tape and for the interview, did you hear any discussion about, amongst the officers, about an approach and how to tactically do an approach?
REYNA: No.
MORGAN: Okay. And do you know what Lieutenant RODRIGUES was doing while the decision was being made over whether to activate SERT?
REYNA: He was isolating FRASHOUR and his partner because FRASHOUR got dialed out of it. So he was making arrangements to separate them and get them in a car, and get people assigned to them.
MORGAN: Okay. And do you know specifically what Captain DAY was doing, um, in the interim between the time the shot was fired and the time that SERT was activated? I know part of that was obviously taken up by the conversation with BIRKINBINE over the situation, but you said when BIRKINBINE was initially looking like he wanted to call him, that that wasn't happening. Do you know what DAY was doing in that time period?
REYNA: I think he was trying to shut down streets and contain the scene further.
MORGAN: Okay. And do you know who handled the notifications per the directive? Obviously some of the folks were already there, but as far as who notified homicide detectives and those, identification division, and those sort of things?
REYNA: I do not.
MORGAN: Okay. Did you do any of those notifications personally?
REYNA: No.
MORGAN: Okay. And who was in charge of the incident, the scene, after the shooting?

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REYNA: Captain DAY.
MORGAN: Okay. And is it your impression he pretty much ran the scene the remainder of the time you were there?
REYNA: Yes.
MORGAN: Okay. Did you ever sign a crime scene log?
REYNA: I don't think I did. Someone did.
MORGAN: Okay. You don't remember who did that, then?
REYNA: No.
MORGAN: Okay. Did you see, or I guess hear, Officer FRASHOUR talking with anyone following the shooting? That night?
REYNA: No.
MORGAN: Okay. And do you know why you were not called to testify at the Grand Jury?
REYNA: Absolutely not. Do you?
MORGAN: I don't. Okay. Bear with me just a minute. I just want to make sure we obviously don't leave anything out or have to call you back in here if we miss any questions. Just a couple of little quick things and then I'll turn it over to BARRY. Um, you discussed your…when you initially received the call, um, before you were able to assess the scene and all that, why you felt calling SERT and HNT would have been premature at that point. Um, as the call developed, as Ms. JONES came outside and talked to you guys, did that change your threat assessment of the call? Did that make it…did you feel like it was more likely to be a SERT callout or less, or did it change it at all?
REYNA: No, because we were getting what we wanted. We were getting the results we want. She was coming out.
MORGAN: Okay. And, again, same thing, when the children come out…?
REYNA: Don't need SERT. We're getting what we wanted.
MORGAN: Okay.
REYNA: We're handling it.
MORGAN: And as best you can, if you can just kind of articulate, um, what did you feel in your mind would have been the pros and the cons of calling SERT/HNT out on this call? And I realize obviously the circumstances changed over the course of the call so this is a difficult question to answer in one fell swoop, but as best you can, what were the pros and the cons of making that call?
REYNA: Like, from the initial call coming out, like, boom, hit SERT right now the minute it comes out? Wow, that's really, really premature. I mean, if we did that on every one of these calls, we'd need probably five fulltime SERT teams to do that. Um, you would probably have the same or worse result. But the pro meaning, you'd have a bunch more people on your perimeter. You'd have a sniper on every corner. So if you were going to dispatch the guy, if that's what you wanted, you've got a sniper on every corner. Um, you would have an HNT element, I mean, that's an hour out for a SERT callout. That's an hour. Um, you're asking a big hypothetical that requires a lot of speculation, and I'm not sure I can entirely speculate on it. But just from the manpower standpoint, you'd have a bunch of bodies. The con side is, having been on SERT callouts as a SERT operator, is that you have even more weapons, even more, I don't want to use the word rigid, but tactical…you know, I'm imagining CAMPBELL coming out not complying as happened in this case here. I could see the same result in getting shot. I can just see that. But it would be from a .308 rather than a .223 perhaps.
MORGAN: Okay.

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REYNA: But SERT doesn't go in on these also. I know that SERT would have left because I've had conversations with critical incident commanders, and when you have a guy by himself, alone, who doesn't want to come out, and even if they talked to HNT and he tells them pound sand, SERT would leave.
MORGAN: When ELIAS arrived first at the alcove, do you remember did he bring up the topic of calling SERT? Do you remember having that conversation with him at all?
REYNA: No.
MORGAN: Okay. Okay, I think that's all I've got for now. BARRY?
RENNA: I've just got a couple questions. This is BARRY RENNA. Not so much, Sergeant MORGAN just asked you this question, but I think he phrased it in terms of SERT activation and you thinking about it, but early on in the interview today, we were, Sergeant MORGAN asked you about, make an assessment of the situation based on the information you had, and it appeared that you were making reference to the info that was on the CAD printout. Um, when you were getting that info, you presumably had maybe a preconceived assessment of the situation. Did it change after you got there and Ms. JONES came out, and she started conveying, you know, the information that she had? Did things elevate for you? Did they go down? What was…did your assessment of it change from your initial assessment?
REYNA: Well, the fact that she came out was good, and it did tell me that he had not harmed her. So, that part lowered. But when she said that our presence would escalate him, that concerned me. And that didn't lower it. Because now my concern is about the children, and what's he going to do with the children.
RENNA: Okay. And then when the kids came out, did your…did you reassess, and did you escalate or did you de-escalate?
REYNA: I de-escalated, I felt things were going really well.
RENNA: Okay. What was your assessment of the custody team? Were they…what was their…what was your assessment of them when these things were occurring, when Ms. JONES came out, and then the kids came out? How were they reacting to those things, those changes?
REYNA: Um, I don't know. I mean, I wasn't in their head. I didn't ask them.
RENNA: Could you see anything, any physical signs, could you hear things that they were talking about, did you …were you able to gauge from the tones of their voice anything at all, any indicators at all to you, on whether they were escalating, de-escalating or staying the same?
REYNA: They appeared to be level. Just level.
RENNA: Okay. Ms. JONES at one point communicated that Mr. CAMPBELL was suicidal the previous night. That's when he supposedly allegedly held a gun to his head, did the misfire four times and then fired one up into the air. But in that same conversation, apparently also said that he was fine today. Um, did that change your assessment of what was occurring then?
REYNA: Well, that's what he asked me about. Did you know about him being fine today, and all I knew was he was calm right now. So, you're asking me something that he asked that I said that I didn't hear that portion of it.
RENNA: Okay. You said at one point that you were assuming that Sergeant BIRKINBINE was trying to convey information to Officer QUACKENBUSH when Officer QUACKENBUSH was communicating with Mr. CAMPBELL. Do you remember what you were assuming, what it was…like Sergeant BIRKINBINE, the way you portrayed it, was the conduit of…
REYNA: Not the way you just asked it. What you just said doesn't make any sense of what I said.

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RENNA: Were you trying to get information to Officer QUACKENBUSH through Sergeant BIRKINBINE?
REYNA: No. If I needed something from QUACKENBUSH, I told him directly.
RENNA: Okay. And you said that having Mr. CAMPBELL come out of the apartment was not part of the plan, it was not a goal?
REYNA: Not at the end game. Not after, um, we were already…after he had not come out before. He sent the children out, but he didn't come out. So once he isolated himself, then that wasn't my plan. It wasn't my plan to force him out.
RENNA: Okay. Was there any disagreement about that strategy?
REYNA: Yes. I think I articulated that, and that's when BIRKINBINE and I had the discussion in the alcove in front of the officers. If he says he's not going to hurt himself, we leave, and it was my impression BIRKINBINE wanted to stay and talk him out.
RENNA: That's it.
MORGAN: DAVE.
DOBLER: Sergeant REYNA, since you've had a chance to review a bunch of documents here and give this a lot of thought since the incident date, regarding BOEC radio's performance in this. Is there any other information that you found out that would have been helpful to your decision and tactical process at the scene, but you didn't have that information at the time?
REYNA: Um, having access to…there were several callers, I learned later on, that called in regarding this event, and there was some information, I believe, BOEC had the information about the gun incident and did not relay that to us.
RENNA: Just for clarification, are you talking about the incident the previous evening?
REYNA: Um, no. When they called in on this, his aunt…his aunt or her aunt, and her dad both called in on this.
RENNA: Okay.
REYNA: And the police bureau put some dispatch tapes and stuff on the Internet, or something like that.
MORGAN: And, just to be clear, what we're talking about here I think is that the 911 caller on this call, this welfare check call, gave the information that Mr. CAMPBELL had fired a shot the night before and had held the gun to his head, and that wasn't put into the CAD.
REYNA: Right.
MORGAN: And that's what we're talking about. Okay. There is just some confusion about last night, this night. I just want to be clear. Okay. Go ahead DAVE.
DOBLER: How would that have changed, you believe, things that you would have done or suggested that the other officers, either the contact officers…
REYNA: I want to get my tape, because I want to get this. Your question was how would that have changed the tactics? Well, I would have had more officers there sooner. We would have been able to get things set up much more quickly, which I think would have moved things along faster. As I said previously, this was at the eastern, eastern most end of the precinct. I had to come from North Precinct, and that was time intensive. Especially during rush hour traffic, that time of day. And a lot of the set up was time dependent. It took time to get the resources there and we weren't able to get the ball rolling. So we would have been able to do that a lot quicker.
DOBLER: Okay. You had mentioned before, and I think it's clear just from your articulation and your confidence here that you're probably, I would say, above average. I've been in law enforcement

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for 27 years, in your skills and tactics. Can you go into some of the specialized training that you've been given and specialized skills and training that you have sought out for yourself.
REYNA: Yes. As I previously mentioned, I have…I've got the certifications in the AR; certification in less lethal; I've attended firearms training which requires a lot of decision making; I do tactical shooting competitions which requires a lot of quick decision making; I've been afforded the opportunity to go to leadership training, and I've been to two leadership seminars; I've been to the SERT basic SWAT school, so I've learned a lot of tactics from there, plus a lot of tactics from my tenure on SERT in having been deployed on callouts; I've had conversations with JAMES FERRARIS specifically to discuss critical incident management because I seek the knowledge and the skill sets to be able to perform my job here; I've also attended training through the Federal Government in weapons of mass destruction; I've been to the Center for Domestic Preparedness; and all that kind of training helps me focus on these missions of protecting life and thinking in big pictures and moving lots of resources in a big picture fashion. I think that has been a benefit to me, to the shift, and to the Portland Police Bureau. And I'm very fortunate and grateful to have that training, and I know that on this day, they had one of their best sergeants on this call.
DOBLER: Sergeant REYNA, you had testified earlier that when you were in the alcove and the kids came out, you had a scary thought. At first you were relieved and then thought, and I'm paraphrasing, that maybe this means something else. And you said, heads up, he may be escalating. Was that to the custody crew via just voice, or was that over the radio?
REYNA: It was voice.
DOBLER: Okay. Was it your impression that the custody team actually heard and acknowledged what you were saying?
REYNA: I don't know if they heard it. I know that the people in the alcove next to me may have heard it.
DOBLER: Okay. Um, let's see, you talked several times about wanting to walk away from the incident once you basically established that everyone is okay. The girlfriend was out, the three children were out, and can you just tell me a little bit more about that? In your mind, were you 100% or pretty close to 100% that the custody team that you had, you had canine, you had a bean bag less lethal, and hands-on people, that they understood that?
REYNA: That…?
DOBLER: That it was your desire to look for the opportunity to disengage?
REYNA: I think a lot of people knew that. I don't know specifically the custody team knew that, but I also remember the flip side of him sending the children out is after he sent the text, never, kudos to the police, I remember saying, and I think I looked at JOHN BIRKINBINE and said, well, that looks like a sign of good faith now that he sent the children out. That was a good thing. It's okay. Look, I don't want to hurt the children. So, after getting that text, I heard that, it's like, this is good. This is a good sign. He doesn't want to hurt them. So that went into my decision making. I forgot to say that.
DOBLER: And lastly, do you have a few notes that might be helpful for any debriefing or training considerations for this incident?
REYNA: I do. We never got a chance to tactically debrief this. And I think there's ways that we can improve in the future.
DOBLER: Can we give you that copy?
MORGAN: Yeah, is this a copy for us to keep?
DOBLER: Yes.

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MORGAN: Okay. Very good. And do you want to discuss these on tape, or is this pretty self-explanatory?
REYNA: It's self-explanatory.
MORGAN: Okay. Very good. Is that it? Okay. There's just a couple kind of wrap-up questions here, and then I think we'll be all set. Um, have you talked with anyone else about this case, or read or heard any of the news accounts of this incident that has influenced your perception about what you saw or observed?
REYNA: No.
MORGAN: Okay. Did you participate in the EAP debrief?
REYNA: Yes.
MORGAN: And anything you learned there that you feel has contaminated your independent recollection of the events?
REYNA: No.
MORGAN: Okay. Do you have any information that you believe would be relevant to this case which we haven't covered here today?
REYNA: No.
MORGAN: Anything at all related to the call that we haven't gone over?
REYNA: No, not that I can think of at this time.
MORGAN: Okay. And anybody that you believe we should talk to about the incident that we might not already be aware of?
REYNA: No.
MORGAN: Okay. And, I think this is going to tie into this, keeping in mind that this is an administrative review, is there anything about this incident that caused you concern or you want to address in an effort to improve future performance?
REYNA: Yes. And that's it.
MORGAN: Safe to say that's addressed? Okay. All right. Very good. So I'll make a copy of that and add it to the case file then. And…
DOBLER: I would just reiterate the BOEC information, getting all the information to everybody, including, especially the tactical sergeant that's running the mission. I mean, that may have had something very major to do with this incident.
MORGAN: Okay. Anything else?
REYNA: No.
MORGAN: Okay. We'll go ahead and conclude the interview then. It is 1642.

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Transcribed 04/07/2010 / 11:00 p.m. Gayle Laird (0403gl01)

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PORTLAND POLICE BUREAU
INTERNAL AFFAIRS DIVISION
Confidential Taped Statement
Investigator Barry Reyna / DPSST #15038

Interview Date: 04/23/2010
IAD #: 2010-B-0004
Complainant: Portland Police Bureau

Interviewed: John Birkinbine / DPSST #29351

RENNA: This is BARRY RENNA, Investigator for the Internal Affairs Units of the Portland Police Bureau. With me is Sergeant CRAIG MORGAN, DPSST #38846. Today is Friday, April 23, 2010. It is approximately 1720 hours. We are in an office within the Internal Affairs Division. Also present is Sergeant JOHN BIRKINBINE, DPSST #29351. Accompanying him is Sergeant DOUG JUSTUS, who is acting as his Portland Police Association representative. We are here to talk with Sergeant BIRKINBINE about IAD Case #2010-B-0004, which is at least partially reflected in PPB incident #10-8352. Sergeant BIRKINBINE has been advised that his conduct and/or the conduct of any other bureau member present on January 29, 2010, at 12800 NE Sandy Blvd. is the subject of this investigation. Sergeant BIRKINBINE has reviewed information necessary to be reasonably apprised of the nature of the allegations and the complaint. Sergeant BIRKINBINE has been informed that he is an involved officer in the case and Captain EDWARD BRUMFIELD is in charge of the investigation. I have advised Sergeant BIRKINBINE that he could have representation present during the interview and Sergeant JUSTUS is here in that capacity. Sergeant BIRKINBINE has been provided a copy of the advanced notice and waiver form and has signed it. Sergeant BIRKINBINE, under the authority of Captain EDWARD BRUMFIELD, I am ordering you answer all of my questions fully and truthfully. If you fail to respond fully and truthfully, you may be disciplined up to and including dismissal. Do you understand that?
BIRKINBINE: I do.
RENNA: Okay. I'll begin by asking you how long you've been employed by the Portland Police Bureau.
BIRKINBINE: Uh, 16 years two days ago.
RENNA: Okay. Do you have any previous law enforcement experience?
BIRKINBINE: No.
RENNA: And can you kind of give us a thumbnail of what kind of assignments you've had since you've been employed by the Portland Police Bureau?
BIRKINBINE: Uh, I have worked uniform patrol in all of the different precincts. Uh, I was assigned for four years to the Domestic Violence Reduction Unit as an investigator. Uh, I was promoted to sergeant, four years, over four years ago and have been since assigned to north precinct.
RENNA: Okay, and have you worked any specialty units other than the domestic violence unit, either attached or detached?
BIRKINBINE: Uh, for two years or a little over I had been a detached sergeant with the hostage negotiation team.
RENNA: Okay, and what kind of duties do you have in that capacity?
BIRKINBINE: Uh, as a sergeant, I'm responsible for responding to call-outs, tactical team call-outs and in charge of managing the negotiations during any kind of a crisis. Negotiation includes setting strategy with negotiators and listening to negotiations and apprising CIC commanders of how the

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negotiations are going. I am also responsible for taking direction from the commanders in charge of the incident to try to manage the outcome of the incident. We also are responsible for gathering intelligence of all varying kinds in the incident. Two sergeants, myself and one other, will always respond to an incident, and so we work in tandem to accomplish all those goals.
RENNA: Okay, and you made reference to CIC. For someone that's not familiar with it, that's a Critical Incident Commander?
BIRKINBINE: Correct.
RENNA: Okay, and where are you currently assigned?
BIRKINBINE: Uh, afternoon shift at North Precinct.
RENNA: And afternoon shift is generally what hours?
BIRKINBINE: Uh, 1600 to 02000 hours.
RENNA: Okay, and where were you assigned on January 29th of this year?
BIRKINBINE: North Precinct.
RENNA: Okay, and how did you become aware of an incident at 128th & NE Sandy?
BIRKINBINE: Um, my first knowledge of it came when I logged on to my car. I came in an hour late on vacation and logged on as the incident was in progress and I turned on my car radio and the first, first comment I heard when my radio clicked on was a request by an officer for additional rifles to this incident at 128th & Sandy. And so that's how I originally came aware of it. I didn't hear the original call coming out. I didn't know anything about it, only that there was an officer asking for additional rifles. And so I thought it would be prudent as a sergeant to start going that way until I gathered more information and make sure that they had the resources and the direction and supervision they needed.
RENNA: And did you go directly to the apartment complex?
BIRKINBINE: I did.
RENNA: Okay, and while you were headed up to the call, did you learn anything either via radio or through CAD on what might be involved?
BIRKINBINE: I did. I, you're a little bit limited on how much information you get from the CAD while you're driving. It's more important that you're driving instead of trying to read the computer. But, over the air I gathered that they were dealing with a subject inside a residence who was potentially suicidal and there were children possibly in the residence and the officers were responding to do a welfare check.
RENNA: And after you arrived what did you do?
BIRKINBINE: Uh, when I arrived I took direction from officers who were on the scene directing responses and I parked in a safe location. I asked the first officer I came to where command was. They told me Sergeant REYNA was in charge of the incident and told me where she was and I went to where she was.
RENNA: Okay. After you got to the area where Sergeant REYNA was, what officers do you remember being present in that immediate vicinity?
BIRKINBINE: Uh, I remember Sergeant REYNA was there, Officer QUACKENBUSH was there, Officer BOYLAN was there and I remember there was a contact team out in the parking lot. I didn't know at that point if they were a contact team or if they were just a containment team, but they were behind a police car that was out in the parking lot and they were obviously setting containment on a part of the apartment building where we were. When I got there, I saw Officer LEWTON, Officer FRASHOUR, Officer KEMPLE and there was an officer I didn't know at the time who was out there

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and that was Officer WILLARD. And I'm trying to remember if there was somebody else out there. Uh, Officer ELIAS I believe and his canine.
RENNA: Okay. How did, where physically where did you end up?
BIRKINBINE: I went to an alcove that was north of the target apartment and it was in the same building and it was just a big hallway where the doors to the apartment, four apartments, come into this big hallway. Two of them go upstairs in the upstairs apartments and then the two of them are below. So, I was in the alcove with Sergeant REYNA.
RENNA: And you had, did you have an opportunity to get briefed by Sergeant REYNA while you were there?
BIRKINBINE: Well, I arrived, she was giving direction to some of the officers. She was on the radio or giving direction. I think maybe Officer BOCCHINO was there and so I just listened for a couple of minutes until she was, there was a break and I asked her, I just said I'm here to help, what can I do for you? And she said nothing. She said she had it handled and she didn't need me to do any specific assignment, perimeter or resources or…she had no direction for me and she went back to giving direction to officers mentioned in the incident.
RENNA: Okay. Have you worked with Sergeant REYNA on previous occasions on any incidents that might be similar to this?
BIRKINBINE: We only share one workday together during our week. I don't recall anything similar to this on this scale, but I have worked with her on varying other incidents where two sergeants are present.
RENNA: And how did those incidents go?
BIRKINBINE: Fine.
RENNA: After you arrived at the scene and you had been there for at least a few moments, what was your assessment of the situation as it was unfolding? And by that were you able to make a judgment on whether it was a hostage situation or a barricaded subject or as you already mentioned a suicidal subject inside of…
BIRKINBINE: Well, my assessment, I didn't have, I guess I didn't have a lot of information. I knew that we had a subject inside an apartment who we had information that he had had a gun and there were three little kids in the apartment also and that the mother of the little kids was outside talking with the police. But I didn't know, I didn't know if this was a hostage situation because I didn't know if anyone had asked him to release the kids. I didn't know if he, I don't know if anyone had asked him to come out and talk to us. I didn't know if he was barricaded from a standpoint of telling the police, sending a message to the police hey don't come in here. Uh, I didn't know that he even knew that were there. So, I really didn't have a lot of information other than some information about him specifically, but I didn't know about the incident really where we were at that point.
RENNA: When you let Sergeant REYNA know that you were there, asked is there anything I can do, what would you like me to do, did you find it unusual that she said there's nothing for you to do?
BIRKINBINE: Um, no not so much unusual because I didn't know what had been done already. I didn't know how far into the call she had gotten and I didn't have a big enough picture as to everything that had been set up. So, I couldn't say there was more outside that needed to done. So, it didn't seem particularly strange. I just didn't know any, I didn't know any different.
RENNA: Okay. How busy did she look?
BIRKINBINE: She looked busy.
RENNA: Do you remember what other bureau members were in the alcove during that initial, when you went in there and you had this conversation with Sergeant REYNA?

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BIRKINBINE: Uh, I remember, I remember Officer QUACKENBUSH and Officer BOYLAN and myself. It seems like there's somebody else but I can't remember who. Someone close by but I can't remember specifically. I remember those ones but not anybody else.
RENNA: All right. At that early stage when you were there in the alcove, were you involved in or did you hear any conversation that involved either SERT or HNT being called out?
BIRKINBINE: No.
RENNA: Did you have any thoughts yourself based on what you knew at that point that maybe SERT should be called out?
BIRKINBINE: I don't think we were at the place yet where SERT needed to be called out.
RENNA: And at that place, by that you mean what?
BIRKINBINE: We weren't, we weren't to the place in our call where we needed SERT or HNT. We hadn't, we hadn't even tried to make contact with Mr. CAMPBELL yet. We didn't have him telling us I'm not coming out or you're not coming in. We hadn't even, we weren't there. So, you know, this was no, in my mind when I got there and after I learned a little bit about it, this was really no different than what patrol sergeants and offices do on a daily basis. This was investigating a call, potential weapon, securing a perimeter, being safe, making sure we have all of our pieces in place before we move forward. This was really pretty textbook when it comes to how to run a tactical situation or a potential tactical situation. I didn't feel like there was anything that was missing and I really felt like the situation was progressing down the road that we were gonna make contact or were gonna try to make contact. We were gonna make a determination as to Mr. CAMPBELL's state of mind and as to whether or not we could get those kids out of there and then we were gonna make some decisions based on his responses. Our hope was that the kids were gonna come out, they were gonna be safe, and that we were gonna be able to determine if he was suicidal or if he was depressed or at what level we needed to continue to intervene and there was the possibility of getting the kids out. Getting the kids out was our first and foremost consideration. We had to have those kids out before we could do anything else. But then we had to decide can we walk away from this situation and trust that he'll be okay based on information we received from him or do we need to take it to the next step where it becomes an HNT or SERT call-out.
RENNA: At that early stage, did the presence of those three children inside the apartment change the complexion of what type of situation you were dealing with?
BIRKINBINE: Well, based on the preliminary level of information we had and where we were in the process of setting up for the call, I don't think it changed it. It changed it because you're, anytime there are kids of potential hostages or kids as hostages you're obviously concerned and that is your priority. There's officer safety and then there's getting those kids out of there, making sure there is no other, no other potential victims in there and...but in this particular situation, we didn't have anything, I didn't know of anything to say that those kids can't be gotten out of there safely. We hadn't even tried to contact him at that point based on, you know, and so that's what we had.
RENNA: You mentioned that Officer QUACKENBUSH was one of the people in the alcove. Have you worked with him on prior occasions?
BIRKINBINE: I have worked with JIM for a long time.
RENNA: In what kind of situations? Anything like...
BIRKINBINE: All kinds of situations.
RENNA: Okay. Had Officer QUACKENBUSH already (indecipherable), at least attempted to try to communicate with Mr. CAMPBELL at the point that you arrived?

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BIRKINBINE: I'm not sure. He had the phone from the girlfriend. We had gotten the girlfriend's telephone and I don't remember if QUACKENBUSH had tried to communicate with him through our Nextel system or if he...I don't remember. My inclination is to think that he had tried to make a phone call to him. Let me refer to my report here. He was using, he was using the girlfriend's cell phone and that's what we ended using as a medium to try to contact Mr. CAMPBELL. But before we had that cell phone, I don't know if he had tried using his Nextel because I wasn't there at that point.
RENNA: And you mentioned, pardon me, the girlfriend's cell phone. It's my understanding that there was some interference involved in using that phone.
BIRKINBINE: Correct.
RENNA: At any point, and at that, at least during that stage of what you were attempting to do, did you consider, did you try to use any more of what some might say a reliable form of communication, whether it be loud hailing or maybe what's called the throw phone? Where those discussed as opposed to the phone that had the interference on it?
BIRKINBINE: We didn't discuss a loud hail. We don't have a throw phone. HNT has throw phones and they hadn't been called out. We had, we had the girlfriend's cell phone and I don't know if the reliability problem was interference from the building or the quality of the cell phone or if Mr. CAMPBELL was...the phone would go dead and I don't know if it was the phone making it go dead or Mr. CAMPBELL hanging up on us or both. But there was no other medium discussed because we had the girlfriend's phone and we thought that was probably a pretty good, pretty good use for that.
RENNA: It is my understanding that you ended up teaming up with Officer QUACKENBUSH in his attempt to communicate with Mr. CAMPBELL.
BIRKINBINE: Uh-huh.
RENNA: How did that come about?
BIRKINBINE: Well, as I was standing in the alcove and watching Sergeant REYNA as she was managing the incident and then I realized that Officer QUACKENBUSH had a cell phone and he had the girlfriend's cell phone and we were gonna try to make contact with him. I know that...with Mr. CAMPBELL. I wanted to make myself available as a resource to Officer QUACKENBUSH. I know that he's not a negotiator. I know he's an excellent police officer and he's a good communicator, but I know that in that situation it was possible for me to bring some expertise to the situation to help him think of things to say or set a strategy or to maybe evaluate information that came back from Mr. CAMPBELL's side of the conversation if there was a conversation. But to in essence be Officer QUACKENBUSH's coach or his second or his support officer in that situation. Whenever we deploy negotiators in an HNT call-out, we always deploy them in twos. There's the primary negotiator and there's always a second we call it and that person's job is to funnel intelligence to the negotiator. It's also to take what the negotiator says and they relay it back to a sergeant. It's also a filter for information coming in to the negotiator and so we always deploy people in the negotiation in twos. And I thought in this situation since I didn't have another assignment from Sergeant REYNA, I would partner myself with Officer QUACKENBUSH and assist him.
RENNA: After your initial attempt at communication with Sergeant REYNA when you asked if there was anything you could do and things evolved and you ended up going over and teaming up with Officer QUACKENBUSH, did you have any other discussions with Sergeant REYNA specifically? Did you discuss with her the possibility about having HNT respond out to the location?
BIRKINBINE: I don't remember specifically talking about HNT or having HNT respond.
RENNA: Did you have any other similar type conversation with her?
BIRKINBINE: In what...

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RENNA: I know that this incident covers a period of time and I'm trying to go as chronological as possible so that all of us don't get confused about information that's coming in.
BIRKINBINE: Uh-huh.
RENNA: So, at that point, we're close to the point where you are assisting Officer QUACKENBUSH. Did you have any discussions with Sergeant REYNA either A) about HNT or I just noticed you kind of giving that some thought so that led me to think that there may have been some other conversations about something other than HNT that you had discussed with the sergeant that you were trying to clarify in your own mind. So, that's why I asked the question.
BIRKINBINE: I, I don't remember talking specifically about HNT with her. I was thinking from an HNT standpoint because I'm on HNT and so maybe I had a level of expertise just knowing how communications work effectively within a negotiation or attempted phone call to a subject and there's always that potential when you're at the beginning of a call that it could go to a SERT or HNT call-out. There's always that potential there, part of, I guess part of being an HNT sergeant is thinking on the front end about if this goes that direction I want to be prepared and I want to have as much information as I can so that if it goes to a SERT and HNT call-out when the responding tactical teams arrive I want to have as much information for them as I can give them so that when they get there they have the best most real time information possible. So, I wasn't in my mind thinking we needed to call HNT in the moment, but I was thinking down the road if we get to that point I want to have done things so that we can say we did things in the appropriate order with the appropriate information. Does that answer your question?
RENNA: Sure. The situation that you were dealing with at that point in time, does HNT respond to those type of situations?
BIRKINBINE: HNT will respond to most any communication situation that we ask them to come out to. If the uniform officers on scene feel like they have done everything they can do to try to resolve the situation within the resources they have available. HNT is always a resource and we will always come out. We will always attempt to use whatever tools and resources we have to aid uniform.
RENNA: And does HNT have criteria for being deployed?
BIRKINBINE: Well…
RENNA: Is there a checklist that somebody (indecipherable)?
BIRKINBINE: There's no checklist that I'm aware of. It's a totality of the circumstances kind of a checklist. You talk with the on-scene sergeant and if the on-scene sergeant says to you we have…this is a crime or this is the situation we're dealing with, this is the person we're dealing with and we believe that x number of weapons are present or x number of people are present and we've tried everything we can do to get them to come out and we're not comfortable walking away. We need help and so we determine based on what the situation is whether or not HNT will come out. And most often they are willing to do that.
RENNA: And if an on-scene sergeant makes that request, who would that call go to?
BIRKINBINE: It would go to, it would go through radio. Radio would page out a HNT sergeant and the sergeant would call from wherever they are would call that supervisor on-scene directly and have that conversation. And then the HNT sergeant would have the on-scene supervisor send a request for an HNT call-out through BOEC and all the pages would go out from radio.
RENNA: Okay. Conceivably that request would go through you?
BIRKINBINE: Well, it would go through the on-scene sergeant in charge. So, it could conceivably yes, but in this particular situation Sergeant REYNA was the on-scene sergeant. If she would have asked me to make that I would have.

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RENNA: After you arrived, what did you understand your role to be?
BIRKINBINE: Well, I was there in a support role for Sergeant REYNA. I didn't have a job. I didn't have a function. She didn't give me something she needed me to do. I was there purely to offer my support to her as another sergeant. So, I didn't have a role that was given to me. So, I saw a need what I believe was a need and Officer QUACKENBUSH was gonna make contact with Mr. CAMPBELL and so I just filled in the hole where I thought there was a need and assigned myself to help him.
RENNA: And did you ever discuss what that was, what you were stepping into with Sergeant REYNA?
BIRKINBINE: I don't remember ever having that discussion with her.
RENNA: Did she see you there with…
BIRKINBINE: Yes.
RENNA: …with Officer QUACKENBUSH?
BIRKINBINE: Yes.
RENNA: Okay. At that point in time, what was your understanding of who was in charge of the custody team?
BIRKINBINE: Sergeant REYNA.
RENNA: Are you aware of a lieutenant or a captain being called and advised of what was transpiring?
BIRKINBINE: No.
RENNA: Were there any discussions between yourself and Sergeant REYNA that that would be a course of action to take?
BIRKINBINE: We did not talk about, no we didn't talk about calling the lieutenant. We were, we were still working through the process of trying to figure out exactly what we had because we still hadn't make contact with Mr. CAMPBELL to determine if he even knew we were there. We hadn't make contact with him to find out will you send the kids out, will you come out. We hadn't talked to anybody yet, so we were still in the process of setting up containment, we were in the process of…I shouldn't say we. Sergeant REYNA was in the process of setting up containment. She was in the process of setting the custody team. I was in the process of talking to Officer QUACKENBUSH. We talked, the two of us, about what our responsibility was in this situation. If we get the kids out, what is our responsibility to the people in the apartment complex, to Mr. CAMPBELL, to the girlfriend. At what point do we decide we can walk away when we're so convinced that he is not a danger to himself or others? We talked about that. We talked about what's our responsibility in this call and, but we didn't, we weren't ever to the place where anybody told us where Mr. CAMPBELL said he was not going to cooperate with us. So, this call that we were on, it took up a lot of resources because it was a big building and it had a lot of areas to contain, but it was no different than something that sergeants do and officers do regularly.
RENNA: Were you having those discussions with Sergeant REYNA prior to the children coming out?
BIRKINBINE: Yes, we were having those conversations, referring to my report here.
RENNA: And just for clarification for the tape, you say you were referring to your report and actually it's a transcript of your interview with Sergeant MCGLATHERYof the Detective Division the night of the shooting, is that correct?
BIRKINBINE: Yes.
RENNA: Okay. I think you've already touched on it, but was anyone specifically tasked with communicating with the other officers on the scene any information that was learned through communication with Mr. CAMPBELL?

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BIRKINBINE: I don't know that anyone was tasked for that. I believe that Sergeant REYNA was putting out broadcasting information. When we had little bits of information to put it she was putting it out
RENNA: And how did she learn of it?
BIRKINBINE: She was, she and I were in the same alcove. So, she was hearing me she was, I was telling her what was happening or she was hearing what was happening as I talked with QUACKENBUSH.
RENNA: Did you do any communication over the air with other officers regarding what was being discussed with Mr. CAMPBELL?
BIRKINBINE: I don't remember putting information out over the air. Our conversations when we got to actually have a conversation with Mr. CAMPBELL, they were very short and they were very one-sided. Officer QUACKENBUSH did all, and realize I can't hear Mr. CAMPBELL's side of any of the conversation because it's telephone. I'm listening to Officer QUACKENBUSH's side. But the conversations were very, very short and they were, usually consisted of Officer QUACKENBUSH telling him something to the effect of we're not here to hurt you. We want you to be safe. We're worried about those kids in the apartment. We are, we want to resolve this. You know, there is, we don't even know if there's a crime here. He was trying really hard to make Mr. CAMPBELL feel confident that we were not there to hurt him. We really were concerned about his welfare. Officer QUACKENBUSH told him that he was, and this may have actually been in a text message, but told him he was really sorry about the death of his brother and that he felt badly about he lost his brother and so, but the conversations and the communication with Mr. CAMPBELL were very, very limited. And what we could determine from the limited conversation was it was hard to make an accurate assessment of Mr. CAMPBELL because we really had very little information. So, when the call ended, either Mr. CAMPBELL hanging up on us or because the phone had problems, there was very little information to put out on the air. Usually it consisted of, it would have consisted how we put it out, we had a short phone call with Mr. CAMPBELL or we had the short phone call with the subject. That would have been the limited scope of it. There really wasn't very much information to put out.
RENNA: How was it, how did it come about that the children got released from the apartment?
BIRKINBINE: We, I'm referring to my report here, we made a phone call into Mr. CAMPBELL and he was able to tell him we're not here to arrest you. We want to make sure that you're okay. Our biggest concern is the kids that are in the house with you. That's what we're really concerned about. We're not gonna be able to leave until we have those kids out of there, something to that effect is what Officer QUACKENBUSH said. And the phone went dead very shortly after him saying we're not gonna be able to leave until we have those kids out of there and within seconds I heard information from the uniform officers out on the perimeter that the kids were out. They had walked down the stairs. There were three little ones. They had obviously been given direction because, from Mr. CAMPBELL, because of the way they came down. They looked immediately for police officers and they walked right to them. And so it was so quick that, and it wasn't a conversation we had with Mr. CAMPBELL, it was information, hey this is, we really need to have those kids out of there and the phone went dead instantly. There was no response back. There was no ability to give a direction of how we would like the kids to come out. There was no ability to have Mr. CAMPBELL say yeah I think that's a good idea. There was nothing and those kids just came out. We weren't prepared for it because usually, in my experience, there is a conversation with the person on the other end of the phone that says okay how would you like them to come out or even no they're not coming out. Usually there's a conversation. There was no conversation. The kids just appeared. So, we were operating, we

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weren't prepared for them and we just responded. The officers on the scene did a good job and they just reacted and they just got the kids and they got them out of harms way and they took 'em back to someone who was waiting for them.
RENNA: Was Sergeant REYNA aware that you were, and Officer QUACKENBUSH, were going to have that conversation with Mr. CAMPBELL?
BIRKINBINE: I believe so. I believe we were, I believe she and I had talked specifically about needing to get those kids out of there.
RENNA: Was that immediately before the communication before Officer QUACKENBUSH and Mr. CAMPBELL or was that a discussed part of a generic plan for the incident?
BIRKINBINE: I think it was part of, just part of a, part of our general discussion.
RENNA: Okay, and where I'm going with this is just how much Sergeant REYNA could have anticipated the children or the officers out by the patrol car could have anticipated that that was being discussed. Don't know?
BIRKINBINE: I don't know.
RENNA: Okay. You were shaking your head like…
BIRKINBINE: I don't know.
RENNA: …you didn't know.
BIRKINBINE: I'm not exactly sure what response you're asking me for.
RENNA: Well, just an idea of how long after you had this generic discussion with Sergeant REYNA that it was with the conversation between Officer QUACKENBUSH and Mr. CAMPBELL took place?
BIRKINBINE: I don't know the answer to that. I can't remember.
RENNA: Okay. After the children came out, now what was your assessment of the situation or of the incident?
BIRKINBINE: Well, it had changed. As far as we knew, the only people, and we didn't know for sure, but we believed the only people inside the apartment were Mr. CAMPBELL and the three kids. And so we've gone from having a potential hostage or a potential victim situation to having maybe a suicidal person, maybe with a gun, by themselves in a house. So, it changes dramatically because we maybe don't have innocent victims, especially innocent children inside and that's important. That's a big deal for us. So, we have the ability now to focus on Mr. CAMPBELL and to determine, if we can, what is his state of mind. Can we continue? We had a short conversation with him and he gave us the kids and that was a…we took that as a real positive at the time. And he did it quickly and so we believed well maybe he, maybe he is willing to help us work through this. And so we went back and we, Sergeant REYNA and I we began talking and she started wanting to, she wanted, she started wanting to pull out. She started wanting to get, to determine what his state of mind was and then she was very willing to start to make some kind of a withdrawal, a police withdrawal. And so that was kind of the direction she was hoping to move in from the conversations that we had.
RENNA: And at that point in time, I realize that there was a significant amount of time between the, when the children walked out and when Mr. CAMPBELL walked out. But at that point in time after the children walked out what were your thoughts on walking away?
BIRKINBINE: Well, I was willing to, I was willing to walk away and withdraw police presence. But I also felt like we had a responsibility to make sure that we weren't, that we weren't gonna have to come back later. I felt we had a responsibility to make sure that the girlfriend and the three kids had a place to go. This was their house. This wasn't Mr. CAMPBELL's house. So, I was concerned about leaving him and then thinking maybe that this girlfriend and these three kids would walk back into a potentially dangerous situation. It's an apartment building and so I was concerned about neighbors. I

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was concerned about the community in general close by. I was concerned about the length of time that Mr. CAMPBELL had been despondent and at the loss that he just suffered in the loss of his brother. I felt like we needed a lot of assurance from Mr. CAMPBELL through a conversation or through a face-to-face conversation or something…I felt like there had to be something pretty significant for us to leave, significant in the way that it allowed us to be very, very confident that he wasn't gonna harm himself or harm other people. I was willing to do, but I thought we had a relatively high threshold before we could just leave as police officers. I thought we had a, I think we have a pretty significant responsibility. And those were conversations that I had with Sergeant REYNA.

RENNA: Okay, and this is after the children are released or is that just all just a kind of hodgepodge if you will of conversations?

BIRKINBINE: No, this was, that was pretty specific. After the kids were out, our conversation became pointed around can we, what threshold do we need to achieve for us to withdraw police resources.

RENNA: During your grand jury testimony, you indicated that you had discussed with Sergeant REYNA on whether, if Mr. CAMPBELL came out of the apartment, whether you would allow him to go back inside. What do you recall of that discussion?

BIRKINBINE: Uh, I recall having the conversation with her. I'm trying to remember what her, I'm trying to remember what I heard her say about it. I don't recall her specific direction or specific stance on it. And I don't remember that I had, I don't think I had any input specifically into that.

RENNA: So, you don't recall if there was a conclusion to…

BIRKINBINE: I don't recall what the conclusion was or what the direction, what her thinking was on it. I don't remember. I don't know if we ever reached a consensus on it.

RENNA: Okay. Do you have an opinion on it? I mean did you? I don't want you to sit here now…

BIRKINBINE: (laughter).

RENNA: …after this amount of time and do it, but at the time did you have an opinion on, with the circumstances that you were looking at?

BIRKINBINE: I don't remember my, I don't remember any statements that I made about it either.

RENNA: Do you recall any officers on scene of the incident being told that if Mr. CAMPBELL came out that he wouldn't be allowed to go back into the apartment?

BIRKINBINE: I don't remember that. I don't remember hearing that.

RENNA: It is my understanding that there was a conversation involving the use of the canine as a less lethal tool. Do you recall a conversation between yourself and Sergeant REYNA about that?

BIRKINBINE: No.

RENNA: On whether the dog could be used as less lethal if Mr. CAMPBELL came out of the apartment?

BIRKINBINE: I don't remember. I don't remember that specific, I don't remember having that conversation. Not to say we didn't. I just don't remember it specifically.

RENNA: Okay. Try to jog your memory a little bit. Do you remember that conversation getting to the point where Officer ELIAS called his sergeant to ask whether the dog could be used in that kind of application?

BIRKINBINE: No. And much of the, much of the tactical response to this I wasn't, I was maybe listening but I don't remember having a whole lot of discussion from a tactical application or tactical resolution on this because I was talking, because I was with Officer QUACKENBUSH. I remember putting, I remember talking specifically about what our responsibility is to stay and help resolve this

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situation. As far as the tactics go, I don't remember a lot of, I don't remember being involved in a lot of those conversations with how, how Mr. CAMPBELL was going to be addressed if he came out.
RENNA: After the children came out, again and prior to Mr. CAMPBELL came out, there was about 30 minutes I believe time span in there. What was going on in that 30 minutes of time?
BIRKINBINE: Well, I believe that Sergeant REYNA was still managing the perimeter and making some, making sure we had resources covered on the perimeter with the contact team out in the parking lot. There was those discussions about what's the plan. What are we going to do? There was some discussion with, I talked with Officer QUACKENBUSH about, during that first conversation where the kids come out, he and I had conversations about...and seemed to tell me about the demeanor of Mr. CAMPBELL and what that conversation like. I was trying to draw as much information out of him as I could even though the conversation was so limited. So, we talked about Mr. CAMPBELL's demeanor. We talked about how he might be able to engage him in a conversation. What kind of, was there a strategy? Could we develop a strategy? What kind of message do we want to get to Mr. CAMPBELL when and if we have an opportunity to do that? At some point, Sergeant REYNA was pulled out of the alcove where we had all been to brief Captain DAY and Lieutenant RODRIGUES when they arrived on scene.
RENNA: That's a little bit ahead of where I wanted to get.
BIRKINBINE: Oh, okay.
RENNA: But we'll get to that point. While this was going on in the 30 minutes of time, who was in charge of the scene?
BIRKINBINE: Sergeant REYNA.
RENNA: Okay. When you were talking with Officer QUACKENBUSH and trying to draw information out, how do you feel that Officer QUACKENBUSH was in communicating what he was learning to you?
BIRKINBINE: He was effective. There just wasn't very much to communicate.
RENNA: Okay. So, you think you were getting the information that he was receiving from Mr. CAMPBELL? You felt confident in that?
BIRKINBINE: Yeah, I felt like it was a fair representation.
RENNA: You've made a couple references when you talked about this span of time in the alcove about the plan and about discussions that you had. Just to be specific, what was Sergeant REYNA's plan?
BIRKINBINE: My impression from her was that she wanted to determine if Mr. CAMPBELL, is he suicidal? Is he at a place mentally where we need to continue to have police presence or is he stable enough that we can withdraw? And then her hopes were that he was in a place where if we have the kids out and if he was stable enough, her hope was to withdraw the police resources and leave.
RENNA: Did that differ from what your plan was?
BIRKINBINE: No.
RENNA: Did you have a different threshold?
BIRKINBINE: Of, different threshold of what?
RENNA: In order to reach the point where you withdraw?
BIRKINBINE: I would say my threshold was probably higher where I felt comfortable leaving. My threshold was probably higher.
RENNA: As Officer QUACKENBUSH was communicating with Mr. CAMPBELL, was that threshold that you had, was that lowering, was it raising or was it staying the same?

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BIRKINBINE: Uh, my threshold after, after the conversation of where Mr. CAMPBELL sends the kids out immediately and after the couple of text messages we received, I felt like we were getting closer to reaching my comfort level and leaving. So, we were getting there I felt like, but I was, I was still concerned about, I was still concerned about the unknown of the gun that had been pointed at himself and was in that apartment or told to us to be in that apartment. I was concerned for the rest of the…everybody else who lived in the vicinity of that apartment building. I was still concerned that, I was concerned up to a point where we actually got to see him, to physically talk to him. That was one of the things that was really going to make me feel confident in being able to leave was is he willing to come out and talk with us so that we can have a face-to-face conversation so he can tell us, you know, this has been hard a time and I this, you know, there's a lot of drama here but I really am okay. And I felt like that was pretty important in talking to him face-to-face and we regularly, I mean that's a big part of what sergeants and officers do in these situations is we set up a perimeter. We call people on the phone. We ask them to come out and talk to us. We know that it's not safe to just walk up to a door and ask, you know, to somebody who is homicidal or suicidal and may or may not have a gun or information we believe they have a gun. We know that we don't want to, we don't want to push people like that. We don't want to ask people. We don't want to expect that person to know what we're gonna do. If we walked up to the door, we can't expect them to believe that we're not coming in for them. We can't escalate like that. So, we set up as safely as we can. We make a phone call. If it takes a couple of minutes for him to come out or if it takes hours for him to come. And we really want them to come out so we can make sure that that person is safe, that that apartment is safe and that resident is safe. It's a pretty standard thing for us to do.

RENNA: Did you get the impression in your conversations with Sergeant REYNA that she was hours away from walking away?

BIRKINBINE: She was hours away?

RENNA: Well, you just mentioned that sometimes you would have to wait hours in order to leave a scene or that you, to end an incident. I think you were just talking in generic terms.

BIRKINBINE: I was purely talking in generic terms.

RENNA: But in this instance, do you, did you get the impression that she was looking at that kind of time frame at where the incident was?

BIRKINBINE: No. No, I didn't get the…I'm not exactly sure how that…we never talked time. I think she would have stayed as long as it took and I never got the impression from her that she was trying to rush getting out per se.

RENNA: Do you think she was close to giving the order, the direction to the people on the scene to pull out?

BIRKINBINE: Uh, yeah I think she was pretty close to her threshold, being confident that she could leave and feel okay about it.

RENNA: And was she still, had anybody else arrived to take control of the scene at that point?

BIRKINBINE: No, because she was still with me. As soon as the captain and lieutenant arrived or very shortly after they asked for her to come back to brief them.

RENNA: So at that point anyway she was still the one that was giving the direction?

BIRKINBINE: Yes.

RENNA: In your answer just a little while ago, you made reference to Officer QUACKENBUSH exchanging texts with Mr. CAMPBELL. Um, is that a I want to say common way to communicate with people in apartments? You've been involved in texting other people?

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BIRKINBINE: It's becoming more and more common with technology developing like it does and the hostage team has taken steps in the last year or so to get a phone…we understand that texting is gonna, is gonna become a bigger and bigger part of negotiation because so many people text and so many text and use the phone less. And so we understand a lot of times that people may not answer a phone call but they will almost always read a text message because there's no commitment in reading a text message. If you answer a phone call, you're a little bit committed to talking to whoever is on the other line. But if you send a text message there's no commitment there. So, you can send a message and almost be guaranteed that whoever is looking at it is going to read it even if they don't know who it's coming from and that's a way for you to start communication. And so that, with a subject who may not answer a phone number he certainly doesn't recognize or may believe that a phone number he does recognize is compromised, he may not answer the phone. So, you're stuck leaving a voice message. But if you sent a text message, you're at least able to get your side of the message out to somebody. You are able to start a one sided dialogue and start to build a rapport hopefully that maybe will lead to a conversation, in all hopes it will lead to a conversation.
RENNA: I think you've described an effective way it might be used, are there ineffective or downsides to use a text?
BIRKINBINE: The downside to text is you can't gauge a person's emotion, you can't gauge their tone of voice. We may not know what an abbreviation means if you're not well versed in the language of text messaging. You have to…a text message can be crafted more than a spoke language can so someone can send the exact words that they want you to read and you may not be able to read between the lines so much as you can in an actual conversation. Those are some of the downsides. The other downside is there can be an infinite amount of time between text messages. It's harder to do that by voice.
RENNA: In any of your conversations with Officer QUACKENBUSH, did you ever ask him to ask Mr. CAMPBELL where the gun was that had been referred to?
BIRKINBINE: No.
RENNA: How come?
BIRKINBINE: Well, we were, we were really just trying to, didn't want to jump straight to the gun. I wanted to try to develop a little bit of, I wanted to try to develop a rapport. So, a little bit of trust. A little bit of something that said that we're not gonna hurt you. We just want to make sure you're okay and I didn't want to rush into where's the gun and just wasn't the direction I thought was prudent.
RENNA: Was there any direction given to Officer QUACKENBUSH to communicate to Mr. CAMPBELL that if he did come out to leave the gun inside?
BIRKINBINE: No.
RENNA: On the calls like, that you were on in this particular instance, have you walked away from calls similar to this?
BIRKINBINE: Yes.
RENNA: Without having the people come out?
BIRKINBINE: I'm sure I have. I can't think of any specific, but I'm sure I have.
RENNA: And how have those gone? Have there been…
BIRKINBINE: It could go either way. Sometimes we have to go back, sometimes we don't.
RENNA: Did you talk with Sergeant REYNA about, did you communicate to her we should ask him to come out?
BIRKINBINE: I don't remember if I said it that pointedly to her. I'm pretty sure that was part of my, part of our conversation was I'd like to see him. I would like to have him come out so we could

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evaluate him, but I don't remember saying to her specifically, I don't remember saying that specifically. But I remember that being part of what I was communicating as my comfort level in this situation, my threshold of feeling confident.
RENNA: Do you remember what her response was to you on that specific point?
BIRKINBINE: I don't remember.
RENNA: We don't need to have him come out. I want him to have him come out.
BIRKINBINE: I don't remember.
RENNA: Do you remember if she agreed with you?
BIRKINBINE: No, I don't remember.
RENNA: Let me ask you this, on this time that you were spending in the alcove conversations between you and officer, or Sergeant REYNA I'm sorry, how would you characterize and how would you describe them? Were they amicable? Were they tense? Did they get argumentative?
BIRKINBINE: Um, she and I were…we had different thresholds of…my threshold for leaving was higher than hers my ability to walk away. I think she was frustrated with me at times because she had in her mind a plan and a vision of how this was supposed to go and how it was supposed to happen and for us to be able to withdraw and I was asking her questions and talking about what I thought our responsibility was and what if this and what do we do here and those were things that I think she had already worked out in her own mind and since she was the on-scene supervisor, she was managing those things. But because my, I felt a responsibility to…my threshold was higher and I felt a responsibility to make sure that this was…we weren't gonna have to come back to make sure nobody else was gonna get hurt and I'm not saying she didn't. I just had these things in my head that I wanted to talk it out them with her and so I kept bringing them up. And so I think she was a little frustrated with me because she already knew where she was going with this and I kept almost dragging her back into having those conversations with me when she was already past that. She had already decided how she wanted to get to the end result of this. So, she was, it was never, it was never rude. It was never, we were never fighting. We were never arguing. We just were coming at trying to figure out, trying to communicate. She was very busy and she was running the incident and some information I didn't have that I felt I needed and so it was tense but it was never argumentative. It was never, we were never at the place where we weren't able to get along or communicate. So, does that answer your question?
RENNA: Sure. I'll ask both of you, we've been at it for about 65 minutes, would you like a break?
BIRKINBINE: Sure.
RENNA: Ok, then we'll break and it is 1826. This is BARRY REYNA again. We're back on tape it is 1837 hours and I think we left off, we were just discussing the conversations that you were having with Sergeant REYNA in the alcove. Um, how did it come about that Sergeant REYNA left the alcove?
BIRKINBINE: Uh, she was asked to leave the alcove when Lieutenant RODRIGUES and Captain DAY arrived on scene because they wanted to be briefed on the incident as it was happening so that they could assume command of the incident.
RENNA: Do you remember if that request for her to go brief them was done over the radio or was it done on the phone, do you recall how that was communicated?
BIRKINBINE: I thought it was done over the air, over the radio air. I don't know if the was on a Tac Net or on the Regular Net.
RENNA: Do you remember if Sergeant REYNA had a reaction to being asked to leave the alcove at that point in time?

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BIRKINBINE: Um, I think she, I think she felt like she was managing the incident, she was managing the incident and it was gonna be really hard for her to manage the incident without being on scene watching the incident and being involved briefing the captain.
RENNA: Okay. Did she communicate that to you in some fashion or anybody there in the alcove?
BIRKINBINE: Uh, I think she just said something to that effect of, you know, I'd like to, you know, I'd like to stay here and manage the incident instead of go back and brief the captain. Something to that effect. I don't remember her exact language on it.
RENNA: Prior to her leaving the alcove, did she communicate with you that she was prepared to walk away from the apartment complex and just wanted a promise from Mr. CAMPBELL that he wasn't gonna hurt himself?
BIRKINBINE: She was, she was ready to, she was ready to walk away from the apartment complex as soon as we were confident that Mr. CAMPBELL wasn't going to hurt himself, yes.
RENNA: Did she say that she only wanted a promise from him that he wasn't going to hurt himself?
BIRKINBINE: I don't remember specifically. It sounds, I don't remember if she used the word or promise or what, she wanted to hear from Mr. CAMPBELL that he was okay.
RENNA: Do you recall if Sergeant REYNA wanted that assurance from Mr. CAMPBELL in person outside of the apartment or was she satisfied with a telephone communication?
BIRKINBINE: She was satisfied. She didn't need to see him. She didn't need to talk to him in person I don't think.
RENNA: When or just prior to Sergeant REYNA leaving, did she give any directions as the one running the scene on to either you or to anybody else in the alcove prior to leaving, do this, do that.
BIRKINBINE: I don't remember getting any specific direction.
RENNA: After Sergeant REYNA left, do you recall Officer QUACKENBUSH asking Mr. CAMPBELL to come outside the apartment to make sure he was okay?
BIRKINBINE: Yes, and part of that was that we had, part of the discussion that I had with Sergeant REYNA, or part of the plan we were making was to have the kids come out, we have this period of time, this half hour or however long it was and trying to figure out how we were going to get information from Mr. CAMPBELL knowing that the phone call that we'd made into get to the kids out was so short, and so we'd made the decision to try sending a text message. And so we started to get, we sent a text message and we got a text message back and then we got another text message from him that un…not in response to one that we had sent him. So, he sent one on his own and in essence that text message said it's strange that you're texting me and not calling me. And so, Officer QUACKENBUSH showed me that text message and that was when I directed him to make a phone call in to Mr. CAMPBELL. It was, we took that as, because it was an unsolicited text message, we took that as almost him reaching him, him saying, you know, why aren't you trying to call me? Why aren't you having contact with me? And so, that was my direction to QUACKENBUSH. It sounds like he's, I took that as it sounds like he's wanting us to call him and QUACKENBUSH felt the same way. So, I said let's call him. If he wants to talk, let's talk to him.
RENNA: On that e-mail or that text message that you're talking about, was Sergeant REYNA still in the alcove at that time?
BIRKINBINE: No.
RENNA: Okay, and on that text message, was that the same one that he makes reference to kudos to you?
BIRKINBINE: Different text message.
RENNA: Different?

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673 **BIRKINBINE:** That was the second one. The first one was Officer QUACKENBUSH sends a
674 message something to the effect of we just want to make sure you're not gonna hurt yourself, kill
675 yourself.
676 **RENNA:** And he responded…
677 **BIRKINBINE:** He responds back to you, you know, I'd never do that. Kudos to you guys you text
678 you text too, something to that effect. We took that as a little bit of humor, a little bit of, at least a
679 willingness to say a little more than the bare minimum. And then the next one was it's strange that
680 you're texting and not calling JIMMY. He refers to Officer QUACKENBUSH as JIMMY. And in my
681 experience I took that as he's reaching out to us. He's reaching out from a standpoint of why is nobody
682 trying to get a hold of me. So, I directed Officer QUACKENBUSH to call him.
683 **RENNA:** When you said that, well we talked about Sergeant REYNA was looking for an assurance
684 from Mr. CAMPBELL prior to walking away. That text message about want to make sure you're not
685 gonna hurt yourself and his response is never, did that reach Sergeant REYNA's threshold for packing
686 up and leaving?
687 **BIRKINBINE:** I don't know
688 **RENNA:** Did she communicate anything along those lines? Did she say we're just about done, we're
689 getting ready to go?
690 **BIRKINBINE:** Uh, I think it was real close.
691 **RENNA:** Did she communicate anything, do you recall?
692 **BIRKINBINE:** I think she felt good about receiving that text message. She felt like she, we had had
693 some positive communication from him and she even put that out on the air we've had positive contact
694 or however it's worded. It's worded in the call here, but she put that saying we had a positive text or
695 positive contact from him. As to whether or not she would say okay let's pack up and go home that's
696 good enough for me, I don't know the answer to that. I just know she felt good about receiving that
697 text message from him that said I'm not gonna hurt myself.
698 **RENNA:** I'm not trying to ask you to get inside her head, I'm just wondering if she said anything prior
699 to walking out of the alcove, you know, we're there, we're gonna go. Do you recall her saying
700 anything like that?
701 **BIRKINBINE:** No.
702 **RENNA:** Okay.
703 **BIRKINBINE:** I don't remember her exact words on that.
704 **RENNA:** When Sergeant REYNA left the alcove to go brief the lieutenant and the captain, who was
705 in charge of the incident?
706 **BIRKINBINE:** Well, it was never handed off per se that she was not in charge any more. Typically,
707 in the ICS model that we operate under, she is still in charge of the incident until she is relieved of
708 command by someone there who can relieve her of command, whether it's a higher ranking person
709 or…she is still in charge of that incident. So, just because she's not present in the alcove it doesn't
710 change the command structure just by her changing locations. So, in my mind I thought she was still in
711 charge of this. She's going to brief the captain and lieutenant. They're gonna get briefed. They're
712 gonna assume command. That's typically what happens.
713 **RENNA:** Okay. After Sergeant REYNA left to do that briefly, did you tell Officer QUACKENBUSH
14 to have Mr. CAMPBELL come out of the apartment?
715 **BIRKINBINE:** What I told Officer QUACKENBUSH on the phone, I told him to talk with Mr….I
716 told him to tell Mr. CAMPBELL we'd like you to come out or are you willing to come out or, you
717 know, if you'll come out and talk to us we can get this thing wrapped up, something to that effect.

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RENNA: And that was done in the form of a telephone call?
BIRKINBINE: That was an actual telephone call, yes.
RENNA: Do you know how Mr. CAMPBELL responded?
BIRKINBINE: He hung up or the phone went dead. I'm assuming he hung up, the phone went dead. So, there was no, there was no verbal response from Mr. CAMPBELL to my knowledge. There was nothing that said okay I'll come out or nothing to the effect of how would you like me to come out or nothing. It was the exact same pattern that it was when we asked for the kids. It was hey we really, we really need those kids. Phone went dead and the kids came marching out. It was the exact same pattern of, so there was no opportunity to give directions. I was putting it out there or I had Officer QUACKENBUSH put it out there from a standpoint of he has sent us a text message. It sounded like an invitation to call. Let's call and let's just cut to it because we don't know how much time we're really gonna have here. The last conversation was super short and let's just tell him, you know, we're not here to hurt you. This would be a lot easier if you would come out and talk to us. And there was never an opportunity to give directions, to talk about leaving the gun, to come out with your hands up. There was none of that. The phone just went dead after a few seconds. So, there was no indication from him (someone coughing) or there was no indication, there was no response from him.
RENNA: And my next question was gonna be were you at all concerned about asking Mr. CAMPBELL to come out when he's already been described by several people as being armed?
BIRKINBINE: Well, in posing it to Mr. CAMPBELL, we'd sure like to talk to you or we'd like to have you come out and talk to us face to face, I was really hoping it would lead to a discussion of how to do that. I was obviously concerned that there had been a gun involved and concerned that he may have the gun on him or the gun may still be there, but I didn't, I felt like we were really limited on time as to what we would say to him. And so I just posed the idea of hey this would be a lot easier if you would come out and talk to us hoping it would lead into some conversation.
RENNA: Did the information regarding your request to Mr. CAMPBELL to come out, did that ever get communicated to the officers out on the custody team we're about ready to ask him to come out. We're gonna ask him to come out. He's just been asked to come out, anything like that?
BIRKINBINE: No it didn't, no it didn't.
RENNA: And how come?
BIRKINBINE: Well, I wasn't, I wasn't putting it out there asking him to surrender, asking him to...we were putting it out there for discussion. Hey, this would sure be a lot easier if you would come out and talk to us or we'd really like to have you come out hoping it would lead into some discussion. Within just a few seconds he was out the door. So, that's why I didn't put it out because I really didn't know what the end result was gonna be, so I didn't put anything out to the uniform officers because I didn't have an end result, I didn't know what was gonna happen.
RENNA: With Sergeant REYNA gone, putting out that information, who did, whose responsibility did that become?
BIRKINBINE: Communicating that information to uniform?
RENNA: Yes, if something was to have developed.
BIRKINBINE: Well, it would have been my responsibility. We never talked about it, but I would have taken that on.
RENNA: When Mr. CAMPBELL came out of the apartment, do you believe from, from things that you observed either hearing or seeing, were the officers out on the custody team surprised by his appearance?
BIRKINBINE: Yes.

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RENNA: Your communication to Officer QUACKENBUSH to have him come out, did that, did that run counter to what Sergeant REYNA's goal was this incident?
BIRKINBINE: The goal that we had talked about in the alcove was we want to make sure, we want to make sure he's okay. So, having him come out to determine that he's okay or not okay I think is a great result to this incident, the ability to determine, talk to him face to face are you okay or Can we do something for you, are you a danger to yourself or others? I think that is, I think that's a good result to have him come out.
RENNA: But did it run counter to what Sergeant REYNA's goal was?
BIRKINBINE: No, our goal was to determine, our and hers was to determine is he okay. Is he suicidal or is he not?
RENNA: Okay. Uh, how quickly did he come out after ending with communication with Officer QUACKENBUSH?
BIRKINBINE: Seconds.
RENNA: Okay. Not enough time for another call back?
BIRKINBINE: No.
RENNA: And it's my understanding from reading the interview and stuff that because you were in the alcove, you heard the officers indicate that he was out by saying he's out or something similar to that. Now did you reposition yourself in the alcove and move out towards the parking lot in order to see what was going on?
BIRKINBINE: I stayed in the alcove because I could look out of the alcove and see him for where I was.
RENNA: You moved from the back of it, I mean…
BIRKINBINE: I had already moved away from the back closer to the front.
RENNA: After Sergeant REYNA left?
BIRKINBINE: Yes.
RENNA: Okay. So, you could see Mr. CAMPBELL at some point after he came out?
BIRKINBINE: Yes.
RENNA: Okay, and he starts backing up. So, you didn't see the very beginning of when he came out. So, he's in the parking lot when you first saw him?
BIRKINBINE: Yes.
RENNA: Was he turned away from you?
BIRKINBINE: Yes.
RENNA: Okay. So, his back was to you?
BIRKINBINE: Kind of his right shoulder, back.
RENNA: Okay. Um, and was he being given directions by the officers that were positioned behind the patrol car?
BIRKINBINE: Yes.
RENNA: Okay, and what were the directions that he was being given?
BIRKINBINE: Um, walk backwards, come backwards towards me. Typical directions when you're taking somebody into the custody, directing them back to you.
RENNA: Okay. When he was walking backwards, how fast was he coming back towards the officers?
BIRKINBINE: It seemed like he was moving pretty fast.
RENNA: Okay.

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BIRKINBINE: Faster than, a little faster than normal.
RENNA: Okay. Did that cause you any concerns, the way, the speed he was walking?
BIRKINBINE: I thought it was odd but I wasn't at that point concerned about it.
RENNA: Okay. Where were his hands?
BIRKINBINE: They were behind his head.
RENNA: Okay, and I think, I don't want to go over stuff or try to extract from you information you've already provided. And my understanding, but correct me if I'm wrong, is his fingertips were touching but his fingers weren't interlaced?
BIRKINBINE: That's the best yeah, sorry, that's what I saw.
RENNA: Okay. How about his pants? Do you remember seeing pants, how they were positioned?
BIRKINBINE: Loose.
RENNA: Okay. Were they sagging?
BIRKINBINE: I don't remember specifically his pants.
RENNA: Okay. His jacket was, because of his hands being on the top of his head, did it raise his jacket up above his belt line?
BIRKINBINE: Uh, I was looking at his hands so I don't remember seeing how far his jacket was above his belt line.
RENNA: Okay. Uh, Mr. CAMPBELL gets back to a certain distance, is he told to stop?
BIRKINBINE: No, I don't hear anybody tell him to stop.
RENNA: Okay. Does he stop?
BIRKINBINE: Uh, I looked away from, for a short period where he was coming backwards to say something to Officer QUACKENBUSH and I looked back because the commands escalated and that drew my attention back to what was going on in the parking lot. He was stopped at that point. I don't remember if, I don't know if he stopped on his own or he stopped because the officers told him to stop.
RENNA: Okay. Still got his back to the officers behind the patrol car?
BIRKINBINE: Yes.
RENNA: Okay Does he still have his hands on top of his head?
BIRKINBINE: Yes.
RENNA: Okay. Um, now you may have said it and I missed it, but when you said that your attention was diverted, what was it would cause you to divert your attention at that particular time?
BIRKINBINE: Uh, I don't remember specifically. I was talking to Officer QUACKENBUSH. I don't remember what I said to him or what we were talking about.
RENNA: In looking at the CAD you came out on the air and broadcast compliant so far, at least that's what's on the printout and I believe what I heard on the recording, of the 911 call. What was it that was going on that prompted you to broadcast that?
BIRKINBINE: When I first saw him, he, I knew that it had gotten, we had a lot of officers on perimeter positions who couldn't see what was happening and so when I saw him and saw that his hands were behind his head and he was walking backwards, it appeared that the custody was going well. It appeared that he was being cooperative and so I wanted everyone around the building to know that he was being compliant at that point so that everybody who couldn't see what was happening would not wonder what was happening.
RENNA: Do you, as Mr. CAMPBELL was backing up towards the officers or when he was stopped, did you hear him say anything to the officers?
BIRKINBINE: No.

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RENNA: There's approximately 8 seconds from the time that you broadcast compliant so far to the broadcast of beanbags deployed. What is it that happened in that 8 seconds that resulted in a beanbag being fired?
BIRKINBINE: Well, after I saw that he was walking back and appeared to be, and I broadcast that he was being compliant, I looked back and I talked to Officer QUACKENBUSH or however, whatever I said to him I don't remember what we talked about. And then I heard Officer LEWTON getting different, getting his voice changed, it escalated and was more pointed in commands saying put your hands up, put your hands up, put your hands up. And I looked back and I saw that his hands, I saw that Mr. CAMPBELL 's hands were still behind his head, but I didn't see what happened from that, from the point where I broadcast to the point where Officer LEWTON started giving commands because I had turned over to talk to Officer QUACKENBUSH. So, when I looked back and saw that Mr. CAMPBELL had his hands on top of his head I didn't know if that meant that put your hands up meant Mr. CAMPBELL had dropped his hands and someone was reordering him to put his hands up or if the officers wanted his hands up higher than above his head. So, I don't know what happened specifically that caused the escalation.
RENNA: The escalation in…
BIRKINBINE: In Officer LEWTON…
RENNA: LEWTON'S voice?
BIRKINBINE: Correct.
RENNA: In the times that you looked at Mr. CAMPBELL or that you had him in your view, did you ever see him where his hands were not on his head?
BIRKINBINE: When he was running away from the officers.
RENNA: After the beanbag was deployed? Up to the point that the beanbag was deployed, did you ever see him when his hands weren't on his head?
BIRKINBINE: No.
RENNA: Okay. Did you ever see Mr. CAMPBELL turn towards the officers?
BIRKINBINE: No.
RENNA: Okay. Would you, up to the point that the beanbag round was deployed, would you just describe any of Mr. CAMPBELL's action as aggressive, physical resistance?
BIRKINBINE: Well, I didn't see everything those other officers saw out there in the custody contact team. I was looking away talking to Officer QUACKENBUSH for a few seconds, so I didn't see what they saw.
RENNA: Did you see anything that would…
BIRKINBINE: I didn't see anything.
RENNA: …that would be, what could be construed as aggressive, physical resistance?
BIRKINBINE: No.
RENNA: Did you hear any admonishment or warning given by Officer LEWTON or anybody else that a beanbag round could be deployed if he didn't follow directions?
BIRKINBINE: No.
RENNA: Um, did, um, prior to the beanbag round being fired, did you hear anybody give the beanbag warning such as to let other officers know it was a beanbag round as opposed to another type of round being fired?
BIRKINBINE: No.
RENNA: Like, such as beanbag, beanbag, beanbag?

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BIRKINBINE: No.
RENNA: You never…
BIRKINBINE: No.
RENNA: Okay, and I believe in your interview you said you saw the first beanbag strike Mr. CAMPBELL?
BIRKINBINE: Yes.
RENNA: And where did it strike him?
BIRKINBINE: It looked like it struck him in the low back/hip area.
RENNA: Okay. Were you surprised when that round went off?
BIRKINBINE: No.
RENNA: Why?
BIRKINBINE: Because whatever was happening in that instant where Officer LEWTON escalated his voice and Mr. CAMPBELL was noncompliant, given the totality of that there may be a gun involved, that he was not compliant with what was going on it did not surprise me that a beanbag was deployed to gain compliance.
RENNA: Okay. You said, you indicated that Mr. CAMPBELL was noncompliant.
BIRKINBINE: With the commands that Officer LEWTON was giving.
RENNA: Okay, and which commands was he not being compliant about?
BIRKINBINE: Uh, my assumption was it was put your hands up was the command Officer LEWTON was giving.
RENNA: So, that, it was your belief that Officer LEWTON was asking him to raise his hands higher than the position on his head?
BIRKINBINE: He was asking him to do something different that he was doing because he kept asking him to put your hands up, put your hands up and Mr. CAMPBELL was not, he wasn't changing, he wasn't moving so whatever he was asking him to do he wasn't doing?
RENNA: First round, how quickly did the second round from the beanbag get fired?
BIRKINBINE: Pretty quickly.
RENNA: To you, did it appear that Mr. CAMPBELL's initial forward movement was a result of a loss of balance from the beanbag or did it appear that he was running, that there was no hesitation he was running?
BIRKINBINE: Uh, it appeared that it was a loss of balance.
RENNA: From the beanbag round striking him?
BIRKINBINE: Yes.
RENNA: Uh, how many rounds would you, do you recall striking him before he broke into a run?
BIRKINBINE: Two.
RENNA: Did you ever see Mr. CAMPBELL's hands, I think you said that when he was running his hands left his head and they were in front of him.
BIRKINBINE: Yes.
RENNA: Okay. When you say in front of him, can you describe that? How were they in front of him?
BIRKINBINE: Uh, like he was running.
RENNA: A running motion, a pumping motion with his forearms, the whole arm up and down kind of thing? Did you ever see his arms or his hands go into his waistline?

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BIRKINBINE: Uh, I didn't see his hands, his hands come down in front of him like he was running but like he was also trying to keep his pants up or something, like he was trying to kind of hold something in front. I don't know if that meant he was trying to hold his pants up and grab his belt or, but he was running but he was also hunched forward a little bit to me as he was running.
RENNA: Did more beanbag rounds get deployed?
BIRKINBINE: Yes.
RENNA: Okay. Uh, and what amount of space? You've got a diagram here and you can certainly refer to that or this photocopy of an aerial photo, but from the point that Mr. CAMPBELL had stopped and the first beanbag was deployed, to the point where he ended up by the, laying in front of the car, um, how much distance do you recall that being?
BIRKINBINE: From the first round to the last round?
RENNA: Yeah, yeah.
BIRKINBINE: Boy I don't know.
RENNA: Can you give an estimate? And I'll emphasize estimate.
BIRKINBINE: I really don't know from the point where, uh, feet wise where the point where the first one was deployed to the point the last one was deployed. Um, 35 feet.
RENNA: Okay, and in the course of that distance, how many more beanbag rounds were deployed?
BIRKINBINE: I believe I counted maybe five. I believe I heard five or six pops.
RENNA: Okay.
BIRKINBINE: So, I'm assuming there were five beanbag rounds and one less lethal round.
RENNA: Okay. How did, after the first two, so let's say three, how did Mr. CAMPBELL react to those, did those all strike him?
BIRKINBINE: I don't know. I couldn't see where they struck. He just kept running.
RENNA: Okay. Did he have a, did you see him move his hands to anyplace that the beanbag might have struck him?
BIRKINBINE: No.
RENNA: Okay. Uh, were you concerned about Mr. CAMPBELL making it back to the apartment?
BIRKINBINE: Yes.
RENNA: Why?
BIRKINBINE: Because we still had the unknown of where that gun was and we didn't know if it had been left in the apartment. We didn't know if he had it on his person. I didn't know if he was trying to get back to the car that was parked in the parking lot, if he was just trying to get back to the car. I didn't know if he was running because he was, and decided he really didn't really want to give any more and he wanted to engage the police. I didn't know if he was trying to get back into the apartment because that was a safer place for him and he wanted to engage the police from there. I just didn't know what his motive was. He had made the step to give up by coming out and had come out backwards with his hands up, although he was walking real fast back towards the police. But then something changed and his, he made a different decision but I didn't know what that decision was. So, I was concerned. (beeping sound).
JUSTUS: Sorry.
BIRKINBINE: That's okay.
RENNA: For the tape, that was just a Nextel going off. Anyway, so something had changed. You said Mr. CAMPBELL had made a choice to make a change?
BIRKINBINE: Yes.

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RENNA: What was your concern about Mr. CAMPBELL reaching the car?
BIRKINBINE: He had hard cover and concealment.
RENNA: And your concern about that was what?
BIRKINBINE: He has a place to, if he has a gun on him, he has a place to engage the police where he has cover and concealment with a handgun. So, it was, it would have been dangerous to have a gunfight in that parking lot. He was in front of apartments, of windows, people still in apartments. The police had a, the backdrop would have been poor for the police to be able to defend ourselves.
RENNA: Had those apartments been evacuated?
BIRKINBINE: Some apartment had been but I don't know which one were. I don't know. I assumed that there was still people in the apartment building. That whole building was not evacuated.
RENNA: Okay. I'm specifically referring to the apartments directly behind where Mr. CAMPBELL was headed.
BIRKINBINE: I don't know the answer to that.
RENNA: At any point while Mr. CAMPBELL was running back to the cars or to the apartment, did you have a sense that the officers behind the car had a tactical advantage with their cover behind the car and AR-15?
BIRKINBINE: I felt like they had a tactical advantage until he got to a place of cover.
RENNA: And how would that have changed?
BIRKINBINE: Because now he has a place of cover and the officers have a place of cover. There's no advantage. They both have equal cover. There's no advantage.
RENNA: Does the AR-15 provide an advantage to the officers?
BIRKINBINE: Sure, it does.
RENNA: And Mr. CAMPBELL is running back to, in the direction of the apartment, did the discharge of the AR-15 surprise you?
BIRKINBINE: Uh, a little bit.
RENNA: Okay, and why was that?
BIRKINBINE: I don't know. I just wasn't expecting it.
RENNA: Were you anticipating somebody firing a lethal round at that point?
BIRKINBINE: Uh, I don't think I had thought that far ahead. I was just watching as it happened and I was having thoughts in my own mind of why is he running? Is he trying to engage the police? I was starting to think ahead and starting to have concerns about how we're going to mitigate, how were we going to manage what happens next. So, I wasn't really thinking about is somebody going to use lethal force on him.
RENNA: At the time Mr. CAMPBELL was running, did you see the canine running towards Mr. CAMPBELL?
BIRKINBINE: No.
RENNA: Uh, after the less lethal was discharged, Mr. CAMPBELL fell to the ground. What were you reactions at that point?
BIRKINBINE: I'm sorry ask your question again, please.
RENNA: Sure. Uh, the AR-15 was fired and Mr. CAMPBELL fell to the ground.
BIRKINBINE: Yes.
RENNA: After he fell to the ground, what did you do?
BIRKINBINE: Uh, I left the alcove and I went to the contact team, where the officers were out behind the police car.

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RENNA: When you went over there, did, had you already at least in your mind identified that Officer FRASHOUR was the one that had fired the round?
BIRKINBINE: Yes.
RENNA: Okay. Did Officer FRASHOUR make any statement to you or did you overhear any comments made by Officer FRASHOUR comments made by Officer FRASHOUR regarding his reasons for, reason or reasons for discharging the AR-15?
BIRKINBINE: No.
RENNA: Okay. Do you remember him saying anything?
BIRKINBINE: Uh, he just confirmed that he was the shooter.
RENNA: Okay. Did you ask him any questions?
BIRKINBINE: I asked him were you the shooter?
RENNA: Okay. Did you hear anybody else ask him any questions?
BIRKINBINE: No.
RENNA: Okay. Did you hear him say anything similar to, uh, I thought he had a gun?
BIRKINBINE: No.
RENNA: Okay. Did any officers attempt to approach Mr. CAMPBELL after he was shot?
BIRKINBINE: SERT did.
RENNA: Prior to SERT.
BIRKINBINE: No.
RENNA: Any officers express an interest or a desire to approach Mr. CAMPBELL and provide medical care?
BIRKINBINE: We had a discussion behind the car after we had removed Officer FRASHOUR from the scene because he was the shooter and replaced him with another AR operator. And I was now in charge. I put myself in charge of the contact team and was trying to evaluate how each officer was doing, what's their mental state. And we were talking about how can we approach him. Can we approach him safely? We didn't have a very good, we'd had very, a very hard, he was in a really hard place to approach safely for us.
RENNA: Did any officers express an interest in going up to him?
BIRKINBINE: Uh, there were officers who were willing to go up and try to take him into custody.
RENNA: Did anybody say that we should, let's go?
BIRKINBINE: I don't remember that. I think Officer ELIAS, I think Officer ELIAS was willing to go up and do that.
RENNA: Okay, and what was your response to that?
BIRKINBINE: Uh, my concern was where he fell and the unknown of the gun and we deployed some people to get a look at him, to try to see if we could get a better visual on him both from the north and also with binoculars from the east and try to determine can we get there safely. And so that was my, my response was can we do it safely and if we can we will.
RENNA: And obviously you felt that because of his position that it was not a safety, that it was a safety issue?
BIRKINBINE: Right.
RENNA: Okay.
BIRKINBINE: And I had a conversation on the phone with Captain DAY immediately after the shot was fired and we talked about, I detailed out for him my reasons for not making that approach. And it

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really was all about safety. Can we get there safely. There are these things we don't know and there were things that (indecipherable) (someone clearing their throat) we weren't able to do it.
RENNA: Uh, how about the response or non-response to the canine unit after the dog had gone up to him? Did that effect the way you were viewing the situation?
BIRKINBINE: Well, I didn't, I guess I didn't really think of the canine as a tool for that. So…
RENNA: Well, let me ask you, I don't want to interrupt but did you see the canine approach Mr. CAMPBELL after he was shot?
BIRKINBINE: I saw the canine, I saw the canine towards Mr. CAMPBELL. I saw Officer ELIAS going up I believe to retrieve his dog and we called him back to us.
RENNA: Officer ELIAS?
BIRKINBINE: Officer ELIAS.
RENNA: Okay. So, was Officer ELIAS up by Mr. CAMPBELL?
BIRKINBINE: Uh, he was, he wasn't close to Mr. CAMPBELL. He was, he was in front of us maybe 15 to 20 feet in front of us but not up to where Mr. CAMPBELL was.
RENNA: Okay. So, approximately halfway?
BIRKINBINE: Perhaps.
RENNA: Okay. At the time that this was going on, not a protracted period, but let's say immediately after the AR-15 was used, were you aware what Sergeant REYNA was doing at that time?
BIRKINBINE: No.
RENNA: Okay. Were you aware of what Lieutenant RODRIGUES was doing?
BIRKINBINE: No.
RENNA: Okay. Do you know what Captain DAY was doing?
BIRKINBINE: No.
RENNA: Okay. When, did any of those three come up and become involved in the incident prior to the arrival of SERT?
BIRKINBINE: No.
RENNA: Okay. Were you getting direction from any of them over the telephone or the radio?
BIRKINBINE: Uh, I talked to Captain DAY.
RENNA: And that was about your opinion on approaching Mr. CAMPBELL?
BIRKINBINE: Yes.
RENNA: Anything after that?
BIRKINBINE: Uh, no.
RENNA: Okay. Did Captain DAY ever announce that he was taking over the scene?
BIRKINBINE: Yes.
RENNA: And do you remember when about that occurred?
BIRKINBINE: No.
RENNA: Was it prior to the arrival of SERT?
BIRKINBINE: Yes.
RENNA: Okay. Did you see or hear Officer FRASHOUR talking with anyone following his using the AR-15?
BIRKINBINE: No.
RENNA: After the incident, after SERT arrived, did anyone ever have you sign into an incident log or a crime scene log?
BIRKINBINE: I was signed in to one of those?

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RENNA: Do you remember who did that?
BIRKINBINE: No.
RENNA: And you say you were signed in, how do you know that?
BIRKINBINE: Uh, I believe somebody asked me for my name and DPPST
RENNA: Okay. There's about four questions that at the end here that I'll ask you at the end, but before I get to those I'll ask if Sergeant MORGAN has any questions for you.
MORGAN: Yeah, I just got a few here and I apologize in advance for, we're gong to be jumping around a bit. Because of just, the stuff that came up as we were going through. The first one was just did you ever at any point in this call have information that Mr. CAMPBELL had committed a crime?
BIRKINBINE: No.
MORGAN: Uh, did you ever have any information at any point during the call that he had threatened anyone other than himself with harm?
BIRKINBINE: No.
MORGAN: Okay. Um, did you, (indecipherable) did you, did Sergeant REYNA bring up the topic of possibly having you be the person to be actually on the telephone with Mr. CAMPBELL rather than Officer QUACKENBUSH because of your HNT experience?
BIRKINBINE: No.
MORGAN: Okay. Would that have been something you would have been amenable to or is that something you prefer not to do based on your normal role?
BIRKINBINE: I would have preferred not to because I'm not a negotiator. So, it's not, it's not my normal function with HNT and once I put myself on the telephone, it becomes almost impossible for me to relay information to responding units should it become an HNT or a SERT call-up.
MORGAN: Okay, and you mentioned earlier, at least at the outset, that you felt like it was not at the threshold of a SERT call out. Um, at any point during this call prior to the lethal shot being fired, uh, did you have any discussions about or did you think about activating SERT?
BIRKINBINE: No.
MORGAN: Okay. Um, you said a couple times you're not sure if Mr. CAMPBELL hung up on Officer QUACKENBUSH or it was just phone difficulties. Assuming it could have been hang ups and those initial efforts on the phone weren't going very well, did that make you at all think more towards that this might be a SERT call out?
BIRKINBINE: I guess I'm not completely sure how you're…
MORGAN: If, if Mr. CAMPBELL was hanging up on the officer attempting to make contact with him, what did that tell you about how things were going at that early stage?
BIRKINBINE: Uh, that didn't say to me that this was, that didn't push it towards SERT. That alone didn't make it a SERT call out in my mind.
MORGAN: Okay. Is that unusual for initial attempts to be unsuccessful and then later you'd get more successful with them?
BIRKINBINE: No, it's not unusual.
MORGAN: Okay. Um, were you present or did you hear over the radio when Mr. CAMPBELL sent a text to his girlfriend don't make me get a gun I'm not playing?
BIRKINBINE: I wasn't present but I heard about it later.
MORGAN: Okay. What, how did you interpret that statement?

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BIRKINBINE: I interpreted that as dangerous to the police. I interpreted that as a willingness to engage in violence with a handgun. I took it as meaning he still had the gun close to him or in his possession.
MORGAN: Did all those factors make you feel like this was more likely to be a SERT call out or did that put the idea of making this a SERT call out in your head?
BIRKINBINE: It, that, again that alone that didn't push it toward a SERT call out. I, we took it into consideration, we took it into consideration. I didn't know if that was sent…because that was sent to the girlfriend when she still had her phone, so I didn't know if he sent that for the benefit of us or he knew we were there even. So, I didn't know that. I just took it as he's willing to be violent.
MORGAN: And we briefly discussed it that the lieutenant or captain were notified by your or Sergeant REYNA at least early on in the call. I think we just kind of sidetracked a little bit. I was just curious if you could clarify what your reasoning was for not making a call to them at any point during the call. Obviously, they acknowledged it on the road eventually and responded on their own, but…
BIRKINBINE: Right. Um, well, I felt like when we got there, when I got there, the call had been, the situation had been set up and the containment had been set up and we were still working through trying to figure out exactly what we had because we had to try to make contact with Mr. CAMPBELL. And with Sergeant REYNA in charge of the incident, I was operating off of her direction and how she was managing the call. So, typically that's something that gets done at the direction of the sergeant in charge or the sergeant charged to others. So, I had filled in the hole of helping Officer QUACKENBUSH and didn't make the call.
MORGAN: And you mentioned that, uh, Sergeant REYNA had kind of assumed the role of passing along information gleaned from Officer QUACKENBUSH's conversations to the other officers on the scene. No one was specifically assigned the role of taking information from team A to team B, is that correct? There was no one that that was their task?
BIRKINBINE: That was not, we hadn't said that you're going to pass information to wherever team B is.
MORGAN: Okay. When you are on an HNT SERT call out is someone given that role?
BIRKINBINE: Yes.
MORGAN: Okay. Was there a reason you didn't assign someone that role on this call?
BIRKINBINE: Uh, on an HNT, now on, on an HNT SERT call out, you know, that's a specific function and the person knows their function and I just didn't assign somebody because I didn't have information to pass necessarily and Sergeant REYNA was there and she was sending that information out.
MORGAN: If the conversations with Mr. CAMPBELL had been a little more robust, if these had been 5 and 10 minute phone conversations with QUACKENBUSH…
BIRKINBINE: Uh-huh.
MORGAN: …would you have assigned someone at that point to that role?
BIRKINBINE: I probably would have done it myself.
MORGAN: Okay. Uh, and then just jumping forward for a little bit you talked about how there was a conversation about if he came back out not letting him back in and that it was never really resolved necessarily between you and Sergeant REYNA, speaking about after the kids were out when presumably he was alone in the apartment…
BIRKINBINE: Uh-huh.
MORGAN: …and he, if you were to come out of the apartment and looked to come back in, is there any reason why you wouldn't have wanted him to do that in your mind?

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BIRKINBINE: We were…
MORGAN: I realize you may not have discussed it, but in sitting here today is there any reason you would think on a call like this that you would have a problem with someone coming out and going back in?
BIRKINBINE: Uh, that apartment was completely unsecure and if that person comes out and sees where, had the opportunity to look at where all of the police officers are located, that gives them the ability to know where we are so we become a lot more visible to them, more of a target to them should they chose to make us that way. Um, once they're out and back into the apartment it could strengthen their resolve to not come out. It would be harder to develop that rapport and communicate with them that you are safe. We're not gonna hurt you, you can come back out.
MORGAN: Okay. Uh, after the conversation with QUACKENBUSH where he brings up we really want to make sure the kids are okay, CAMPBELL hangs up, the kids come right out. At any point after that, did those of you in the alcove, did you share with Sergeant REYNA had it had come about how the kids had come out?
BIRKINBINE: Yes.
MORGAN: Wow, that was, that was interesting. We brought up the topic and all of a sudden he followed through. Did that conversation take place?
BIRKINBINE: Yes.
MORGAN: Okay. Do you know if that information was shared with the other officers on the call?
BIRKINBINE: No.
MORGAN: Okay. No it wasn't or no you don't know?
BIRKINBINE: I don't know for sure but I'm pretty sure it wasn't shared.
MORGAN: Okay, and you made the comment that his text to QUACKENBUSH, um, it's really weird that you're not calling, that you're texting me, why aren't you calling me Jimmy, that that was unsolicited. Um, do you remember in between you guys receiving the text from him saying you guys text too kudos and that text that QUACKENBUSH actually sent him a text saying I just need you to promise me that you're not gonna hurt yourself?
BIRKINBINE: I didn't remember it, but now that you mention it, I do.
MORGAN: Okay. So, it's weird you're not, it's weird that you're texting me and not calling me is it possible that that was actually in response to…
BIRKINBINE: Yeah.
MORGAN: …QUACKENBUSH's request for a promise?
BIRKINBINE: Yes.
MORGAN: And you said that the conversation about how having him come outside followed the pattern of the conversation about the kids. Having known how the conversation about the kids went and that he was so quick to respond to the topic even being broached…
BIRKINBINE: Uh-huh.
MORGAN: …did it occur to you that he might have a similar response to the topic of coming out?
BIRKINBINE: It didn't really occur to me because, um, I took, I took the kids coming out so quickly as almost a sense of okay let's get them out of here. Let's just be done with the kids so that they aren't a part of this any more. Um, I didn't believe with, I didn't believe that was gonna, I didn't believe the reaction would be the same.
MORGAN: Okay. Did you have information not only that Mr. CAMPBELL was suicidal but specifically that he had made references to suicide by cop?

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BIRKINBINE: I believe so.
MORGAN: Did the fact that he made reference to suicide by cop effect your weighing of the pluses and minuses of actually having him come outside? In other words, were you concerned that someone who had expressed the desire for suicide by cop, did that make you more hesitant to actually have them exit the apartment and force a forced face to face dialogue with police?
BIRKINBINE: I didn't really think, I didn't think about it like that.
MORGAN: Okay. Um, almost done I promise here. Um, you said that once the lethal shot was fired you assumed control of that custody team at the car. At any point prior to that were you in charge of the call?
BIRKINBINE: No.
MORGAN: Okay. When Sergeant REYNA left the alcove to go brief Captain DAY and Lieutenant RODRIGUES, while the briefing was going on in your opinion she was still in charge of the, she was still the on-scene commander?
BIRKINBINE: Yes.
MORGAN: At which point, at some point Captain DAY would take over?
BIRKINBINE: Yes.
MORGAN: And then last question I've got for you. Um, you said that, uh, after Mr. CAMPBELL comes outside and you have a brief conversation with QUACKENBUSH and you looked back when you hear the officer's voice is elevated, you said Mr. CAMPBELL at that point is standing still facing away with his hands on the back of his head and LEWTON is yelling get your hands up, get up hands up, put your hands up whatever it was, how long of a gap, time gap was there between the time LEWTON yelled get your hands up, get your hands up and the time the less lethal was deployed?
BIRKINBINE: A couple of seconds.
MORGAN: Was there enough time for Mr. CAMPBELL to comply with whatever LEWTON was physically requesting of him in your opinion?
BIRKINBINE: Yes.
MORGAN: Okay. Did he move at all in those 2 seconds?
BIRKINBINE: I didn't see him move.
MORGAN: All right, that's all I've got.
RENNA: Sergeant JUSTUS. I've got a couple more questions but we'll wrap it up with those.
JUSTUS: Okay.
RENNA: Is there anything that you would like to ask to add to what we've talked about so far?
JUSTUS: No.
RENNA: Okay.
MORGAN: I'm sorry, I got one more. I just realized. We discussed quite a bit that you had a bit of a higher threshold than Sergeant REYNA for I guess the willingness to walk away from this call. Um, if Sergeant REYNA had reached her threshold and made clear to you we've now reached my threshold, I want to walk away, would you have concurred with that?
BIRKINBINE: Yes.
MORGAN: Why?
BIRKINBINE: It was her call.
MORGAN: Now that's really all I've got.
RENNA: Uh, did you attend the EAP brief after the incident?
BIRKINBINE: Yes.

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RENNA: Okay. Have you talked with anyone else about this case or read or heard any news accounts of this incident that has influenced your perception about what you saw or observed?
BIRKINBINE: No.
RENNA: Do you have any information that you believe would be relevant to this case which we have not covered?
BIRKINBINE: No.
RENNA: Okay. Anything at all related to the call? Anybody you we believe we should talk to about the incident that may have not been previously identified?
BIRKINBINE: No.
RENNA: Okay. Keep it in mind that this is an administrative review. If there anything about this incident that caused you concern or you want to address in an effort to improve future performance?
BIRKINBINE: No.
RENNA: Okay.
JUSTUS: And I do have something to say.
RENNA: Sergeant JUSTUS.
JUSTUS: Um, I'm just going with the allegations here? I don't think Sergeant BIRKINBINE, he's not in Officer FRASHOUR's shoes. He's not gonna be able to say it was justified or not because he's clear across and less lethal force he's not in a position to do that either. And that the third allegation is was the response by PPB personnel tactically sound, I think he's gone through everything was tactically sound and that he did everything like they've always done at every single time and it works out. And I'm just going on the allegations and this is what I've listened to tonight, so.
RENNA: Okay. Anything else? Then we'll conclude and it is now 1939 hours.

10b0004trs-birkinbine
Transcribed 04/27/10 @ 9:30 a.m., Cathy Daley 0426cd04

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PORTLAND POLICE BUREAU
INTERNAL AFFAIRS DIVISION
Confidential Taped Statement
Investigator BARRY RENNA DPSST #15038

Interview Date: 03/31/2010
IAD #: 2010-B-0004
IAD File Name: 10-B-0004
Complainant: Portland Police Bureau

Interviewed: Commander Robert Day DPSST #23474

RENNA: This is BARRY RENNA. With me is Sergeant CRAIG MORGAN. Today is Wednesday, March 31, 2010. It is approximately 0945 hours. I'm in the Internal, in an office within the Internal Affairs Division. Also present in Commander BOB DAY DPSST #23474. And with him is his PPCOA representative Commander DAVE BENSON. We're here to talk about IAD Case # 2010-B-0004, which is also partially reflected in PPB #10-8352. Commander DAY has been advised of his conduct and/or the conduct of any other bureau member present on January 29, 2010, at 12800 NE Sandy Boulevard is the subject of this investigation. Commander DAY has reviewed information necessary to be reasonably apprised of the nature of the allegations of the complaint. Commander DAY has been informed that he is a witness in the case, and that Captain EDWARD BRUMFIELD is in charge of the investigation. I have advised Commander DAY that he could have representation present during the interview and Commander BENSON is here in that capacity. Commander DAY has been provided a copy of the Advanced Notice and Waiver Form and has signed it. Commander DAY, under the authority of Captain EDWARD BRUMFIELD, I am ordering you to answer all of my questions fully and truthfully. If you fail to respond fully and truthfully, you may be disciplined up to and including dismissal. Do you understand that?
DAY: Yes.
RENNA: Thank you. How about if we begin, I'll ask you how long you've been employed by the Portland Police Bureau.
DAY: Um, I was hired April 26, 1990, so just shy of 20 years.
RENNA: Okay. And what is your current assignment?
DAY: I'm commander of the training division.
RENNA: Okay. And what was your assignment on January 29 of this year?
DAY: The North Precinct Captain.
RENNA: Okay. And what were your duties in that particular assignment?
DAY: I was the direct report to Commander FERRARIS with overall supervisory responsibilities of the three relief lieutenants, non-sworn staff, and the reliefs, kind of the day to day operations of the precinct.
RENNA: And how does that differ from the commander status of the precinct?
DAY: Um, the commander has overall authority but is more probably engaged with the, um, kind of the external community things that are going on, maybe the, dealing with the Chief's office and the police bureau. And I'm dealing more with the day to day operational things, the needs that come up on the various reliefs.
RENNA: Okay. And how long were you in that particular assignment?
DAY: I was assigned there December 10th of 2009 and left February 18th of 2010.
RENNA: So, roughly a couple of months.

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DAY: Yes, two months.
RENNA: And prior to that assignment, what other assignments have you had in the police bureau? And I'm just asking for brief thumbnail.
DAY: Um, well, officer until 2000, until 2000. I was a night shift sergeant 2000 to 2003 at Southeast, and training sergeant from '03 to '06, Day shift lieutenant Northeast Precinct '06 to May of '08. And then lieutenant in Detectives from May of '08 until my promotion to captain in December of '09.
RENNA: Thank you. Prior to being employed by the police bureau, do you have any prior law enforcement experience?
DAY: Yes. I was a state police cadet for a couple of summers, '88 and '89. And then in the fall of '89 I was hired fulltime by the state police in an executive security capacity at Oregon State University when they began a police, um, policing assignment at Oregon State. So from basically October of '89 until I came here in April '90, I was with the state police full time. And that was a sworn position with police authority, armed and things like that. And I also was assigned to the Hostage Negotiation Team for six-and-a-half years, three years as a sergeant, three-and-a-half as a lieutenant, ending that assignment when I was promoted in February.
RENNA: Okay. The incident that we're here to talk about today involves an officer-involved shooting that occurred on January 29 at the Sandy Terrace Apartments. Just for the record, you authored a draft, a three-page memo, outlining your involvement in the case, and then provided that to you prior to our beginning. And, um, obviously you can refer to that if you need to. I also, just for the record...you've got a copy of the CAD printout of the incident. In the draft of that memo, you indicated that you were with Lieutenant RODRIGUES, and you were going to a Starbucks to meet with several sergeants when the call was dispatched. What do you remember about the information that was broadcast originally about the incident?
DAY: I just, um, briefly remember comments about a possible suicidal boyfriend. I wasn't sure if he was present or not. And it was out somewhere on Northeast Sandy Boulevard.
RENNA: Okay. When the call was originally dispatched, did it raise any concern?
DAY: No.
RENNA: And that was why?
DAY: It was a, a routine radio call. We respond quite frequently to people in crisis, suicidal or otherwise. And I did hear the part of the dispatch that said it was unknown if he was there or not, and so, you know, the possibility was that he wouldn't even be there.
RENNA: And you were with Lieutenant RODRIGUES when the call was originally dispatched? Do you recall that?
DAY: I believe we were walking out towards the parking lot at North, so whether we were together or not, I don't remember. I just remember walking out towards the parking lot.
RENNA: Okay. Did you and Lieutenant RODRIGUES have any discussion about the call when you were headed over to 15th and Fremont?
DAY: Not that I remember, no.
RENNA: And what were your responsibilities as the captain of the precinct as it relates to this particular call, or any call like this?
DAY: Well, my responsibilities, you know, are to provide overall supervision and direction to the lieutenants and, you know, the sergeants if needed. Um, in my role as a captain, I didn't regularly monitor the radio throughout my shift. There are many times when I would not be listening to the radio. Um, but when I was, and I was aware of, you know, maybe high profile or high risk incidents,

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then I would check in periodically with the lieutenant and see if they were aware of it. Once again, you know, what's their involvement, what direction are they providing with the sergeants, etc.
RENNA: Okay. On this particular occasion, you did have a radio with you.
DAY: Correct. I did take my pacset with me.
RENNA: Are there any protocols or expectations that would have dictated your presence on the scene on a call like this?
DAY: No.
RENNA: Are there any protocols or expectations that you notify a precinct commander on a call like this?
DAY: No.
RENNA: Okay. And are there any in place for either you or someone else if you are absent to notify the commander? Are there protocols in place that he get notified on specific calls?
DAY: There are protocols in place for notification of the commander on specific calls. This is not one of them.
RENNA: Okay. And what…for instance, what are the type of calls that you would be notified on?
DAY: Um, any homicide. Any event that's going to draw media attention. And that would be more than routine media attention; you know, often time media will film a car crash or something, maybe high profile media events involving large crowd demonstrations. Um, and then any SERT officer-involved shooting-type call.
RENNA: Okay. Your memo indicated that you proceeded over to 15th and Fremont and had a meeting with the sergeants there along with Lieutenant RODRIGUES, and that during that meeting Sergeant ELLERTSON spoke with Sergeant REYNA on the telephone, and Sergeant REYNA was already off at the call at 128th and Sandy. At the conclusion of the conversation, Sergeant ELLERTSON said that Sergeant REYNA had indicated that everything was fine and she didn't need any help.
DAY: Uh-huh.
RENNA: Um, did Sergeant ELLERTSON give you any other updates on the situation of the incident up at 128th and Sandy?
DAY: No.
RENNA: Okay. And what were your thoughts at that point about what Sergeant ELLERTSON was relating to you regarding the incident?
DAY: That the situation was under control. Sergeant REYNA was on scene and didn't need any further assistance.
RENNA: Okay. And was there any discussion among yourself and the other people present at 15th and Fremont about the incident?
DAY: I know we were listening, but I know that radio traffic was busy and steady, so, um, you know, that's what prompted the phone call to Sergeant REYNA. I don't know if Sergeant ELLERTSON made that on her own or if somebody suggested it to…so, we were aware that Sergeant REYNA was on a call because obviously she wasn't in coffee with us, and so…then there was some discussion, and then Sergeant ELLERTSON made the call and we were told everything was fine. So we were monitoring that as well as just regular radio traffic, which was going on. So, um, as it relates specifically to what Sergeant REYNA was doing and specifically to the call, I don't remember any dialog on it up to that point.
RENNA: At that point, did you feel that Sergeant REYNA had enough resources at the scene?
DAY: Um, I assumed that she did. Yes.

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RENNA: Again, referring to your memo, you indicated that at approximately 1722 hours Sergeant REYNA broadcast that she was setting up for a loud hail, and that you and Lieutenant RODRIGUES agreed that you would return to the precinct, and that he would respond to the scene. Was it your intention at that point in time to also respond to the scene?
DAY: No, it was not.
RENNA: Okay. What was…what were you intending to do?
DAY: Um, I was in civilian clothing and so I knew that, you know, I didn't have all my equipment and specifically a jacket and, um, you know, just some other things, a tablet to write on, things I normally carry with me. Um, so my intention was to go back to the precinct, continue to listen and monitor, allow Lieutenant RODRIGUES to go out to the scene and, you know, eventually, probably…my intent was eventually to just go on with the evening. I mean, I had personal commitments that night and so forth.
RENNA: Okay. At about that same time, Sergeant REYNA came on the air and broadcast that she was looking for a unit with an AR15. How did that fit or change, um, your idea of the event, of the incident?
DAY: Well, the discussion about the loud hail and then the addition of the AR-15, along with…those combination of things did begin to rise to the level, and I think the Lieutenant and I spoke on the way back to the precinct as that came out, that, you know, maybe we would both respond or we would both, you know, end up out there. Because it sounded as if the inci…as if the situation was escalating.
RENNA: Was the information that you had about this incident prior to the children exiting the apartment, did you have any thoughts on, on if SERT or HNT should be activated?
DAY: I…my thought was they should not be activated.
RENNA: And how did you come to that? What do you recall your thought process and your discussions with other people being?
DAY: Um, up to that point where this comment made about, um, don't make me get my gun. I'm not playing. I overheard that portion of it once again getting kind of bits and pieces, and that the children were out and secure. I wasn't…I wasn't aware up to that point exactly, you know, where the children were and if contact had even been established. So, the decision to call out SERT or HNT falls with the on-scene supervisor. It's not a decision that I'm going to make, not being on scene. And up to that point, you know, I didn't have any of that information.
RENNA: Okay. Um, the SERT activation, um, I understand isn't going to be made from you from a distance.
DAY: Right.
RENNA: But I was asking more along the lines of if it was being discussed either with you and the Lieutenant, or if you had thoughts leaning in that direction?
DAY: I think…I think when we were, like I said, in that process from coffee to the precinct, there may have been discussion with him that, um, in regards to, you know, this could become a SERT callout. This could become a SERT call. Um, just based on, you know, what I'm hearing now – loud hail, AR15, kids are out – that there may have been some discussion in that regard. Um, I don't remember specifically, but that's certainly possible.
RENNA: Okay.
DAY: And I see that as kind of planting the seed in the Lieutenant's mind. You know, part of my job, Lieutenant RODRIGUES is a new lieutenant, he's new to this assignment, you know, so I'm also, as well as offering insight, kind of mentoring, getting him thinking the way I'm thinking. You know, hey,

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this is starting to ramp up. We need to be aware of what's our options, you know, what are the qualifications for SERT, etc.
RENNA: At some point, um, you changed your idea, your thought about going, responding out to the scene. What was it that changed your mind?
DAY: Um, by the time we got to the precinct, I think, um, it was obvious that things had elevated quickly. I got to the precinct around 1730, 1735. And I....a couple of big things that had come out in that, during that trip was about the children coming out. I wasn't aware, like I said, of the status of the children and their role. And then the text about, you know, don't make me get my gun, I'm not playing. That information had come out on the way, and when I arrived to the precinct, I just told the Lieutenant, yeah, I'm, I'll...I'll meet you out there.
RENNA: After the children came out, did you have a feeling that the incident was escalating, or de-escalating?
DAY: I wasn't, um...there was certainly a sense of a de-escalation. You know, the children are out and secure is...was a sense to me that there had been a de-escalation. But having not even, you know, been fully aware of the children and the role they were, my other thought was, are there other people. You know, if the children are out, that's good, but, you know, are there other people. Obviously, I didn't have all that information.
RENNA: Did you have any personal contact with Sergeant REYNA, um, either by telephone or radio, either during your meeting at 15th and Fremont or while enroute back to the precinct?
DAY: No.
RENNA: And why was that?
DAY: I wasn't...couple things come to mind. One, I know from my experience that there can be a lot going on in these tactical incidents, and so, um, but particularly as a supervisor, lieutenant or a captain, to call the sergeant on scene can sometimes add to the, to the stress and the tension, the difficulty. Two, that in my role as a captain, that would be more applicable for a lieutenant to make that phone call. Sometimes, once again, the sergeant getting called on scene by the captain or the commander can be, you k now, kind of confusing, um, in terms of direction and information. I felt like at that point I needed to get out there, rather than interrupt what was going on and try and be briefed, you know, while enroute.
RENNA: You mentioned the Lieutenant, are you aware on any contact that the Lieutenant had with Sergeant Reyna at the scene during that same time period?
DAY: I...not when we were together. Once he dropped me off at the precinct, I later learned that when he was enroute, he called her on the phone. I didn't know that until I got out to the scene and he was present with, with Sergeant REYNA.
RENNA: Did you have any additional information that wasn't, or is not reflected in the CAD or possibly in your memo, that caused you to respond to the scene?
DAY: No. I had a conversation with Chief MARTINEK that's reflected in my memo. He called me right at that time that I was arriving at the precinct. Um, I would not...I did not say that was cause for me to go to the scene, um, because I was called by the Operations Assistant Chief. I had made up my mind already that, you know, the situation was getting to a point where I wanted to be out there to be of assistance. Once again, I still saw this as Lieutenant RODRIGUES, it's his relief. He's the relief lieutenant, and I was going out there, you know, in my role as a captain to support him and to provide supervision, you know, if necessary. But, um, it wasn't...that would be the only other factor that I think hadn't been mentioned; that phone call from the Chief.

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RENNA: Lieutenant RODRIGUES has indicated that while he was enroute to the incident, he had contact with Sergeant REYNA on the telephone.
DAY: Uh-huh.
RENNA: After your arrival at the scene, he arrived some time later. Did he advise you what the content of that telephone call was?
DAY: No.
RENNA: Okay. And you responded and you parked out on Sandy Boulevard, outside of where we now know the custody team was, and Sergeant REYNA and some other officers were in an alcove. At the time that you arrived and enroute, did you have any reason to believe that Mr. CAMPBELL had committed a crime?
DAY: No.
RENNA: Did you have any information that led you to believe that Mr. CAMPBELL had threatened anyone with harm other than himself?
DAY: No
RENNA: And after you arrived at the scene, how did you communicate with Sergeant REYNA in order to have her meet you?
DAY: Um, via radio.
RENNA: The hand-held radio, or the two-way ability on the telephone?
DAY: Um, I believe it was the pacset.
RENNA: Do you remember if that was on the main channel?
DAY: Um, no, I do not. I do not.
RENNA: Okay. Did Sergeant REYNA offer any objection to meeting you because of the way the incident was developing?
DAY: Not that I recall, no.
RENNA: Did she express any concerns about breaking away from the scene?
DAY: I don't remember, no.
RENNA: Sergeant REYNA came to your location which, again, was out on Sandy Boulevard north of the apartment complex in order to brief you and the Lieutenant. During that briefing, she mentioned how she felt...did she mention how she felt, that officers could walk away from that scene?
DAY: Yes.
RENNA: And do you recall what the pros and cons were that were discussed about taking that type of action?
DAY: Um, yes. She had mentioned that they did not have a crime, a criminal charge at that point; that the mother and children were out of the apartment and nobody else was in the apartment; and that they were safe and did not want to return to the apartment that evening. So, they had a safe place to go and there was nobody else involved.
RENNA: At any point during that briefing that was taking place, did she advise you that if...that it was her plan that if Mr. CAMPBELL was to come outside, he wouldn't be allowed to return to the apartment?
DAY: No.
RENNA: Anything along the lines that she had that plan in place, and had discussed it with any other officers at the scene?
DAY: No.

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RENNA: Now, after you arrived, and Lieutenant RODRIGUES arrived, um, is there a change in who is in command at the scene?
DAY: No.
RENNA: So, by that answer, um, did you have the understanding that Sergeant REYNA was still in charge of the scene?
DAY: Yes.
RENNA: When Sergeant REYNA left her position in the alcove to come out to brief you and Lieutenant RODRIGUES, did you give any direction to any other supervisor to take her place in overseeing the incident while she was going to be absent?
DAY: No.
RENNA: And how does that generally take place if somebody – and in this case, Sergeant REYNA – somebody in her position is in command of a scene is called away, how does that transfer of responsibility take place?
DAY: Well, typically, it's the responsibility of the on-scene supervisor to either advise me, or whoever is making the request, if they're unable to do so, you know, if they're unable to leave the scene for whatever reason, then they would advise me, hey, I can't come because it's not safe, or, you know, I need to stay here and have control, what do you need, we can have the dialogue over the radio or the telephone. I was aware that Sergeant BIRKINBINE was also there, or, like I said, I never saw either one of them because they were around the corner, but I knew Sergeant BIRKINBINE was on scene, so when I requested Sergeant REYNA to come to me, my assumption was that she would – two things – one is that Sergeant BIRKINBINE would hear that over the radio and know that I had made that request, and that, you know, she could be coming so that there would be some communication between the two of them prior to her coming to me, you know, in terms of Sergeant BIRKINBINE's overall responsibility. I knew there were two sergeants there, which is also one of the reasons why I felt comfortable in asking one of them to come to me to brief me before we made, you know, any further decisions.
RENNA: Had you had any conversations directly with Sergeant BIRKINBINE up to the point that Sergeant REYNA came out to brief you?
DAY: No.
RENNA: And what was your thoughts…what was your understanding, I guess is a better way to say it, of what the two sergeant's roles were? Did you have any clear understanding of what their responsibilities were at the scene at that point?
DAY: No, I did not have a clear understanding of what both sergeant's roles were, which is one of the reasons why I wanted to speak to one of them, and I chose Sergeant REYNA because she had been the primary sergeant on scene, had the most information from the beginning. That was one of the reasons of pulling her out, was for that briefing period.
RENNA: So in your mind, who, who…when Sergeant REYNA came to brief you, who did that leave in charge of the scene?
DAY: Sergeant BIRKINBINE.
RENNA: Did you have any discussion with Sergeant REYNA about that particular point? Did she raise it, or did it come up in the time that you were speaking with her?
DAY: No.
RENNA: Can you give us an idea of the conversation that took place, what the things that were discussed when Sergeant REYNA came out to brief you?

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DAY: Um, yes, she came out and, you know, I asked her for an update. And that's when she briefed me that the kids were out, the girlfriend was out, they were up Sandy at a convenient market or something up the street to the east, and there was an officer with the girlfriend and with the kids. Um, she told me that there had been some texting that had gone on with the…with Mr. CAMPBELL, and I was somewhat aware of that from listening to the radio dispatch. And, um, then she told me that there were no charges at this time, and her initial recommendation was that we possibly walk away from the incident. And then she got a phone call right at that point, so she gave me all the information. I hadn't asked any questions or dissected that. She just gave me all that information that I just told you, and then she got a phone call and took that phone call.

RENNA: And what did the phone call, your understanding of it, consist of?

DAY: Um, when she hung up, she told us that she had just spoken with the officer who was with the girlfriend at the location to the east, and this was new information to her – I remember she said this is new information to me – that the night before Mr. CAMPBELL had dry fired a gun several times and then fired a live round in a…that the dry firing was towards his head as if a suicide or attempt suicide. She said that was new information.

RENNA: And did that alter the way that you, the Lieutenant and Sergeant REYNA were now viewing the incident?

DAY: Um, it didn't alter the way I viewed the incident because we were still gathering information, and when she finished that comment, that explanation about that phone call, I remember Lieutenant RODRIGUES spoke up something, in affect of, you know, I have some information, I have some thoughts on this. So, you know, it was very fluid, she gave a bunch of information in the beginning, she received this phone call, at the end of this phone call she said, this is new information about the dry fire, the shot being fired. So, I'm getting that and then the Lieutenant says, and I have some thoughts about this too, and he shares with me, you know, his recommendations. So, it really hadn't changed anything. It was still just gathering information from my perspective.

RENNA: Okay. What were Lieutenant RODRIGUES' recommendations?

DAY: He told me that he had had a conversation with Sergeant REYNA on the way out there. He told me that he didn't feel like we could walk away, that there was too much risk involved with Mr. CAMPBELL, that we had an obligation to check on his well-being, and, you know, provide…and make sure we're providing adequate protection to the girlfriend and the kids. So, his recommendation was that we stay present and work through the incident.

RENNA: And providing the protection to the girlfriend and the kids, that's with the knowledge that the kids and the girlfriend had a place to go, that they did not have to return to the apartment.

DAY: Correct.

RENNA: And what was…or what were Sergeant REYNA's recommendations regarding the actions to take?

DAY: Um, well, you know, her initial…her initial statement was about walking away. Then she gets the phone call that says this is new information. Then the Lieutenant briefs me. And then the next part is when I started asking questions of Sergeant REYNA. I said why, you know, I want to know has anybody actually talked to him, because at this point I was under the impression we were only texting and didn't know if we actually had phone calls, you know, direct conversations with him. Well, had we actually talked to him, I wanted to know specifically…you know, more specifics about what Officer QUACKENBUSH, you know, what the texts were. I was trying to gather more information, and it was at that point when he came out. So, her recommendation never changed, um, after the phone call and

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Lieutenant's recommendation never changed, because then I began to ask clarifying information, is when Mr. CAMPBELL came out.
RENNA: And by that, are you saying that it was Sergeant REYNA's goal to walk away from the scene?
DAY: That was her recommendation, yes.
RENNA: Did that change at all after the phone call?
DAY: Not...not that I recall her...I don't remember her ever saying that changed, or it was any different.
RENNA: Okay. Did she express to you and the Lieutenant how close she believed she was to resolving the situation?
DAY: No.
RENNA: Did she...did she express to you, to either of you, what she felt it would take to resolve this situation, the way, her goal, I guess would be the best way to say it?
DAY: No.
RENNA: Were you aware of Sergeant BIRKINBINE's thoughts regarding the goal, or his goal, of how he wanted to resolve the incident?
DAY: No.
RENNA: I'm just going to step back for just a second. When Sergeant REYNA was still in the alcove and you communicated that you wanted to talk with her, how would you describe that? Did you order her to come out? Did you request her to come out? What was your assessment of that?
DAY: Um, I would say I certainly requested, you know, identified myself as the Captain, and requested that...I believe I requested that the Sergeant or an officer involved in this, you know, respond to my location. But I may have requested specifically Sergeant REYNA. I can't remember exactly. But, it was definitely, it was definitely a request, an order to do so. I don't remember if I said I'm ordering you to come out, or if I would like so-and-so, you know, to come to my location. But, as the Captain on scene, I'm sure it would be interpreted as such.
RENNA: Okay. As Captain on scene, does that make you in charge of the incident?
DAY: No. I believe that I'm in charge of the incident once I'm briefed and take over control of the incident. Um...so...and I hadn't done that at that point.
RENNA: Okay. We'll jump forward again...
DAY: Right.
RENNA: ...to the point where you are outside and you're discussing things with the Lieutenant and the Sergeant. Was there any talk, since there is this conflicting thoughts on how to deal with the incident, was there any talk of activating SERT?
DAY: No.
RENNA: Did you believe at that point in time it had risen to the level of activating SERT/HNT?
DAY: No.
RENNA: Okay, and why not?
DAY: Um, well, I hadn't made a final decision as to whether or not we were going to stay or go. You know, that was still on the table. So, you know, there was certainly reasons to consider both. And I was still trying to gather more information to make a recommendation, you know, to take charge of the scene, and you know, right now I had a sergeant telling me, I think we ought to walk away, and I had a lieutenant saying, I think we need to stay. And, so, that's when I began my questioning of, you know, further explanation, understanding. But, at that point, we did not have a SERT call-out, we didn't

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have, you know, any of the barricaded felon where he's expressed, you know, his intent. We didn't have a charge, an intent to harm or kill another, we didn't have a sniper situation. You know, we didn't have the typical outline components for a SERT call-out. There is a section in Directive 720 that is kind of the catchall for if you need the expertise and the training and the equipment that SERT brings, and I'm aware of that. Um, but once again, I didn't feel like we needed; I knew that we had plenty of officers on scene, we had equipment, and we were having dialogue with the, with Mr. CAMPBELL to my knowledge, and so that's also a positive sign. And if we're engaging in conversation, that...that there might be an opportunity there to resolve this.

RENNA: Okay. Um, how would you describe the overall tone of this conversation between the three of you out there?

DAY: I think it would probably be a little bit tense. Um, I think that Sergeant REYNA and Lieutenant RODRIGUES felt pretty strongly about their positions. And, um, so I would say it was probably a little bit tense.

RENNA: And did that...did that get resolved in any fashion?

DAY: Um, I don't...we weren't able to completely resolve it at that time because Mr. CAMPBELL came out, and once it was broadcast that he was coming out, we chose, you know, to allow that to play out.

RENNA: And what is your recollection of the event? You said that that conversation was kind of suspended because you heard Mr. CAMPBELL was coming out. Can you describe what you recall happening after that point?

DAY: Um, yeah, they broadcast that Mr. CAMPBELL was coming out. He was, you know, out in the parking lot. I could not hear the commands being given, you know, and once again, I was around the corner from the complex, and I couldn't see any of the custody that was taking place. I know from my experience, I kind of had in my mind what it probably looked like with officers positioned behind cars, etc. Um, I heard some gunshots, excuse me, which sounded somewhat muffled, that I interpreted it as being probably less lethal rounds, and that was confirmed over the radio by Sergeant BIRKINBINE. Then I heard a really loud bang, and, um, you know, assumed that that was probably a lethal fired shot. And that was confirmed almost immediately after. Um, so that was kind of how things played out up to that point.

RENNA: Okay. Did you move to a position where you could see any of that action taking place?

DAY: No.

RENNA: Okay. Did either Lieutenant RODRIGUES or Sergeant REYNA move to a position where they could see what was taking place?

DAY: No.

RENNA: What do you recall Sergeant REYNA's reaction to the lethal shot being fired?

DAY: I don't...I don't recall a specific, um, reaction. I think I looked at both of them and when that shot was fired, I remember looking at them and saying, that was not less lethal. And then, you know, the radio was...confirmed it. Um, and then there was...I think...I guess Sergeant REYNA's reaction, you know, she was surprised, um, and I think she...I remember she wanted to begin kind of an immediate crime scene set up, she wanted...and I just said, hey, we need to hold for a minute. You know, let them get the custody or whatever they need to do. So, that's how come I know that...you know, nobody ran back around the corner or anything like that. It was like, okay, you just need to take a minute here, let them finish what they're doing, you know, advise us that it's secure or whatever the case may be. You know, get information from Sergeant BIRKINBINE or whatever is needed. But she was, you know, surprised by that.

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RENNA: And there were some concerns about the custody of Mr. CAMPBELL, and that was because of his body position and officers not being able to see where his hands were. Is that correct?
DAY: Correct.
RENNA: Okay. And that was communicated to you and the Lieutenant and the Sergeant in some fashion?
DAY: Yeah. I gave the...I gave it about a minute or so, and then, um, I was asking for Sergeant BIRKINBINE over the air. And at that point, he'd kind of stepped back so that I could actually see him sort of at a diagonal in the parking lot, and I could see that he was on the phone and I realized that my phone was ringing and kind of made the assumption, hey, he's calling me, which was the case.
RENNA: And what...what did that conversation consist of?
DAY: Um, he told me that, you know, that Mr. CAMPBELL had been shot, that it was a rifle shot. I think he even mentioned Officer FRASHOUR because in that same transition period, Officer FRASHOUR is coming out to us, coming around the corner. Lieutenant RODRIGUES took care of that, took care of Officer FRASHOUR, took his rifle and put it in the trunk of a police car. So, somewhere around there, he's telling me that...that the suspect, Mr. CAMPBELL, was down, that they could not safely approach him, that they could not see his hands, and, um, that they didn't have the resources or equipment to go up and take him into custody.
RENNA: And was there a discussion about that between you and the Sergeant?
DAY: Yes. I was very pointed with Sergeant BIRKINBINE. Are you sure? Are there other options? Can we use a car? Can we, you know, approach safely? You've got a lot of resources there. I knew we had less lethal, I knew we had a dog and so forth. And we had a very specific discussion about various options to approach him. And, um, I remember Sergeant BIRKINBINE's comments to me were, you know, this is not something we would typically do, it's not something I think we could do safely, and, um, at the end, he said, you know, if I ordered him to do so, then he'd be willing to take a team up and do it.
RENNA: And your reaction to that conversation...what was your decision after listening to Sergeant's BIRKINBINE's concerns?
DAY: That we would activate SERT.
RENNA: Okay. And did you have a discussion with Sergeant REYNA and Lieutenant RODRIGUES about that conversation with Sergeant BIRKINBINE before coming to that decision?
DAY: No. I believe I got off the phone with Sergeant BIRKINBINE, and then just explained to them that we would be activating SERT to take the custody...to effect the custody of Mr. CAMPBELL. I don't believe there was any discussion that I recall about whether or not we should or we shouldn't.
RENNA: Okay. Now, at what point did you officially, if I can use that word, assume command of the scene?
DAY: Well, at that point I had, um, assumed command of the scene in my mind, but after I told them I was going to activate SERT and do these things, I remember Rodri...Lieutenant RODRIGUES saying, you know, do you have this or do I have this, or something to that effect. And then I got on the radio shortly thereafter and assumed, you know, verbal command over the radio. But at that point, in my mind, I had assumed command, and when Lieutenant RODRIGUES asked for that clarification, I told him, yes, I have command of this. This is, you know...I have command of the scene. And then a few minutes later I got on the radio and actually gave it over the air.
RENNA: Okay. And at what point did that...did that change, that you took command, in your mind, at what point you in that incident
DAY: Um, after the shot was fired.

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RENNA: Okay. Now, there has been some discussion about a delay in the time it took for SERT to get there, and with that decision making process, were there attempts made to, um, contact Mr. CAMPBELL? What was taking place during that time period? Prior, following the shooting, prior to the request for SERT.
DAY: I don't know the specifics that were being done in terms of trying to contact Mr. CAMPBELL.
RENNA: Okay. And what about at your end? What was taking place from the time the shot was fired and that you were made aware that Mr. CAMPBELL was down, and the activation…your request for the activation of SERT?
DAY: Um, I don't remember any specifics during that timeframe, from the time that he was shot until the time I ordered the activation, what attempts were being made. Um, there was some radio traffic, I remember, there was some radio traffic about moving or not moving, because I…I said something to, um, I think it was Lieutenant RODRIGUES, about, you know, did they just say he was moving, or something to that effect. And then there was radio traffic kind of clarifying that with Sergeant BIRKINBINE. But, um, but I'm not aware of what specific attempts were being made to contact Mr. CAMPBELL during that time period.
RENNA: Okay. Let me rephrase it. Um, according to the CAD printout, shots were fired at approximately 1808…
DAY: Uh-huh.
RENNA: Almost 1809, and there is a request to activate SERT, the way I'm reading this CAD printout, approximately ten minutes later.
DAY: (indecipherable)
RENNA: Can you give me an idea what was taking place in…in and around you during that ten minute period?
DAY: Well, yes, um, I knew that medical had been requested and started immediately after the shots were fired. Probably within, um, a minute or so of the shooting, Mr. CAMPBELL's father and brother, I believe – they were family members – arrived at the scene. Um, they showed up and parked in the driveway entrance, you know, and in direct line of sight of everything that was going on, shortly after. And they started to get out of the car, and so…I cannot remember who it was, if it was Sergeant REYNA or Lieutenant RODRIGUES, somebody contacted them, and we kind of moved them out of the line of sight around the apartment complex where we were at. There were some officers that showed up and we asked them, you know, to kind of help us to begin to create a little broader perimeter here because of people showing up. Um, so dealing with those family members, trying to make sure that we had proper perimeter containment, and then my conversation with Sergeant BIRKINBINE, staging medical…um, I know there was a request, you know, for the binoculars. That thought was put out over the air, that, I believe, Officer ELIAS wanted. Those are some of the things that I recall.
RENNA: And who ultimately made the decision not to approach Mr. CAMPBELL for the officers on scene at that point in time?
DAY: Sergeant BIRKINBINE.
RENNA: And was that after having discussed it with you?
DAY: Um, well, I would assume so, yes.
RENNA: Were you aware of any conflict existing between the two sergeants on the scene, on what they believed were their goals of what they wanted to see accomplished?
DAY: No.
RENNA: And after the shooting, what are your responsibilities after that?

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DAY: Um, well, in this case, you know, we…we're not able to affect the custody so, the activation of the SERT team, making sure the creation of a proper staging area, etc. in anticipation of the…notification of the commander that we had done that. Um, ensuring that the perimeter's properly established, we had the resources there that…to, you know, protect...protect the crime scene even though it's still active and not totally static at that point. So, you know, I was asking for more resources, more officers, um, and then, you know, there was a period there where you have to wait for the arrival of SERT. So, now the command, to brief them on, you know, on direction, making sure that Officer FRASHOUR had somebody assigned to him. (indecipherable) the scene, the weapons secured.
RENNA: Okay. Did you notify the commander prior to or following the activation of SERT?
DAY: I notified him prior to.
RENNA: And the thought of that is…or was, what?
DAY: Well, I knew that, um, that just an awareness piece. I knew that I had a minute or two before the formal SERT activation. Um, before I activate SERT, I always like to make sure the staging area and the other identified staging area they have the proper information that you can give dispatch so that as the page goes out it's accurate and correct. Um, so I told Sergeant REYNA that we were going to be activating SERT this is the staging area (indecipherable) giving her that information and making sure that that was going to be able to be completed, followed through. So, I knew that I had about a minute or so to call the commander, and I knew the commander was enroute, so my thinking was just to keep him updated on what was going on.
RENNA: You mentioned in the beginning of our interview today that you had previous experience in HNT.
DAY: Yes.
RENNA: How did that experience, that previous experience, play into what was occurring at this particular incident? What was your experience telling you about what course of action to take?
DAY: Well, that experience includes, you know, about three-and-a-half years as the HNT commander. I have gone to about 75% of the critical incidents, SERT/HNT related incidents, in the last three-and-a-half years in that capacity. And so, based on the information I had at this point, um, this was a call that could be handled on the resources that we had on scene.
RENNA: Okay.
DAY: Um, the…it did not rise to the need or the level of the resources for SERT/HNT callout. And once again, um, up 'til that point, you know. Had we stayed and progressed longer, we may have gotten there. But up to the information that I had at that point, we never reached that level based on my experience in that.
RENNA: Okay. Up to or prior to the point of Mr. CAMPBELL actually coming out of the apartment, um, what was your understanding of the situation at that point? Um, how did you feel the communication with Mr. CAMPBELL was going?
DAY: It sounded like it was, it was going well. Um, I remember hearing on the radio there was a discussion about, you know, information about were there alcohol or drugs involved. Um, I remember hearing that and thinking, you know, they're asking the right questions. They're trying to get more information about the mindset of what's going on. It seemed to me like the right questions were being asked, there was dialogue occurring with Mr. CAMPBELL and the police, which in my experience, is always positive, when we can be in communication with people. And, um, you know, we had two sergeants on scene, and we had enough officers and resources there to, you know, safely effect a custody if necessary. And we did not have any indicators other than that.

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RENNA: Okay. Prior to Mr. CAMPBELL coming out, had you reached a decision on what your course of action was going to be?
DAY: No.
RENNA: Did you have any discussions at the scene with any of the involved officers or witness officers?
DAY: No.
RENNA: Did you have any conversations with any of the involved officers prior to the EAP debriefing that took place?
DAY: I know that I, um, called a couple…I called some guys, but I don't know…I called some guys prior to the EAP, um, debrief just to check in on them, see how they were doing. But I only got a hold of a couple of them. I don't remember who they were. I know I never…I never talked to Officer FRASHOUR, I haven't talked with him…I didn't talk to him that night, and I haven't talked to him since. And I never talked to Officer LEWTON until after he returned to work. So, that would have been after the EAP brief. Some of the witness officers, I think, I called at home to check of them and see how they are doing, but we've never talked about the incident.
RENNA: Um, did you attend the EAP briefing?
DAY: No.
RENNA: Did any of your communications with any of the officers take place prior to the gag order or the communication restriction order being lifted?
DAY: No.
RENNA: Did anyone approach you at any time after the incident, whether it be officers or civilians to express their concerns about the way the call was handled or what had occurred?
DAY: Not that I recall, no.
RENNA: Sergeant Morgan, do you have any questions?
MORGAN: Yes, just a couple quick ones here. Just fill in a couple of blanks. Um, you talked about how you didn't feel the call was the level of a barricaded subject. Can you just talk to us a little bit about why you didn't feel this situation met that criteria, just to be clear about that.
DAY: Well, typically, things that I consider a barricade, um, one is, you know, a real breakdown in communication. Um, so, with the communication going on, um, not that you can't…you can have communication in a barricade, but this is early enough on in this incident and the communication was continuing to flow, um, it was my understanding that we had never reached a point of I'm never coming out, I'm never going to be outside, I'm…there was never any ultimatum given that, you know, we're done…which would lead me to a barricade situation. Also, certainly, you can have barricaded situations without people, third parties, involved. Um, but because there was…I knew there was no third party involved in the apartment besides Mr. CAMPBELL, it lessens the risk factor of a barricaded situation. So, we have this ongoing communication, this dialogue, we have not received an ultimatum that I'm not going to cooperate or come out or be involved, and there was no third party in there being held against their will. So, we hadn't risen to that level yet.
MORGAN: Okay. And kind of touching on the last point there, prior to the girlfriend and the children coming out, was it in your head that this might be a hostage situation?
DAY: Well, that's always a possibility, um, and I prefer, you know, to look at things, really hostage and non-hostage situations, and I like to clarify that in terms of, you know, my thought process wasn't so much a hostage, but maybe an involved third party being held against their will. Kind of different than the true hostage situation. Um, you know, we had a domestic situation which provides to a different level of concern than that. But once I knew they were out, then I didn't have that concern.

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MORGAN: Okay. All right. Um, not to be too anecdotal, I guess, with the question, but when you were riding with Lieutenant RODRIGUES and you were sitting at the meeting for coffee, I know there are times when either a supervisor or a fellow sergeants, somebody is new to the shift and they're just learning the job and a high profile call will come out, and you're kind of waiting to see if they're getting the cues that they should be responding to this kind of call, and sitting there and waiting for them to pick it up on their own, was there any of that going on with Lieutenant RODRIGUES in this thing? Were you at any point sitting there kind of saying to yourself, hey, you really need to be talking about going to this thing?

DAY: No, huh-uh. This was a...up to that point, to where the loud hail piece came out, um, there was a lot of radio traffic. This was a very...there was a very routine sense to this as well. You know, this was going on along with a lot of other things, and Lieutenant RODRIGUES was monitoring this much closer than I was. My pacset was on the table and he had a shoulder mic, and I know that he was listening closely to what was going on and paying attention, even more so than I was. So, I felt comfortable with both his awareness and mine, you know, that if things really did begin to ramp up, that he would pick up on that, and I felt like he did.

MORGAN: All right. Um, were you aware of any issues between Sergeant REYNA and the SERT team that you felt would have made her hesitant to call upon them if needed or anything along those lines?

DAY: No. I'm aware of the history with Sergeant REYNA and her involvement with the SERT team, but in the time that I had at North, and the experience with her, never indicated to me that that would have made her hesitant to call on them if needed.

MORGAN: Okay. Um, talking about when you requested Sergeant REYNA to come back to you and whether it was an order or how it was perceived, if Sergeant REYNA had expressed to you a concern, I can't break away right now, we're at a sensitive point in this incident, what would your response have been?

DAY: I would have allowed that. And then I would have, um, had to figure out another way to, you know, be briefed or to get the information we needed or assume whether or not I'm going to take command. But I've been in that situation before, I was recently just a few months ago in an incident out in East Precinct where JOHN SCRUGGS was the supervisor on scene, and he was up there, and I had requested him to come back to my location, and he said, he could not. So I asked for a second sergeant to respond, realizing he was the only sergeant there then to ask for Sgt. STEIGLEDER to respond. So, then I had another sergeant there, that's when I was having a lieutenant capacity, but...so, yes, had she told me that, then, you know, I would have proceeded otherwise. I would not have ordered her back to me.

MORGAN: Okay. And, I know you said you hadn't come to a conclusion, but when he came out, were you leaning one way or another toward the walking away option versus the staying option at that point?

DAY: Probably based on...walk, leaning towards walking away. I was leaning that direction, just based on all that information that we had. Um, you know, but I wanted to clarify some things, and obviously, that phone call that Sergeant REYNA got, you know, was new information which was an indication to me that did we really have all the information to make that decision. Part, also, part of my mindset, even though I knew that the wife, or the girlfriend, and the kids were safe, you know, it was not lost on me in that in 2009 we had several domestic-related homicide/suicidal situations, and so I also wanted to shore up and make sure that we could truly provide for the security of this partner and the children. You know, were they really going to be...what assurance did we have that there wouldn't

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be a connection. So, I was probably leaning towards being comfortable with walking away, but really in need of more information to make that final decision.
MORGAN: Okay. And then I think the last question, um, just kind of talking about that ten minute timeframe between the time the shots were fired and the time that SERT was activated, can you talk about some of the stuff that was going on, including your conversation with Sergeant BIRKINBINE, um...let me just try to ask it a different way. Once Sergeant BIRKINBINE made it clear to you that he was not comfortable approaching with uniformed personnel to take Mr. CAMPBELL into custody, once he made that clear, was there any delay in activating SERT?
DAY: No. There...um, the process was, I got off the phone, I told Sergeant REYNA, create a staging area. I called Commander FERRARIS and, I think the whole, you know, it was maybe 90 seconds to a minute in there for the creation of the staging area, and then being able to give the directions to radio to BOEC.
MORGAN: And so, obviously not being able to be exact, but of the ten minutes, um, that's there, um, the first seven or eight or so of those minutes were taken up by officers trying to figure out what they had and having that conversation with BIRKINBINE about the options?
DAY: Correct. Containing the family that had arrived, and coordinating more officer response to help secure the perimeter.
MORGAN: Okay. That's all I've got.
RENNA: I've just got like three questions to wrap it up, but before I get to those three, during the time that you are speaking with Sergeant REYNA and Lieutenant RODRIGUES prior to Mr. CAMPBELL coming out, she gets the phone call that we've already discussed. Did she express to you at all her...did she have any thoughts about the plausibility of that occurring the previous night? For instance, somebody holding a weapon to their head and having three or four misfires and then shooting a gun into the air immediately after that. Did she talk about or express whether she thought that that was a true account of what happened the previous night or not?
DAY: Yes, I...she indicated to me that, you know, this is new information, um, and, you know, believed it to be credible.
RENNA: That she did believe it to be credible?
DAY: That she did believe it to be credible, yes.
RENNA: Okay. On to the last three questions. Have you talked with anyone else about this case or read or heard any news accounts on this incident that have influenced your perception about what you saw or heard?
DAY: No.
RENNA: Do you have any information that you believe would be relevant to this case which we have not covered?
DAY: No.
RENNA: Anything at all related to this call that we haven't covered?
DAY: No.
RENNA: Okay. Um, do you have any information regarding anybody else we should talk to that you have any belief that we haven't?
DAY: No.
RENNA: Keeping in mind that this is an administrative review, is there anything about this incident that caused you concern or you would like to address in an effort to improve future performance?
DAY: No, not at this time.

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RENNA: Okay. Commander Benson, is there anything that you would like to add or any questions that you would like to ask Commander DAY?
BENSON: No.
RENNA: Okay. Um, Commander DAY, is there anything that you would like to add that we have not asked you?
DAY: No.
RENNA: Okay. I will conclude our interview and it is 1054 hours.

10b0004trs- day
Transcribed 04/10/2010 / 5:30 p.m. Gayle Laird (0409gl01)

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PORTLAND POLICE BUREAU
INTERNAL AFFAIRS DIVISION
Confidential Taped Statement
Investigator Lynn Courtney DPSST #13609

Interview Date: **March 30, 2010**
IAD #: **2010-B-0004**
Complainant: **Portland Police Bureau**

Interviewed: Lieutenant Derek Rodrigues DPSST #37149

COURTNEY: Okay, this is LYNN COURTNEY at Internal Affairs Division. Today's date is March 30, 2010. The time is 1:57 p.m. I'm here in the Internal Affairs Division interview room speaking with Lieutenant DEREK RODRIGUES, DPSST number is 37149. Also present with him is his PPCOA representative, Captain DAVE BENSON. Also in the interview room is my Internal Affairs Division Partner Investigator JON RHODES. We're here discussing IAD case #2010-B-0004, which is referenced by PPD Case #10-8325. Lieutenant RODRIGUES has been advised that his conduct and/or the conduct of any Bureau member present on January 29, 2010, at 12800 NE Sandy Blvd. is the subject of this investigation. Lieutenant RODRIGUES has reviewed information necessary to be reasonably apprised of the nature of the allegations of the complaint. Lieutenant RODRIGUES has been informed that he is a witness in the case and that Captain EDWARD BRUMFIELD is in charge of the investigation. I have advised Lieutenant RODRIGUES that he could have representation present during the interview and Captain DAVE BENSON is here in that capacity. Lieutenant RODRIGUES has been provided a copy of the advanced notice and waiver form and has signed it. Lieutenant RODRIGUES, under the authority of Captain EDWARD BRUMFIELD, I am order you to answer all of my questions fully and truthfully. If you fail to respond fully and truthfully you may be disciplined up and including dismissal. Do you understand?
RODRIGUES: Yes.
COURTNEY: Okay. Just for the record if you would, just state for me your current assignment, shift and days off.
RODRIGUES: Lieutenant in the North precinct afternoon relief. My days off are Saturday and Sunday.
COURTNEY: Okay, and how long you have been with PPB?
RODRIGUES: A little over 12 years.
COURTNEY: Okay, and how long it been…
RODRIGUES: A little over 11 years.
COURTNEY: Eleven years, okay. And how long have you been in your current assignment as a lieutenant at North precinct afternoon relief?
RODRIGUES: Uh, going on almost…four months will be April 10th.
COURTNEY: Okay, the incident under review here today involves an officer involved shooting that occurred on January 29, 2010, at the Sandy Terrace Apartments. And for the record, it should be noted that we've reviewed a copy of your 3-page memorandum that you wrote to Commander JIM FERRARIS dated February 15, 2010. We've provided you a copy of that for review and have noted that this is a draft copy or it's stamped draft copy, so I don't know if there's a final one coming or if there's going to be changes to that or not. But anyway, we're going off the draft copy here today. And in that memo, you indicate you were Captain DAY traveling to a Starbucks with a meeting with Sergeants WHEELWRIGHT and ELLERTSON when you heard officers being dispatched to this call

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in question here. What information do you remember hearing initially about that call that maybe wasn't included in your memo?
RODRIGUES: Uh, well I'll tell you what my recollection of the call was.
COURTNEY: Sure.
RODRIGUES: It was a welfare check, possibly suicidal male.
COURTNEY: Uh-huh.
RODRIGUES: Distraught over the death of his brother that day. Possibly a firearm involved.
COURTNEY: Uh-huh.
RODRIGUES: That was my brief recollection of the call.
COURTNEY: Okay, and in hearing that call come out and hearing officers initially responded, did you have any additional concerns about anything you heard in respect to this call?
RODRIGUES: Besides the nature of the call, yeah, I mean, you know, it's a suicidal male but, you know, I had full confidence in my officers and Sergeant LIANI REYNA was responding to the scene so.
COURTNEY: Okay, in respect to this call, did you believe that it was a welfare check, barricaded subject, a hostage situation, suicide subject or was it a combination of those or?
RODRIGUES: A welfare check but a possible suicide, you know, distraught as I mentioned over the death of his brother.
COURTNEY: Okay, and did that change at any time during the call for you as far as what this call actually was a check on suicidal subject?
RODRIGUES: Well, at one point in the call, um, I guess I'm jumping forward but during the course of the call his girlfriend came out.
COURTNEY: Uh-huh.
RODRIGUES: When she came out, I guess he sent her a text basically saying don't play I'm gonna get my gun. At that point for me I felt that now it was time to go respond to the scene. So, that changed it for me when he made that comment. Up until that point it was no indication that he wanted to hurt anybody.
COURTNEY: Uh-huh.
RODRIGUES: The children had also been also let out.
COURTNEY: Okay, and we'll get into that further in the interview. But enroute to the Starbucks when you're hearing this call initially come out, your memo you authored indicates you were in the car with Captain DAY. Now, is that information that both of you were hearing at the same time? I mean, is the information coming over the radio or?
RODRIGUES: Yes.
COURTNEY: Do you believe he's hearing that same information? Is he on the phone or anything?
RODRIGUES: No, he he was hearing the same information.
COURTNEY: Okay, and did you guys have any discussions about the nature of this call enroute to that coffee meeting? Did you guys talk about it all, about…
RODRIGUES: Um, he made a comment that since he was in, he was in a suit, he just basically said hey DEREK if this turns out to be a SERT call out, he said you need to take me back to the precinct. I need to get, you know, a jacket and stuff.
COURTNEY: Right.
RODRIGUES: And that was the only comment that was made about that.

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COURTNEY: Okay, and just for the record if you could just tell us what your responsibilities are as the afternoon shift lieutenant as far as it relates to your officers handling this call?
RODRIGUES: Well, my job as the afternoon relief lieutenant is to ensure that, you know, the calls for service are done correctly, professionally, on calls that officers respond there and do their jobs correctly. If it's a tactical situation that the sergeants on scene and the officers are in control of the situation. That they, that I monitor and that they get whatever they need. In other words, if I think that something going out of control, it's my job to ensure that I get some clarification what's going on or just to actually assert myself and take control of the situation. So, I'm basically responsible for the overall operations of what's going on that day.
COURTNEY: Okay, and are there any protocols in place or expectations when you're expected to actually show up on the scene as to opposed to maybe monitoring from a distance?
RODRIGUES: Um, I guess that's kind of, it's a fluid situation. You know, um, my feeling is let the sergeants, the officers do their work. That doesn't preclude me from getting involved, but unnecessarily asserting myself too soon can cause chaos. It can cause confusion. So, my expectation is that, you know, when I'm monitoring a call that things are going smoothly. Officers have what they need. That their leadership or the sergeants on scene are conducting themselves in a calm manner. There is no chaos I guess.
COURTNEY: Uh-huh.
RODRIGUES: And at some period in time, depending on the nature of the call, and how long the call has been going on, I think it's my responsibility now to get all the information I need to either make a decision of what we're gonna do in order to take over or just be informed so that the sergeants can continue taking over so.
COURTNEY: Now as far as protocols when you're expected to show up on a scene on calls such as this, could those change with precinct commanders, dependent who you're working for maybe?
RODRIGUES: I'm sure, yes I'm sure they could.
COURTNEY: Okay, and in your memo too you wrote how you were with Captain DAY, Sergeant WHEELWRIGHT and Sergeant ELLERTSON for this coffee meeting and you were monitoring the call and evaluating Sergeant REYNA as she supervised the call.
RODRIGUES: Yes.
COURTNEY: What was your opinion or conclusion as to that monitoring of how she was doing?
RODRIGUES: I think she was handling the call very well. I mean, she was calm. I was monitoring her voice. She was very clear in her direction. She assembled a custody team. There was an inner perimeter established. There was officers, she requested a beanbag gun. There was an AR15 request for the front. From I heard on the radio, I thought she was handling the situation very well.
COURTNEY: Okay, and did you feel she had all the resources she needed at the time?
RODRIGUES: I did, yes.
COURTNEY: Okay, and in that, I think you alluded to it a little earlier you mentioned how you and Captain DAY had a conversation about what would happen if it turned into a SERT call.
RODRIGUES: Uh-huh.
COURTNEY: About how he'd have to go back to the precinct and grab his coat or whatever. What further conversations did you have with Captain DAY about SERT possibly being called to assist with this case?
RODRIGUES: Uh, there was no conversation at that time…
COURTNEY: Okay.

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RODRIGUES: about SERT, SERT having to be called at that time. That was just a comment that he made.
COURTNEY: Okay. So, there were no discussions between you two as far as, you know, should SERT be called, should they not be called?
RODRIGUES: Not at that time because the information that came the radio was, there wasn't a whole lot of chaotic transmissions, you know. They was trying to locate her. There was a request that went out for a ping to locate her, she was on her cell phone. Officers got set up. She at some point just came out. She came out. That was clear over the radio she came out and as I mentioned previously there was concern about the children in the house.
COURTNEY: Uh-huh.
RODRIGUES: And when she I guess just texted him come outside. He texted her back don't play, I'm not playing I'll get my gun at that point, you know, the children were still in the house. I got up and said I'm gonna go out so I need to drop you off and a minute or two later the children was out of the house and so.
COURTNEY: During that time when the children were still in the house prior to them coming out, did that escalate it for you in your opinion that it might be a SERT call out?
RODRIGUES: There was no information given over the air or that I was notified, there was nothing said about the children. There was just some concern from Ms. JONES, which is the girlfriend's father about the children and her welfare because he hadn't seen in a while, but…
COURTNEY: Okay.
RODRIGUES: …there was no indication that the children, anything was said about the children or even him at that point hurting himself.
COURTNEY: Okay, okay, and I take it nobody from the scene contacted you to run a SERT activation by you…
RODRIGUES: No.
COURTNEY: …as the supervisor?
RODRIGUES: No.
COURTNEY: Okay. Um, are you aware Sergeant REYNA works for you on your relief at your precinct…
RODRIGUES: Yes.
COURTNEY: …are you aware of any kind of issues, personal issues Sergeant REYNA may have that would preclude her from wanting to call SERT because of prior associations or dealing with the SERT team?
RODRIGUES: Not at all.
COURTNEY: Okay, and were you in contact with Sergeant REYNA either by phone or radio at any time during that coffee meeting to inquire about the status of the call or what was going on?
RODRIGUES: Sergeant JAN ELLERTSON actually at one point called her and said, asked her hey how are you doing out there and when JAN got off the phone she said LIANI said she's doing fine. She doesn't need any help, you know. She's doing okay right now, so.
COURTNEY: Okay, and based upon that did you feel that this incident was escalating, de-escalating or kind of remaining the same?
RODRIGUES: I think for me when the female came out it de-escalated a little bit. When he made the comment about the gun, that escalated for me. Now, like I said a minute or two later when the children were let out…

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COURTNEY: Uh-huh.
RODRIGUES: ...now we had, you know, a suspect possibly armed, possibly suicidal, was in a barricaded situation. So, for me it de-escalated there. We basically had someone that we know where he was, we had control over him at that point, so. And I was already enroute at that point so.
COURTNEY: And I think you said earlier the reason that caused you go to enroute was you heard that comment about the gun.
RODRIGUES: Yes.
COURTNEY: Don't make me go get my gun or whatever.
RODRIGUES: Yes.
COURTNEY: And that was broadcast by Sergeant REYNA?
RODRIGUES: Yes, that was broadcast, someone over the air.
COURTNEY: Okay, but you heard that?
RODRIGUES: Yes, it came over the air.
COURTNEY: It came over the air and you heard that and that's when you decided that?
RODRIGUES: Yes.
COURTNEY: Okay, and enroute to the scene, your memo indicated that you had a telephone conversation with Sergeant REYNA to get a status update. What was that update? What did she inform you was going on?
RODRIGUES: I called her and I basically said hey LIANI what's going on? How is everything going and she actually was in good high spirits. She said oh things are looking good right now. I said okay, what's up. She said well he, Mr. CAMPBELL, had sent a text to Officer QUACKENBUSH basically QUACKENBUSH was trying to communicate with him via text.
COURTNEY: Uh-huh.
RODRIGUES: So he said he texted back saying something to the effect that oh you guys have text capacity also? Cool. So, I said okay and so she was like yeah things are looking good and she said I got to go and I said okay I'll be there in a couple of minutes so.
COURTNEY: Uh-huh. Okay, and I think in your memo you indicate one of the issues that came up is you dropped Captain DAY off at the precinct.
RODRIGUES: Yes.
COURTNEY: And then you headed out to the scene.
RODRIGUES: Yeah.
COURTNEY: And then in your memo you said Captain DAY got there 7 minutes before you did.
RODRIGUES: Yes.
COURTNEY: And go ahead for the record just explain what, how or if you got delayed or how did that happen.
RODRIGUES: Well, when I dropped Captain DAY off at the precinct I put myself on the call. I heard DAY ask for a safe route in and officers said at 120...take Marine Drive and 122nd. Well, I was going north on MLK at about Dekum and I took Marine Drive, which I should have taken Killingsworth or Columbia. I think Captain DAY took Killingsworth so he got there like 6 or 7 minutes before I did so.
COURTNEY: And an officer is telling you that over the radio?
RODRIGUES: That was over the radio, correct.
COURTNEY: Okay, and then when you arrived on the scene, I think you indicated in your memo 1758 hours, you indicate you had another telephone conversation with Sergeant REYNA...

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RODRIGUES: Correct.
COURTNEY: ...when you got there.
RODRIGUES: Yes.
COURTNEY: What was the conversation about at that time?
RODRIGUES: Again, a status check of where we at. When I was talking to her, and I can't remember if I actually got off the phone or Captain DAY was still there, he said why don't you have her come toward us. So, and I can't remember if, like I said, it was phone but I did call her and I can't remember if I told her on the phone hey LIANI come back, if you can make your way safely come back to us or said it on TAC 2. I think I said it on the phone.
COURTNEY: Okay.
RODRIGUES: When Captain DAY wanted an update with us and...
COURTNEY: In person?
RODRIGUES: So, yeah I said hey if you can make your way safely back, come back to us now.
COURTNEY: Okay, and did you have any information at that time, after you got there, anytime during this call, that CAMPBELL had committed any type of crime? Did anybody tell you that he...
RODRIGUES: No, in fact when she came towards us, I mean, the conversation was, you know, basically what do we have? Do we have a crime and LIANI said no we don't have a crime. She said I been thinking this as a walk away. Her phone rang immediately. That's when the information came in from another, from the officer who was with his girlfriend, the information came from that officer, I believe BURNS, to Sergeant REYNA about hey last night he had put a gun to his head, pulled the trigger several times like playing Russian roulette.
COURTNEY: Uh-huh.
RODRIGUES: So, LIANI got off the phone and said well things have just changed right now and I said well what and she explained that to me, to us. During the course of that time when she was on the phone, I was just telling Captain DAY what my take on this because she said it was a walk away. I said, well I got some concerns for not just officer's safety but safety for the community and maybe Ms. JONES if we just left the scene.
COURTNEY: And this was even before getting the update from her?
RODRIGUES: Yes, yes, yes. This thing kind of actually occurred at the same time.
COURTNEY: Okay.
RODRIGUES: And I felt that, you know, at a minimum I said at a minimum I think maybe we should post somebody or something and like I said right when I asked Captain DAY and I said well Captain you got experience with HNT and this kind of, you know, I said what's your take? Immediately over the air the subject is coming outside so.
COURTNEY: Okay, okay. And did you have any information during this incident that CAMPBELL had threatened anyone with harm other himself, threatening suicide?
RODRIGUES: No information.
COURTNEY: Okay, and at any time when you arrived on the scene, did you personally assume command at any time?
RODRIGUES: I did not. Captain DAY was on the scene and he I think was already in communication with, I don't know either QUACKENBUSH or Sergeant BIRKINBINE.
COURTNEY: And did you provide any commands or direction to Sergeant REYNA other than having her come back to brief you guys in person?
RODRIGUES: No.

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COURTNEY: Any other kind of direction?
RODRIGUES: No.
COURTNEY: Okay, the pros and cons. Okay, let's see, um, now when Sergeant REYNA was called back to brief Captain DAY and yourself, did that leave a void at the scene of a supervisor in charge of what was going on?
RODRIGUES: I believe Sergeant BIRKINBINE was there…
COURTNEY: Okay.
RODRIGUES: …with Officer QUACKENBUSH.
COURTNEY: Okay, and I believe you said it was Captain DAY who requested that face-to-face meeting?
RODRIGUES: Yes.
COURTNEY: Okay, and were there any discussions between you and Sergeant REYNA or Captain DAY and Sergeant REYNA about who was in charge when she was back giving the briefing that Sergeant BIRKINBINE was back there or?
RODRIGUES: No.
COURTNEY: Was it just assumed that he was there?
RODRIGUES: Yes.
COURTNEY: Okay, and then I believe you were around the corner. He's coming out, you hear that he's coming out over the radio?
RODRIGUES: Yes.
COURTNEY: Okay. Do you personally observe any part of him coming out walking back toward officers?
RODRIGUES: No.
COURTNEY: Okay. Do you hear any rounds being fired or any orders being given by officers when he came out?
RODRIGUES: I heard orders, walk back, walk back, keep your hands up, keep your hands up. Um, which was, you know, several seconds and it was followed a volley of shots. I'm assuming they were less lethal the first few. Information came out over the air that, you know, shots fired less lethal beanbag and then I remember lethal fire also.
COURTNEY: Okay, from where were you at, could you hear if CAMPBELL said anything in response to the commands being given to him?
RODRIGUES: No, I could not.
COURTNEY: Okay, and since you didn't see anything, did you form any kind of opinion if CAMPBELL was following commands or not following commands based upon what the officers were telling him?
RODRIGUES: I could not see anything.
COURTNEY: Okay, and then what were your responsibilities post shooting?
RODRIGUES: Uh, after Mr. CAMPBELL was shot, you know, there was a little lull and things were quiet. I would say a couple of minutes after Officer FRASHOUR walked out. I met him. I asked him if he was involved in the lethal use of force and he said yes. I said is that the weapon you used pointing to the AR15 he had slinged over. He said yes. I asked him if he was okay. He said lieutenant I'm fine. I said okay and I had him follow me to one of the patrol cars. I had him secure the AR15 in the trunk. Then there was an officer and I don't recall the officer's name who was uninvolved.
COURTNEY: Uh-huh.

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RODRIGUES: I had him partner up with Officer FRASHOUR. I told Officer FRASHOUR that he is not discuss this with anybody except his immediate supervisor, his attorney or his union representative. He asked me if he could call his wife and I said absolutely you could call your wife and then I had them placed in the patrol car.
COURTNEY: Okay, and were involved in any discussions about calling SERT or the approach Mr. CAMPBELL after he fell? Were you involved in any kind of decision making as far as whether to approach, not approach, call SERT…
RODRIGUES: I was not.
COURTNEY: …not call SERT.
RODRIGUES: I was not.
COURTNEY: Okay, had your split up from Captain DAY at that time?
RODRIGUES: Yeah. At some point, Captain DAY went back to I guess apprise oncoming command staff and SERT was activated. I stayed out there and monitored the custody team. At one point, I actually had Sergeant BIRKINBINE come to my position and then I asked him how he was doing and he told me he was fine. I said how is the custody team doing. He said they're fine and I said do they need to be replaced. He goes no he said they're fine and they wish to remain on this. And I said that's fine but I need you to continuously monitor them so.
COURTNEY: Uh-huh. Okay, and did you have any discussions out there at the scene with any of the involved officers other than FRASHOUR as you explained earlier, any of the involved in witness officers as to what happened?
RODRIGUES: Not specifically. No, not specifically. We had such an amount of witness officers that came out that we were looking for bodies constantly getting uninvolved officers hooked up with them so no.
COURTNEY: Okay.
RODRIGUES: I just asked them if they, did you witness this and they said yes. That was it.
COURTNEY: And I understand there was an EAP debrief over this incident after the grand jury.
RODRIGUES: Uh-huh.
COURTNEY: Did you attend that debrief?
RODRIGUES: I did not.
COURTNEY: Okay, did you have any conversations with any officers about their involvement in this case other than what you've explained with Officer FRASHOUR?
RODRIGUES: Uh, not specifically. I remember Sergeant REYNA…I'm not sure if this was after the debrief. I mean, she was visibly , visibly upset at one roll, two days in a row roll call. And I had some serious concerns about her.
COURTNEY: Uh-huh.
RODRIGUES: So, at the end of roll call, I was gonna have coffee with the sergeants. I jumped in her patrol car and said hey LIANI how are you doing? I mean, you look upset, how are you doing? Do you want to talk about it and she said I'm gagged I can't talk about it. I said well I'm not asking you to violate the gag order. I was there. I'm aware of the call. I just want to let you know that I felt you did a very good job out there and I was trying to impress upon her that if she needed to take time off I needed to know. But I told her that I need you when you're here to be mentally and physically and emotionally here because I need you to supervisor your officers.
COURTNEY: Uh-huh.

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RODRIGUES: So, then I just gave her, I just told her I said I thought you did a good job. You handled it well and that was it. I spent several days just really trying to I guess pump her up or just get her out of this funk. She was also, I guess, looking at the negative publicity in The Oregonian.
COURTNEY: Was this after the grand jury or before the grand jury?
RODRIGUES: I believe this was after the grand jury.
COURTNEY: Okay.
RODRIGUES: Yeah, yeah.
COURTNEY: Okay. But she never did relate what it was that was actually bothering her? She didn't...
RODRIGUES: No.
COURTNEY: Okay, and did anyone approach you after the fact, either officers or civilians to express concern about what happened with this call? What happened on this call?
RODRIGUES: Uh, no. I mean, I, I, I...I wouldn't say there was any comments or anyone approached me but, you know, there was I'm sure some question about, you know, my role and did I get there on time. Should I have been there sooner or what. So, and that was it.
COURTNEY: And then have you talked with anybody about this case, read or heard any news accounts of this incident that has influenced your perception about what you saw or observed or what happened that day?
RODRIGUES: No.
COURTNEY: Okay. Do you have any information that you believe would be relevant to this case which we have not covered?
RODRIGUES: No.
COURTNEY: Okay. Anything at all related to this call or anybody else we should talk to other than the officers, witness officers, witnesses at the scene?
RODRIGUES: No.
COURTNEY: Okay, and keeping in mind that this is an administrative review, is there anything about this incident that caused you personal concern that you want to address in an effort to improve future performance?
RODRIGUES: No.
COURTNEY: Okay, JON do you have anything?
RHODES: Yeah, just a couple...and I know this happened nearly two full months ago so I don't necessarily need, I don't mean this to be a test of your memory to recall specifics about it, but the original one, of course I had the luxury of being able to listen to the dispatch net from the, when the call was put out and initially they talk about it there is a suicidal boyfriend who tried to kill himself earlier. Do you know, was there any, did anybody do any follow-up attempts after the call was dispatched that night to try to figure out what that meant? Did anybody call the DC, dispatch coordinator, do you know if they tried to come up with that?
RODRIGUES: Not that I know of.
RHODES: Okay, you talked about Sergeant BIRKINBINE being out there as well and as I know sometimes other sergeants would just respond to assist but do you know what his role was in responding and what he was doing specifically until you got out there?
RODRIGUES: Right, not until I got out there no. I, he was out there to assist Sergeant REYNA.
RHODES: Okay.

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RODRIGUES: And I also knew he had HNT experience, so I know he would be an extra added resource, you know, to make any communications or give some advice.
RHODES: And that kind of leads me into what I was gonna follow-up with that. Given BIRKINBINE's HNT experience, although he has not been on the team that long I don't think, but as a sergeant for HNT, did anybody, did he call somebody up and render some opinion about whether or not it should be or doesn't need to be a SERT call out?
RODRIGUES: Not with me.
RHODES: You talked about, I'm probably mispronouncing her last name, Sergeant ELLERTSON?
RODRIGUES: Uh-huh.
RHODES: Wen she called REYNA to find out if she needed some further assistance, when did that happen? Was she with you and DAY at that point?
RODRIGUES: Yes, yes.
RHODES: And how did it come that she made the decision to do that? Did she just do it on her own or did you guys ask her to do it?
RODRIGUES: We were all monitoring the call. We all had the calls on my radio and we were listening to the call and JAN just called her and said hey how are you doing out there? Do you need any help, you know, BIRKINBINE is on the way. She said, and JAN said no I'm fine, JAN said that REYNA said I'm fine things are going good right now.
RHODES: So was this a phone or a TAC 2?
RODRIGUES: Phone.
RHODES: Okay, generally with the SERT mandatory call out scenarios, what about this case would have, in your mind, may have taken it up one step higher, one notch higher that would have led to a SERT call out? What was this call out lacking in terms of the consensus being that it should be a SERT call out?
RODRIGUES: Well, it certainly wasn't a sniper situation. I don't think it was a barricade situation. He just didn't want to come outside. There was no crime. We had information that maybe he was armed. There was no hostage situation because he let everyone out. So, it was one of those borderline I guess situations when he said don't play, I mean, don't make me get my gun, for me that ramped things up at that point where now if you're having a guy, even at that point it still wasn't a crime involved but there's a concern over somebody who's armed, possibly armed in the house and, I mean, there's some concerns for the community, there's some officer safety concerns, so I mean I didn't think it was a clear-but by any means mandatory SERT call out. However, that would have necessarily precluded I guess some kind of consultation at some point with somebody about it so.
RHODES: Okay. I think that covers it, I can't think of anything else.
COURTNEY: Dave?
BENSON: Prior to you arriving on the scene, whose decision is it to call out SERT or not call out SERT?
RODRIGUES: Prior to I being on the scene?
BENSON: Prior to your…
RODRIGUES: The most senior ranking…
BENSON: And who was that?
RODRIGUES: LIANI REYNA.
BENSON: Okay, that's it thanks.
COURTNEY: Okay. I guess we're done. No further questions. It's 2:29 p.m.

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PORTLAND POLICE BUREAU
INTERNAL AFFAIRS DIVISION
Confidential Taped Statement
Lynn Courtney/#13609

Interview Date: **March 18, 2010**
IAD #: **2010-B-0004**
Complainant: **Portland Police Bureau**
Interviewed: **Officer Jeffrey Elias #29338**

COURTNEY: This is LYNN COURTNEY in the Internal Affairs Division, today's date is March 18, 2010, the time is 4:53 p.m. I'm here in the Internal Affairs Division interview room speaking with Officer JEFF ELIAS, DPSST # 29338. Also present is his PPA representative, Officer DAVE DOBLER. We're here discussing IAD Case #2010-B-0004, which is referenced by PPB Case #10-8325. Officer ELIAS has been advised that his conduct and/or the conduct of any other bureau member present on January 29, 2010, at 12800 NE Sandy Blvd. is the subject of this investigation. Officer ELIAS has reviewed information necessary to be reasonably apprised of the nature of the allegations of the complaint. Officer ELIAS has been informed that he is a witness in the case and that Captain EDWARD BRUMFIELD is in charge of the investigation. I have advised Officer ELIAS that he can have representation present during the interview and Officer DAVE DOBLER is here in that capacity. Officer ELIAS has been provided a copy of the Advance Notice and Waiver form and has signed it. Officer ELIAS, under the authority of Captain EDWARD BRUMFIELD, I am ordering you to answer all of my questions fully and truthfully. If you fail to respond fully and truthfully you may be disciplined up to and including dismissal. Do you understand?
ELIAS: Yes.
COURTNEY: Okay. That was your signature, David, no - -
DOBLER: Yeah.
COURTNEY: Okay. Yeah, just sign there. Okay, I'm going to try to not be too redundant with what, you've been interviewed by detectives on this case, you've testified before the Grand Jury.
ELIAS: Yes, sir.
COURTNEY: You've been provided a copy of those transcriptions for your review in preparation for this interview and uh, I'm just going to put on the record I know that you were hired by Portland Police in 1998. You've been a dog handler for approximately four years.
ELIAS: Three years.
COURTNEY: Three years.
ELIAS: A little over.
COURTNEY: Uh, you have a German Shepherd K-9 partner, Bono, that you have worked with during that time.
ELIAS: Bono.
COURTNEY: Bono, okay, Bono. Excuse me. And uh, we know in fact that you were working January 29, 2010 in this year when you responded to this incident under investigation here today.
ELIAS: Yes.
COURTNEY: Out at 12800 NE Sandy. Just as part of the background, just tell me what information you had when you responded, how you came to be involved in this call.
ELIAS: Uh, basically I was working, you know, routine patrol with my K-9 pointer and in my patrol car and I was helping pick up a new dog from the airport. So I scan a lot of the channels and I heard bits and pieces that some call come out where there is a suicidal person and there was kids involved and a girlfriend. So I was only hearing bits and pieces and then I was heading over to the vet following Officer GRUNMEYER and uh, actually got a phone call ask hey, can you come down here. I said what

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do you got? And they're like well it's that call that I had been hearing bits and pieces of because I was scanning.
COURTNEY: And who was the phone call from?
ELIAS: Uh - -
COURTNEY: One of the officers on the scene?
ELIAS: Yeah, I think it was Officer LEWTON.
COURTNEY: Okay.
ELIAS: I asked - - I might have asked him. I think I called him actually because they called for me over the air.
COURTNEY: Okay.
ELIAS: Got a phone number and called them and said hey what's going on and they're like hey, we need you down here. I'm like, okay. So I didn't end up going to the vet, I went down there.
COURTNEY: And what information did you get uh, in route down there? You told us about a suicidal subject.
ELIAS: Yeah, it was a suicidal subject uh, armed with a firearm and uh, I remember as I was driving I was looking at the call, it was a pretty long call and I saw bits and pieces. I got the PPDS and I saw it was kind of off-set, it was weird, but I saw that they had an arrest for a handgun charge, I saw resisting, domestic violence stuff, so, history of violence, domestic and I think there was like a resisting arrest or a eluding or something like that.
COURTNEY: So you brought his record up on the - -
ELIAS: No, it was uh - -
COURTNEY: It was in the call?
ELIAS: It was transposed into the call.
COURTNEY: Okay.
ELIAS: But it didn't look like that. It was on the MDT, it's really, it's staggered.
COURTNEY: Okay.
ELIAS: So you just see bits and pieces, you know. Domestic violence, resist arrest and uh, the handgun part.
COURTNEY: So basically what's on the CAD is what you saw.
ELIAS: Yeah, bits and pieces of it.
COURTNEY: Okay. And um, was it your understanding this subject AARON CAMPBELL, was he barricaded in this apartment? Was it a hostage situation? Or was it strictly just a suicidal subject?
ELIAS: Well, I didn't really know until I got there. So, but I heard something about the kids being let out, but if you say barricaded he was in the apartment and we were outside the apartment. So, I don't know how much barricading he did, but he was inside the apartment.
COURTNEY: Okay.
ELIAS: If you want to call that barricaded, I guess you could.
COURTNEY: Okay. And at any time during this incident in route once you got there, did you have any information that CAMPBELL had threatened anyone with physical harm other than himself?
ELIAS: Uh, not that I can recall. Just that he had tried to kill himself and had been armed with a gun.
COURTNEY: Okay.
ELIAS: To the best of my recollection.
COURTNEY: Where did you get that information that he had tried to kill himself? Was that something in the call or something you got from officers when you arrived on the scene?
ELIAS: I think it was in the call and it was stuff I heard over the radio, bits and pieces.

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COURTNEY: And did you have any information in route to the call or from anyone at the scene that CAMPBELL had committed any type of crime?
ELIAS: Uh, no. I know that - - I heard that he was distraught over his brothers, or something like that.
COURTNEY: Okay. And of course we read in the detective's interview you mentioned how you met with Sergeants REYNA, BIRKINBINE and Officer QUACKENBUSH in an alcove of the apartment complex where plans were discussed on how to deal with the situation.
ELIAS: Yeah.
COURTNEY: What were those plans? What kind of plans are we talking about?
ELIAS: Basically, when I mentioned plans I just tried to get a briefing of what's going on because as a K-9 handler I need to know what's going on so I can deploy the dog, you know, be of help for the people there. And uh, I went in there and just talked to them to find out what's going on and I found out that the kids had got lettin had been let go and the girlfriend was out. He was basically, as far as I knew, that he was by himself.
COURTNEY: Okay.
ELIAS: And uh, I was trying to find out exactly what's going on because I had just shown up and I kinda got in towards the tail end of it, not - - I didn't know everything from beginning to end and I need to know basically what we have for deployment purposes of the K-9.
COURTNEY: And who was kinda briefing you on what was going on? Who was kind of in charge or?
ELIAS: It was kind of like a flowing thing between all of us. QUACKENBUSH had a phone and they're like, well he's having contact with him and while I'm talking to them a text message comes up that says something like make them go away or I'm going to go get my gun, make the police go away. So that kind of heightened things up and BIRKINBINE and REYNA were talking about what they were going to do and uh - -
COURTNEY: And what were they talking about, what was that?
ELIAS: Well, they wanted to make contact with him and that was the thing to make sure if he was a threat to himself or not and to get him help. He needed help, if he was a threat to himself they wanted to get him help. If he wasn't then it was going to change things and we'd just go away. So it was kind of, they were planning on how to determine that and while they were talking about how they were going to do that, get that kind of information, I had asked if uh, what exactly did I say - - something if you want to run that up the chain, like maybe talk to a lieutenant or maybe talk to a SERT sergeant or something and say hey, this is what we got. I always like to talk to someone if I have time and I even called my sergeant and told him what was going on.
COURTNEY: And who is your sergeant?
ELIAS: It was Sergeant PRESTON.
COURTNEY: Sergeant PRESTON.
ELIAS: Yeah.
COURTNEY: Okay.
ELIAS: And uh BOB MCCORMICK, but I talked to Sergeant PRESTON.
COURTNEY: Okay.
ELIAS: And basically just told him, hey, we've got a guy that's suicidal, he's in the apartments with a gun and we're gonna - - basically do what we always do, try to call him out and determine, first make contact and call him out and try to get him help. He's like okay.
COURTNEY: Was that call to Sergeant PRESTON to inquire about possibly getting other assets to the scene, such as SERT or HNT or somebody?

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ELIAS: No. I just wanted to let him know because when I come into work they're not always out and I like to keep them compromised about what's going on.
COURTNEY: Okay.
ELIAS: And if I have time I'll try to just make a phone call to them real quick, just as a courtesy thing.
COURTNEY: Sure.
ELIAS: And maybe they can add something else that I wasn't - -
COURTNEY: Did Sergeant PRESTON come to the scene then?
ELIAS: He did later on.
COURTNEY: Later on.
ELIAS: He wasn't working, but he did after.
COURTNEY: Okay.
ELIAS: This is pretty run of the - - I mean we deal with this stuff all the time. It's nothing (indecipherable).
COURTNEY: And part of that plan when you got there we've touched on a little bit about SERT. What specifically were discussions pros or cons about getting them involved at that point?
ELIAS: Well, when I mentioned just call SERT I don't know if it was - - it was just like well, we're not going to call SERT out and I knew we weren't going to call SERT out, but maybe just drop the ball to kind of talk to them to see, or just brief them what's going on, just so you can get another aspect of what - -
COURTNEY: And I guess, who said that we ain't - - we're not going to call SERT out? Who made that determination?
ELIAS: REYNA.
COURTNEY: So was she kind of the supervisor in charge when you got there?
ELIAS: Yeah, pretty much.
COURTNEY: And did that ever change throughout the whole incident? Did she ever - -
ELIAS: It mighta just not been her. I mean it was BIRKINBINE and both of them were kind of handling stuff. You know, and to reiterate, I didn't think SERT needed to be called out on this, but I was just - - I just call people and tell them hey, this is what we got.
COURTNEY: So you offered the suggestion hey, we might want to call SERT just let them know, and let them make a determination.
ELIAS: I didn't say SERT, I said like the SERT sergeant or something.
COURTNEY: The SERT Sergeant.
ELIAS: The SERT sergeant or lieutenant just to let them know what's going on because like I did with my sergeant, just to let them compromise the situation.
COURTNEY: Right. Hey maybe there might be a call out later, we got this going, give them a heads up.
ELIAS: Yeah, that kind of thing.
COURTNEY: That thing, okay. And that call wasn't made then to give them a heads up?
ELIAS: I don't know.
COURTNEY: Okay.
ELIAS: Not that - - I had, I had left and went out here, so I mean - - basically I had the dog and while they were making their plan trying to get a hold of him, I mean, I'm no good with the dog if I'm sitting in the alcove so if I can I go out here and help these guys in case the guy takes off running towards us or away from us, or just to have the dog there available.
COURTNEY: And I guess for the tape purposes, you have crime scene diagram in front of you and we know that he was in apartment 37.

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ELIAS: Yes.
COURTNEY: And which alcove did you initially go in to speak with the officers? Was it the first one north of his alcove, or was it the second one?
ELIAS: The second one. It would be the furthest.
COURTNEY: Okay. The furthest one, okay, that's where you guys were at.
ELIAS: Yes, sir.
COURTNEY: Okay. And then as part of the plan I know you said that they wanted to make contact with him to determine if he was a danger to himself and kind of get a picture of what his mind-set was. Was there any other tactical plan being made as far as resources at the scene being - -
ELIAS: Uh - -
COURTNEY: - - done and it can be - -
ELIAS: I think they were all done. I mean we tried to cover every avenue of escape if he were to run and not have cross-fire and so forth. And then we had people over here on the west side. And we had the cars here so we could do a call out. You know, call him out if he came out, if we needed to. We had long cover, we had less lethal, we had arresting and they had me. So.
COURTNEY: Okay. And this diagram shows two patrol cars kind of parked at an angle in the parking lot. Were they in that position when you got there?
ELIAS: Yeah.
COURTNEY: Okay. So they were already - -
ELIAS: Everything was there and they were all set up.
COURTNEY: Okay.
ELIAS: Which isn't uncommon in this - - pretty normally you call someone out loud hail them or try to make phone contact.
COURTNEY: And was it your - - uh, do you know for sure, was the plan of action to get him to come out or - -
ELIAS: I think the plan was to see if he was going to hurt himself or not.
COURTNEY: Okay.
ELIAS: And if he was going to hurt himself then they have him come out so we can get him help.
COURTNEY: Were you in the alcove at anytime when QUACKENBUSH was actually speaking with uh, MR. CAMPBELL?
ELIAS: I was there when the text message came. I didn't know if he was texting, but I specifically remember the text message coming that said hey, make them leave or I'm going to go get my gun.
COURTNEY: Right. Okay.
ELIAS: Make the police leave or I'm going to get my gun.
COURTNEY: And I think you said after that you took up the position and we know from your interviews by some trash, garbage cans or dumpsters.
ELIAS: Yeah. I wanted to be - - I didn't want to be right on these other officers because my dog has the potential sometimes when you start confronting someone he'll sometimes nip. So I wanted to be off a little bit. And I had a better line of sight with the trash can right here and less light, I actually kind of moved it a little bit so I could hide right here.
COURTNEY: And is that something the sergeant directed you to take that position, or is that just the position - -
ELIAS: No, I just - -
COURTNEY: - - you went over to take on your own?
ELIAS: Yeah. A lot of people don't know what I'm totally capable of, so I just operate and try to tell people what's going on and I let them know I was going over there. And uh, that's where I ended up.

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COURTNEY: Okay. And were you given a specific role or job at the scene?
ELIAS: By somebody?
COURTNEY: By anybody, yeah.
ELIAS: No. It's just kind of a known thing. I mean like I said, you got the bean bag, the long rifle and the dog. And everyone knows the dog, you know, the dog's job is basically if someone runs, tries to run away or comes at us or tries to escape or just because the dog's going to get the bullet in certain circumstances. So, it all depends on the way the guy acts too.
COURTNEY: Right.
ELIAS: It's not black and white, it's uh, fast evolutionary thing that just happens.
COURTNEY: Sure.
ELIAS: You can make a plan, but you know, you can't stick by it because stuff changes rapidly.
COURTNEY: Right.
ELIAS: And if you stick by a plan, I mean the plan is only as good as the way the suspect acts. So, it's, like I said it's something we've all been trained. We all have common sense and we all just do what we do and uh, you know.
COURTNEY: Right. Okay. And we touched on it earlier or you mentioned earlier there was some talk, or was there some talk about maybe possibly just packing up and leaving the area since uh - -
ELIAS: I heard something about - -
COURTNEY: The kids were out of the apartment.
ELIAS: Yeah, I heard something about that, but I think just what they wanted to determine was they didn't want to leave if he's like going to kill himself. I think they wanted to hear from him. But I didn't get involved in that too much, I mean, I had left and went out here.
COURTNEY: Okay. And then you mentioned obviously the kids had left the apartment and in your interview you said the kids were gone by the time you got there.
ELIAS: Yeah, they had just left when I got there. They had just came out.
COURTNEY: Now what does that indicate to you personally? Does that heighten the situation or does that lessen the threat level?
ELIAS: Well, I wouldn't say it lessens the threat level, but it's a lot better when you don't have the kids in there if he's by himself cuz' he's kind of contained and it doesn't become a hostage thing. So, I mean that makes me feel better if there's not kids in there. It is what it is, it's not a hostage situation.
COURTNEY: And then in your earlier statements you mentioned how you learned the information that he was looking out the windows?
ELIAS: Absolutely.
COURTNEY: And where did you get that information from?
ELIAS: From the other officers at the scene.
COURTNEY: Okay. And was he looking out back windows? Is that - - people in the back saying that?
ELIAS: No, these officers here out front where I was were saying that there's someone looking through the windows. Obviously that tells me that he's looking for our positions, whether he wants to, you know, use it against us, if he's got a plan. So that kind of sketched me out a little bit.
COURTNEY: Okay.
ELIAS: Why else would you look outside? I mean if you knew we were there and then he wants to see exactly where we're at it's kind of common sense.
COURTNEY: Now were you given any instructions that if the subject came out and uh, possibly looks like he took off running or walked away, would that be a situation where the dog would be deployed?

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ELIAS: No because I'm absolute the one that makes the decision whether I'm going to deploy the dog or not. No one tells me like hey, you're going to pull your dog now or you're not going to deploy him. I mean I deploy. It's kind of like you don't tell someone when to shoot, you make that assimilation on your own. And I'm the dog handler so I determine whether I'm going to deploy the dog or not, so.
COURTNEY: Okay. Then another follow up question would be was there any mention out there, any kind of talk that if CAMPBELL did leave the apartment he was not to be allowed to go back inside?
ELIAS: Um, not that I can recall.
COURTNEY: Okay.
ELIAS: But I uh - - that's usually a, something might have been mentioned, but I can't recall exactly right now. But if he came out and was trying to get back in, if we already got him out, that would probably be a time I'd deploy the dog to keep him from going back in there.
COURTNEY: Now what kind of time-frame are we talking about that are you out there prior to him actually coming out? How long were you out there waiting approximately?
ELIAS: I can't recall at this date and time exactly. I can try to refer to my transcripts. I don't know if it's in there or not.
COURTNEY: I didn't see specifically where a time-frame was mentioned, but was it relatively quick, like a few minutes or - -
ELIAS: It wasn't a few minutes.
COURTNEY: Fifteen minutes?
ELIAS: I think it was more like fifteen-ish. I don't think it was that long. It wasn't that quick that it happened; it wasn't that long. It's not like we were out there for hours.
COURTNEY: Right. And when you're out there kinda by the dumpster you're kinda by yourself, but other officers are by the car.
ELIAS: Yeah, I have lethal coverage. So usually when I'm with somebody I - -
COURTNEY: And uh, of course, we know it was Officer FRASHOUR, LEWTON were there.
ELIAS: KEMPLE.
COURTNEY: Yeah, KEMPLE and then uh - -
ELIAS: And I don't, I remember like three people, but I guess there was more cuz people were I think coming and going, I don't remember.
COURTNEY: But those are three you remember being there.
ELIAS: Yeah.
COURTNEY: Okay. And did you feel during that time waiting for him to come out that you were being kept abreast of what was going on? That you were being updated on what was happening or did you - -
ELIAS: I didn't hear too much about what was going on, just a couple of updates here and there that were, I can't even recall what they were, but all I was thinking is they're just trying to make contact with him and have him come out.
COURTNEY: Okay. So you don't recall getting any information on how that contact, how that process was going, if it was - -
ELIAS: I think like, hey, we're still trying to make contact. We're still - - it was something really elementary, like, I can't remember exactly.
COURTNEY: Okay. And those updates were over the radio as far as somebody yelling them to you?
ELIAS: I - - to the best of my recollection, yeah.
COURTNEY: And do you know who was giving you those radio updates?
ELIAS: I don't know.

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COURTNEY: And there was apparently a statement made out there by CAMPBELL'S girlfriend who left the apartment that how she told Officer BOYLAN that CAMPBELL'S problem behavior had been the day before and that he was doing much better today. Did you get any kind of information along that line?
ELIAS: I don't recall any - - I don't recall.
COURTNEY: And again, I think we talked about, you know, officers wanted to check and make sure he was doing okay, or check on the status that he wasn't going to harm himself, but and I'll have you add to this. Were they trying to get him to come outside? I can't remember, or just check on his status?
ELIAS: I think they were trying to make some kind of comm.... communication to see if he was a threat to himself or not.
COURTNEY: Okay.
ELIAS: If he felt like hurting himself and if he did then kind of steps we need to get you out. Well then that's, you know, come out and talk to us.
COURTNEY: And then the information, tell me what information you had about him being armed. Do you know what type of - - were you provided what type of weapon, where he kept the weapon, if it was on his person or in the apartment or what?
ELIAS: I just know he was supposed to have a pistol in there.
COURTNEY: Okay.
ELIAS: So, and I can't remember, I think it was the girlfriend that supposedly told someone that we got the info from, I can't remember, but there was definitely a gun, that was reiterated by him with the text message, so.
COURTNEY: Did you have any information or were you provided any information that he had used the gun previously, prior to your arrival on the scene at anytime?
ELIAS: Uh, no, just that he was suicidal.
COURTNEY: Okay. And then, obviously, when CAMPBELL emerged from the apartment what was his demeanor or behavior like when he emerged? When you first saw him what was his position? How was he acting?
ELIAS: Uh, he just came out with his hands on the back of his head and started walking backwards towards us and that's when I was told hey, here he comes.
COURTNEY: Did he ever try to turn around and acquire officer positions to see where they were at or did he keep his back?
ELIAS: He was looking, I mean the dog was barking and stuff and he was looking. I know he looked at the dog, so he was looking around.
COURTNEY: And, again, correct me if I'm wrong, but in reading your statement, you described his hands were behind his ears, kinda.
ELIAS: Yeah.
COURTNEY: Instead of on top of his head, just kinda behind his ears?
ELIAS: Yeah, I think behind his head, yeah.
COURTNEY: And his fingers were interlaced?
ELIAS: Yes.
COURTNEY: And what was the gait of his walk as he walked back towards officers? Was it fast, slow, normal paced?
ELIAS: It was just kinda, he just walked back towards us. He was like, it wasn't slow and it wasn't really fast, but it wasn't slow enough to feel comfortable. He just, he seemed like he was on a mission, I mean he just kinda came out there.

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COURTNEY: I think in your detective interview you mentioned how he walked back slow uh, towards officers. Is that - -
ELIAS: I'd have to - -
COURTNEY: Anyway, but as far as you remember it was more of a faster type of a walk?
ELIAS: Like brisk.
COURTNEY: Brisk?
ELIAS: Yeah.
COURTNEY: OK. And anything else? How about clothing he was wearing? What do you remember about clothing, if any?
ELIAS: He had a big jacket on.
COURTNEY: Okay. Uh, and with his hands behind his back tell me what you could see of his waist? I mean the _____.
ELIAS: I couldn't seen his front waistband.
COURTNEY: What could you see his back waist area?
ELIAS: I think the jacket was pretty much covering all that. I couldn't see in his waistband that well. I'd have to refer to my report exactly to see what - - I can't recall at this date and time exactly what I could see.
COURTNEY: Right. Okay.
ELIAS: Can I refer to this?
COURTNEY: Oh yeah, absolutely. And is an officer giving commands immediately at the time he's walking back?
ELIAS: Yeah, I remember someone saying, I think it's "slow down" or something.
COURTNEY: Slow down, okay. Any other commands that you heard were given?
ELIAS: Yes. When he was finally - - he was told to stop, I don't remember how many times that was, but when he stopped he was told to put his hands up.
COURTNEY: Okay. So an officer and who is giving him commands?
ELIAS: I believe it was Officer LEWTON.
COURTNEY: Okay. Did anybody else give him commands?
ELIAS: I don't know. I can't recall. It sounded like LEWTON.
COURTNEY: Did anybody - - did you hear one voice, was there maybe two different tones of voices?
ELIAS: I can't recall. I'm just thinking it was LEWTON because he's the one that fired the bean bag rounds, had the bean bag gun and was telling him to put his hands up or he's going to get shot.
COURTNEY: Okay. And as he's walking back - -
ELIAS: I didn't like turn to look and see what they were doing, I was focused on MR. CAMPBELL.
COURTNEY: As he was walking back I think he said - - LEWTON told him to stop and he stopped, did he obey that command and stop immediately or did he continue to walk or?
ELIAS: I can't recall exactly, but I remember he stopped eventually.
COURTNEY: And then what commands were given to him at that time?
ELIAS: He was told to put his hands up.
COURTNEY: Okay. Was he ever told to get down on his knees or get down on the ground?
ELIAS: No, I told him - - I heard put your hands up and if you don't put your hands up you're going to get shot.
COURTNEY: And what was CAMPBELL'S response to that command?
ELIAS: Uh, fuckin' shoot me then.
COURTNEY: Okay.
ELIAS: So it's obvious he heard the commands of the officer.

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COURTNEY: Yeah. And I know you weren't giving commands, but did you understand or come to realize the reasons why the officer wanted him to get his hands up from behind his head?
ELIAS: Yeah, it's farther away from his waistband and also it picks up the jacket, you know, what you're wearing so you can actually see inside the waistband. Through our training and experience I figured he was gonna have him put his hands up and that's part of our training and then you turn around, have him turn around and get on his knees.
COURTNEY: Okay.
ELIAS: And go into a prone handcuffing position.
COURTNEY: Do you recall CAMPBELL saying anything at any time other than what you said, go ahead and fucking shoot me? Did he say anything else in response to these commands?
ELIAS: No, not that I can recall.
COURTNEY: Okay. And at the point he stopped, how far away was he from the patrol cars do you think?
ELIAS: I don't know, a couple of car lengths away, a car and a half. I mean I don't know thirty feet, twenty feet, twenty-five feet. I don't know exactly.
COURTNEY: Okay.
ELIAS: What are these numbers?
COURTNEY: Oh, those are just evidentiary items.
ELIAS: Are those the bean bag rounds?
COURTNEY: Yeah, those are - - that's crime scene diagram.
ELIAS: So it was probably somewhere right around here, I don't know how many feet that is.
COURTNEY: Okay. And when the uh, was told go ahead, and he says go ahead and shoot me, how long after he makes that statement was he actually shot with the less lethal?
ELIAS: Pretty quick. Seconds.
COURTNEY: Seconds?
ELIAS: Yeah.
COURTNEY: Okay. And was it one shot and then another followed immediately thereafter, or what was the - -
ELIAS: I didn't pay attention to the shots, I just heard the first shot, or I heard a shot and I saw him stumble.
COURTNEY: Okay.
ELIAS: And take a step like he was going to go down.
COURTNEY: And where did his hands go at that time?
ELIAS: Off his head down towards his waistband area like he's gonna, like go down.
COURTNEY: Okay. Did they go in front of him, behind him?
ELIAS: They just dropped so I don't know exactly.
COURTNEY: The reason I ask sometimes somebody gets hit with a bean bag they might reach back where they were hit with the round.
ELIAS: No, it wasn't like oh, I got shot. No, it was just like - -
COURTNEY: Kinda crouch down a little bit.
ELIAS: Yeah, took a step and started to go down and hunched over.
COURTNEY: And then what happened?
ELIAS: I thought to myself, good, he's gonna go down. But instead of going down he like tripped, like someone tripped him, and he tripped and then took another step and just started getting speed running.
COURTNEY: Okay. And was he shot again with bean bag rounds?

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ELIAS: Yeah, I heard shots going off.
COURTNEY: Okay. And uh - - just to backup at the point where Officer LEWTON says you know get your hands up or you'll be shot, was there any indication given to CAMPBELL that he was going to be shot with less lethal as opposed with a - -
ELIAS: Not that I can recall.
COURTNEY: Okay. So he's running away or as he's running back toward the apartment are his hands pumping like that like he's really sprinting?
ELIAS: Yeah, he's sprinting.
COURTNEY: Okay. And then at the time the fatal round is fired, where - - where's he at when that occurs or did you have eyes on him when the fatal round is?
ELIAS: Yeah, I had already sent - - I had sent my dog, so I was kind of watching my dog close the distance on him and then I heard a distinct different shot and I saw him hit the deck right behind this car right here.
COURTNEY: Okay. And at the time you released your dog, did Officer LEWTON or the other officers know that you'd released your dog?
ELIAS: Not that I know of, I just gave him the take command.
COURTNEY: Just gave him the take command. And is that something you yell loud or just - -
ELIAS: I just said it to the dog.
COURTNEY: Okay. So the officers over here wouldn't necessarily know that the dog had been released.
ELIAS: No, but you know, common sense, they call me there, they know what the dog does, someone runs, the dog will usually get sent. I mean, like I said, we work together all the time.
COURTNEY: Now when he's back up here, CAMPBELL'S back up here, stopped with his hands on his head and given the command to get his hands up. Is that a situation where the dog might be used if he's not complying in that command? Is there any application in which that dog could be used in that situation?
ELIAS: It can be, but I didn't feel it applicable to send the dog on him at that time.
COURTNEY: Okay. And uh - -
ELIAS: I mean on the use of force scale, it's kind of like an impact weapon.
COURTNEY: The dog is?
ELIAS: Yeah.
COURTNEY: Considered an impact type of weapon?
ELIAS: Yes.
COURTNEY: Okay. Was there any mention when he was - - was there any talk amongst the officers when he was stopped, wasn't compliant about just going up there and handcuffing him or?
ELIAS: No.
COURTNEY: Getting him?
ELIAS: Not that I can recall, no. I don't think we'd want to go up to a guy that's potentially armed especially with the action/reaction thing, that wasn't even discussed.
COURTNEY: Okay. How about other less lethal means such as a taser? Was he close enough to be tasered?
ELIAS: No. I think that taser is what, twenty feet or something?
COURTNEY: Uh-huh.
ELIAS: No, it's over that.
COURTNEY: How about - -
ELIAS: He had a thick jacket on too, so.

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COURTNEY: Okay. My next question, if the clothing had any - -
ELIAS: Possibly, but I wasn't the less lethal guy, so I mean that's just what I would be thinking.
COURTNEY: Okay.
ELIAS: I mean don't want to leave a position of semi cover and expose yourself to someone that's potentially armed and volatile and made threats.
COURTNEY: Were you given any warning or did you understand the bean bag round was going to be used at the point it was or was that kind of a surprise that it was used at that time or?
ELIAS: Uh, well, it's always a surprise when you hear a bang, but I mean it wasn't a surprise that he got bean bagged because he wasn't complying to the orders that Officer LEWTON was giving him.
COURTNEY: Okay.
ELIAS: The pop is a surprised, but it's not surprised he got bean bagged, so.
COURTNEY: Okay. You know, or could you tell at the scene, I know now you probably realize how many times the bean bag was used, but could you tell how many times the bean - -
ELIAS: I don't know, I just heard it going off several times. It's one of those rapidly evolving situations that you kind of just focus on your job, like what you are tasked to do.
COURTNEY: And at the time he was uh, shot with the AR, could you tell where his hands were at the time? What?
ELIAS: I didn't, like I said, I mean I was looking - - I was kind of watching the dog and him and they weren't on his head and he was running, they were down by his waistband area.
COURTNEY: And describe your own assessment as to the threat CAMPBELL posed to others out there at the scene when he took off running in that manner?
ELIAS: Oh, I was thinking it's really bad. I mean he's running. First of all I'm thinking he's armed with a gun and he's running back towards a position of cover, which the car or the apartment right there. I mean, it's kind of a no-brainer.
COURTNEY: And if he got behind cover and concealment how would that change things?
ELIAS: Uh, well, basically we have the same we have some cover and concealment, basically he's going to shoot out with us and you know, we don't have a tactical advantage, where if he's out in the open we have a tactical advantage. And we like to have the tactical advantage when we deal with people. We don't want to put ourselves out there to get hurt.
COURTNEY: And you may or may not know this, but at the time CAMPBELL came out of the apartment, do you know uh, I assume Sergeant REYNA was still kinda in charge of the situation.
ELIAS: I think so. I think it was more like her and BIRKINBINE combined, but maybe her more, I don't know. I think it was her call and they were just kind of bouncing stuff off of each other.
COURTNEY: Do you know where she was at the time he came out? Was she still in the alcove or?
ELIAS: I don't - - yeah, I don't know.
COURTNEY: Okay. And then after CAMPBELL was shot you released your dog and you know where he fell up there by the car.
ELIAS: And the dog, just to reiterate, the dog was sent before - -
COURTNEY: Right.
ELIAS: - - he actually got shot with the rifle.
COURTNEY: And I think in reading your detective interview how the dog went up there, you really couldn't see it, but you could tell the dog was biting him?
ELIAS: Yeah, I could hear him and I think I saw his tail kind a, his tail went up.
COURTNEY: Okay. But you couldn't see that by - -
ELIAS: I couldn't see exactly.
COURTNEY: - - see him.

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ELIAS: No, and the only thing I could really see on MR. CAMPBELL was his feet kind of sticking out.
COURTNEY: And did you come to some sort of assessment as to MR. CAMPBELL'S condition based upon the dog's actions there?
ELIAS: Yeah. I just thought he was 10-79. I mean dead because when a dog's biting you for you just to stay still - -
COURTNEY: It's hard to play possum.
ELIAS: Yeah, it would be pretty hard to do that.
COURTNEY: Right. Was there any talk about approaching him at that time?
ELIAS: Yeah.
COURTNEY: Okay. And how did that go?
ELIAS: Um, when I turned around I looked at the officers here and BIRKINBINE was there, so uh
COURTNEY: So BIRKINBINE was up by the car now?
ELIAS: Yeah.
COURTNEY: Okay.
ELIAS: And uh, I'm like, I looked at him because my dog was biting the guy and I said hey, can we go get this guy? When the dog's on him is the time to do it if we're going to go up there. So basically with the dog doesn't give us time, when he's biting someone, the dog - - he might have a plan to hurt us, but he's going to be more zeroed in on the dog and that's the time when we need to go up there if we're going to do it. And uh couldn't come to a plan, so I said I need to take the dog off. Can't just let him sit there and bite him.
COURTNEY: Right.
ELIAS: So, I recalled the dog and tried to make another plan because he wasn't moving and I suggested that someone go to my car and get binoculars. I said hey, if you can see his hands then I feel like going up there and Officer BOYLAN walked around to some positions over here and said he couldn't see his hands.
COURTNEY: Okay. As a K-9 officer would you have felt comfortable approaching him with the dog up there like that if you had a cover officer with you?
ELIAS: Uh, I wouldn't feel comfortable, but it's an inherent risk that I would, I would have undertaken, I would have done it. I mean I felt confident enough that my dog would keep him preoccupied and he wasn't moving. Just a totality circumstance, I was fine going up there and doing it. But I know there is some inherent risk with it too.
COURTNEY: Right.
ELIAS: But that comes with the job.
COURTNEY: And then you know who's decision it was to activate SERT at that time or?
ELIAS: Um, ultimately I think it was uh - - you know, I told them, I said hey if you're going to call SERT up it's not a wrong decision, call SERT. I think it was BIRKINBINE that pressed the SERT button.
COURTNEY: Okay. So it sounds like after the shooting that BIRKINBINE took more of the supervisory role.
ELIAS: Yeah, with that part he was up there closer.
COURTNEY: And did you ever see Sergeant REYNA after that shooting up there?
ELIAS: No.
COURTNEY: Did anybody halfway approach CAMPBELL and then some officers call em back or did you see anybody try to go up halfway or?

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ELIAS: Not that I remember. I think I came out of here thinking we were going to out, but then I ended up coming back in here.
COURTNEY: Okay.
ELIAS: But I didn't see people like start going up there, no.
COURTNEY: And then did you hear Officer FRASHOUR say anything immediately after the shot was fired? Did he uh, give any indication as to why he took the shot at the time he did?
ELIAS: I can't recall at this date and time whether he did or not. I might have earlier, but I don't remember anything like that.
COURTNEY: Okay. You didn't have any conversations with him after the fact?
ELIAS: No.
COURTNEY: And what happened to you after the, after SERT came in and - -
ELIAS: Actually, I stayed there and then after SERT did their thing I was given someone to sit with me and wait for the union to come and get a lawyer and all that stuff.
COURTNEY: And was uh, there was a crime scene log out there. Did you sign the crime scene log or did somebody put your name on it?
ELIAS: Not that I recall.
COURTNEY: Okay.
ELIAS: I can't remember.
COURTNEY: Now, of course, I have to ask have you talked to anybody about this case, heard or read anything in the news that has influenced your perception about what happened that day and what you're telling me at this time?
ELIAS: No. But I mean, I just, the news is ridiculous, I try not to listen to it. That's about all I have to say.
COURTNEY: And do you have any information that you believe would be relevant to this case which we haven't covered? Anything related to the call?
ELIAS: No.
COURTNEY: Did you speak with any witnesses at the scene? Were you involved in contacting witnesses? Did anybody come up to you and say I saw this?
ELIAS: No. I saw one gal. It was in one of the apartments I told the officers need to talk to her. That's about it.
COURTNEY: And keep in mind this is an administrative review. Is there anything about this incident that caused you concern that you want to discuss at this time?
ELIAS: No. I mean it's just something we deal with on a daily basis.
COURTNEY: Dave?
DOBLER: A couple of things. Just want to talk a little bit more about - - you've been a handler for over three years, is that correct?
ELIAS: Yes.
DOBLER: So you are certified. Are you a dog handler or a dog master?
ELIAS: Uh, dog handler.
DOBLER: Okay. So you've been through how many hours of training?
ELIAS: Hundreds.
DOBLER: So some of the considerations for a handler, whether or not you deploy or not deploy is every dog is different, so you have to evaluate the strengths and weaknesses of the dog.
ELIAS: Absolutely.
DOBLER: And your partnership with that dog?
ELIAS: Yeah. You can't just say, call a dog and have to do this job.

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644 **DOBLER:** Absolutely.
645 **ELIAS:** Every dog is different.
646 **DOBLER:** And is part of your training the different laws that are involved in and the rules of
647 engagement or the application of the dog and court decisions for the application of the dog?
648 **ELIAS:** Yes.
649 **DOBLER:** And then also the tactics because you have to move with a rather large furry creature and
650 so you have to take into consideration cover, concealment for yourself and the animal and get them in
651 a position to where they can approach with good use, correct?
652 **ELIAS:** Yes.
653 **DOBLER:** And you also know what your strengths and weaknesses are as far as your training and
654 concerns or areas of trauma that you would be more comfortable or less comfortable with your dog.
655 **ELIAS:** Yes.
656 **DOBLER:** And so your decision to deploy here was based on all those factors?
657 **ELIAS:** Yes.
658 **DOBLER:** And based on, again, just for the record your perception of what MR. CAMPBELL was
659 doing and why you released the dog at the time you did.
660 **ELIAS:** Yes.
661 **DOBLER:** So it was in turning, the whole totality and circumstances but basically turning and moving
662 away and being out of control, verbal control with the officers.
663 **ELIAS:** Verbal control, yeah, and I needed a position to cover plus all the other stuff with the firearm
664 and just the totality of everything. It was a reasonableness standard. It was reasonable to send the dog.
665 **DOBLER:** And one thing I wanted to clarify because we kind of brushed over because there was so
666 much to this case, but it could go back to the first time where MR. CAMPBELL came out of the alcove
667 and his mannerisms. Could you describe for me again, was he walking backwards or toward the
668 officer's face first?
669 **ELIAS:** I remember it was backwards.
670 **DOBLER:** Was it a slow pace or a fast pace?
671 **ELIAS:** Well, I know it said in the transcripts it was slow, but I don't want to say fast, it was just kind
672 of brisk. I don't - -
673 **COURTNEY:** Here's your detective transcription say, how was he walking - - just slow, walking
674 backwards.
675 **ELIAS:** Yeah.
676 **DOBLER:** Um, what was he doing while he was walking backwards?
677 **ELIAS:** I remember him peering back. I remember specifically looking at the dog and the dog was
678 barking, I remember him looking, kinda just - -
679 **COURTNEY:** So there's no doubt he knew the dog was there.
680 **ELIAS:** Oh, no, he knew.
681 **DOBLER:** Okay.
682 **ELIAS:** And I don't - - that's yeah.
683 **DOBLER:** Do you think he was looking back as if I were going to walk backwards just to make sure
684 I'm not tripping or is he looking back looking for people potentially?
685 **ELIAS:** I saw him looking at, I saw him looking at me and the dog and looking around. I mean it
686 didn't seem that he was worried about tripping.
687 **DOBLER:** And for you, for somebody that might be armed with a weapon, they have a history of
688 resisting and they're acting like this and looking back at you potentially looking at locations of
689 officers, what does that do for you?

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ELIAS: It just heightens my - - you know, heightens the risk that he's possibly going to use lethal force against us since he had a gun.
DOBLER: Potentially identifying you as a target?
ELIAS: Yep, absolutely. All of us.
DOBLER: Okay. And then I just wanted to clarify. There's been some questions asked about him, MR. CAMPBELL going back to the apartment. Does that - - already he's coming out, he's not listening to commands and he's headed away out of verbal control and out of physical control from the officers back to the apartment. As he's getting closer to cover, which would be vehicles and to the apartment, does that increase your sense of urgency or sense of threat?
ELIAS: Both.
DOBLER: Can you tell us why?
ELIAS: Yeah, cause like I said when he disappears behind a car he's got a position of concealment and cover and I wanted the dog, I sent the dog to try to get him before he could reach that point. And uh, also you know, we didn't have anything - - there were still people in the apartments and stuff, we had cross traffic. It just would have been a very ugly situation if it would have gone to a shoot out.
DOBLER: Had the whole apartment complex here, especially in the alcove, I'm not sure, are there four apartments in that alcove?
COURTNEY: Uh-huh, top and bottom.
DOBLER: Had those all been evacuated?
ELIAS: No. Not, not that I know of.
DOBLER: Did you have a concern that if he's running back, I mean he's running back to either his apartment or to places where other people could be located?
ELIAS: Yeah, absolutely. I mean that's like, I talked about that during the Grand Jury stuff. It's just a highly volatile situation; I mean there's people everywhere. There's the cross traffic. The traffic I saw a bunch of people up here, people were looking through their windows, I mean it just could be bad.
DOBLER: And the final position of MR. CAMPBELL was behind a vehicle. Some people call that concealment, some people call it cover. What were Officer LEWTON and FRASHOUR using for cover and concealment?
ELIAS: A car.
DOBLER: Okay.
COURTNEY: One thing that I, do you mind if I - - what's the lighting out, like out here during this time?
ELIAS: It had started to get dark and there's a lamp over here, which is kind of why I moved over here because I was well lit right here in front of garbage cans, so I moved over here where it was a little darker so I wasn't as back lit.
COURTNEY: Was there illumination throughout the parking lot?
ELIAS: It was illuminated, but it wasn't bright.
COURTNEY: How about any lights that officers used on him were uh, any spotlights used that you recall?
ELIAS: I think there was, but I can't recall exactly.
COURTNEY: I guess the question would be, did you have any difficulty seeing them?
ELIAS: No.
COURTNEY: So it was light enough.
ELIAS: Yeah.
COURTNEY: Whether artificial light or just getting dark that you didn't have any problems seeing.
ELIAS: No. I could see his fingers interlaced behind his head.

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COURTNEY: Okay.
DOBLER: Relating to the initial time that you looked at the CAD/MDT call would you have done anything different or do you think the team would have done anything different if they had the information that we know today?
ELIAS: Uh, well, yeah, it would have been nice to know some of the information I found out later.
COURTNEY: Such as?
ELIAS: I remember when we did the debrief that I listened to the actual tapes that came in and people called and I was kind of pissed off when I heard the part that he had actually cranked a round off with the gun. That would have been nice to know.
COURTNEY: So you didn't have that information. I think I asked you something about that earlier if you had any information that he'd used the gun previously or had fired the gun.
ELIAS: No. And that would have maybe steered stuff different, I don't know, but I mean that would have heightened things a lot more knowing that he had a gun that he actually discharged. And I don't know why that didn't come out, I mean that's kind of common sense first of all and it seemed like it's dispatching 101. I don't, I mean, I don't know how that didn't forwarded to us. Kind of ridiculous.
DOBLER: Did radio, to your knowledge and I know you weren't like, because as officers come to their calls, they come in at different times so they may not have heard the initial transmission, you may have missed those. But did radio ever given kind of a summary like I've heard in my career, just so everyone knows, this person has a history or arrests for X, Y and Z. Did you hear anything like that?
ELIAS: I can't recall. I think I might have heard something from the dispatcher that he had the resisting, I can't recall exactly.
DOBLER: Okay.
ELIAS: But it wasn't made clear to me, but like I said, I only heard bits and pieces. I mean I like to, you know, whenever you start transferring information from one person to the next to the next. I like to try to look at it myself and I saw this stuff on the MDT and I had seen this stuff on there that showed he had a potential for violence. So that's all I needed to know and then hearing about the firearm and seeing that he had a firearm arrest and stuff. But to know that he actually had the firearm that he discharged, yeah, that's something we need to know.
COURTNEY: Okay. Don't think I have anything else. Dave, you don't. Turn the tape off, it's 5:44 p.m.

10b0004int-elias
Transcribed: 3/27/10 @ 2:30 p.m. Ruth Harnisch

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PORTLAND POLICE BUREAU
INTERNAL AFFAIRS DIVISION
Confidential Taped Statement
Investigator Jon F. Rhodes DPSST #16753

Interview Date: 03/17/2010
IAD #: 2010-B-0004
Complainant: Portland Police Bureau

Interviewed: Officer James Quackenbush DPSST #36875

RHODES: Okay, we're now recording. This is JON RHODES, investigator with the Internal Affairs Division. It is March 17, 2010. It is 1558 hours. We are in an interview an interview room in the Internal Affairs Division office, and for the purpose of the tape, can I just have everybody introduce themselves, starting with Officer QUACKENBUSH.

QUACKENBUSH: My name is JAMES QUACKENBUSH.

RHODES: Very well.

WESTERMAN: My name is JAMES QUACKENBUSH, no. My name is SCOTT WESTERMAN.

COURTNEY : And Investigator LYNN COURTNEY, Internal Affairs Division.

RHODES: Okay. So this is in regards to Internal Affairs Division investigation case #2010b0004 and the corresponding Portland Police Bureau investigation report is 2010-8325. Again, also present is Officer JAMES QUACKENBUSH, DPSST #36875, and SCOTT WESTERMAN as his PPA representative. Officer QUACKENBUSH has been advised of his conduct and/or the conduct of any other bureau member present January 29, 2010 at 12800 NE Sandy Boulevard is the subject of this investigation. Officer QUACKENBUSH has reviewed information necessary to be reasonably apprised of the nature of the allegations of the complaint. Officer QUACKENBUSH has been informed that he is a suspect in the case, and that Captain BRUMFIELD is in charge of the investigation. I have advised Officer QUACKENBUSH that he could have representation present during the interview and SCOTT WESTERMAN is here in that capacity. Officer QUACKENBUSH has been provided a copy of the Advanced Notice and Waiver Form and has signed it and it is now in our possession. Officer QUACKENBUSH, under the authority of Captain EDWARD BRUMFIELD, I am ordering you to answer all of our questions fully and truthfully. If you fail to respond fully and truthfully, you may be disciplined up to and including dismissal. Do you understand that?

QUACKENBUSH: Yes.

RHODES: Okay. Of course, COURTNEY and I know that you have been interviewed by the detectives about this case on the day of the event or within a certain number of hours, and that you also…and we have copies of the transmission report from those interviews. And, additionally, you testified at the Grand Jury, so in this case that testimony was recorded and all the interviews were transcribed, so we have copies of those as well and you've been given opportunity to look at those. They're very lengthy, so I wouldn't expect that you've memorized everything; however, you have them to refer to if necessary. So this is not a test of your

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memory of what you told the detectives and /or the Grand Jury, but it is to clarify some issues or some points of what happened that night. Our focus is going to be the opportunity that you had to talk to Mr. CAMPBELL on the phone, and the circumstances surrounding that. So that is really what is going to be our focus. But, to kind of lay the groundwork for people who might be listening to this transcription at some point, whomever it might be, could you first of all just describe how long you've been a police officer with the city and if you have any prior law enforcement experience?

QUACKENBUSH: I have been a police officer for the Bureau for just over 11 years now.

RHODES: Okay.

QUACKENBUSH: And prior to that I worked in a dispatch center in Kent, Washington for about a year.

RHODES: Okay.

QUACKENBUSH: As a call receiver.

RHODES: Okay. Then in terms of your specialized training, CIT training, could you talk about when that training occurred and just kind of a general overview of it, how long the course was for, that sort of thing.

QUACKENBUSH: I couldn't say for 100% certain, but I think it was something around three years ago that I took that class.

RHODES: Okay.

QUACKENBUSH: A 40 hour class; it consisted of an overview of all the different types of mental illness, schizophrenia, depression, major depression, bipolar disorder, and also some distinguishing characteristics in regards to addiction issues, personality disorders and how they may be different from traditionally understood mental illness. And then there was also a component in there of hostage…kind of a slam-dunk course on hostage negotiation, Sergeant, now retired Sergeant WAYNE SVILAR put on – went over the basics of talking to people in crisis and techniques and went through several different scenarios and played tapes and things like that. And there was a pretty involved discussion about how to approach those types of situations.

RHODES: Okay, tapes of actual conversations between negotiators and people in crisis sort of thing?

QUACKENBUSH: Yes, exactly.

RHODES: Okay, very good. Okay. And then, of course, back on January 29, 2010, when this particular incident occurred, could you tell us what your assignment was that day in terms of patrol, and then how you were assigned to this call?

QUACKENBUSH: I was assigned to work the 664 district.

RHODES: What's 664, what area?

QUACKENBUSH: That's a…it's a long big goofy rectangle, sort of, from roughly about 7000, you know, to about 72nd Avenue.

RHODES: Okay.

QUACKENBUSH: And Fremont Street would be about the heart of it.

RHODES: Okay.

QUACKENBUSH: More or less, but the boundaries are kind of…they kind of jump around a lot.

RHODES: Okay.

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QUACKENBUSH: So that was my assigned district for the day. I started at 3 p.m. and I remember the call was getting pretty heavy (indecipherable) guy came out and there was a disturbance. SCOTT immediately pretty much dispatched down at the Hollywood 24-Hour Fitness. By the time I got down there it seemed that the situation was more or less under control. Some other officers and I heard the dispatcher calling for, almost begging for if there was any east side car that can clear, to cover on a welfare check.

RHODES: Okay.

QUACKENBUSH: And I answered up for that, and got sent out to 128th and Sandy.

RHODES: Okay. And then what sort of information do you recall at this point getting from whatever the source may have been while you were in route, before you actually got to the call and started talking to people, such as…you know, from Dispatch or looking at your computer terminal in the car and/or other conversation between officers, what kind of additional stuff did you get that you recall, heading out to the call?

QUACKENBUSH: Basically, what I had is pretty much what's on pages 1 and 2 of the cad print out.

RHODES: Okay.

QUACKENBUSH: Verbatim, that was pretty much, pretty much what I had at that point. Some third hand information about a gentleman who was possibly suicidal and armed, and he had lost his brother earlier that day, was distraught. And the person who was calling in was somehow related to a female, his girlfriend or ex-girlfriend or something which he had three kids with.

RHODES: Okay.

QUACKENBUSH: Concerned about her welfare because they had (indecipherable) and were having trouble getting a hold of her. And then there was…they had his information, his PPDS record.

RHODES: Uh-huh.

QUACKENBUSH: Which came out and I saw the contents of that. And I'm not sure if you want me to go into detail about that.

RHODES: No. I don't think so because we have that, and that, of course, on your terminal, in your computer, so as you're able to, as you're driving, you're glancing at that and getting some additional kinds of information.

QUACKENBUSH: Sure.

RHODES: Okay. All right, once you get there, when you talked to the detectives, you talked about getting additional information from a gentleman once you get there, and connect up with Officer BOYLAN and this guy, according to the interview with detectives. BOYLAN was talking to him, and then you got some information from him. Who was that guy, and what kind of stuff did you get, and then who ended up with that information? How did you submit that, you know, to other people that were on the call?

QUACKENBUSH: I didn't know who he was at the time, but I have since discovered who he…Miss JONES's father.

RHODES: Okay.

QUACKENBUSH: The female half.

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RHODES: So, just for the record, that would be COURTNEY JONES, because obviously we know, learned about him and spoke with him, but…

QUACKENBUSH: Sure.

RHODES: But the interview wasn't real clear about who that was, although I figured it out. I thought it would be. So, what kind of stuff did he tell you, and then, where did that information go?

QUACKENBUSH: My focus when I got there was I wanted to figure out where this place was at.

RHODES: Uh-huh.

QUACKENBUSH: And start getting the preliminaries, sort of tactical approach and set up going. So, Officer BOYLAN was pretty involved in getting detailed information from him. But I wanted to make a quick assessment. We have the location, we have the apartment number, but I wanted to know a couple of things from my experience, you know, serving search warrants and things like that. I know that there are certain threat factors and threat indicators that sort of red flag the situation and make it more critical. And the two primary concerns I had were I wanted to know from him directly just really quickly, are there kids in the apartment, and second of all, is he armed?

RHODES: Uh-huh.

QUACKENBUSH: Do you know for sure? And I believe, he didn't know. It was kind of third hand information to him as well, and he couldn't say for sure whether she was…he was armed or not.

RHODES: Okay.

QUACKENBUSH: There was sort of rumors floating around about whether he was armed or not, and I believe, I'm looking through the transcripts to recall, I'm trying to remember the information about the kids, if he had concrete information about that as well. I think he did, but I'm just referring to this to make sure I'm accurate about that.

RHODES: On page 5of your transcription with the detectives is where you talk about that, last paragraph, about half way down.

QUACKENBUSH: Yeah, he…yeah, so that was, yeah. So he did confirm that there were going to be three children with his daughter.

RHODES: Okay.

QUACKENBUSH: In the apartment.

RHODES: Okay. And I think you already addressed this, because youtalked about what was in the CAD about information that you were getting as you were arriving. You talked about that his brother, he was maybe suicidal, because his brother died the day before. That's…

QUACKENBUSH: Um, I'm sorry. Can you…?

RHODES: About…the guy inside, what his demeanor was in terms of what was going on with him, whether he was suicidal. You mentioned the kids. And whether or not he was armed, and whether or not any crimes had occurred at that point.

QUACKENBUSH: Yeah, there was…I guess I don't understand the question.

RHODES: Um, so, you've already addressed this, but because of what was in the CAD…so maybe look at the CAD and kind of summarize for me again what information you had as you were going there, and the confirmation that you got was about–

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from this gentleman – was about the kids, at least as far as he knew of them being in there. So, in addition to that, what other kinds of stuff go over again what your recollection was of what was going on with him in terms of being suicidal or suicide by cop or any of that kind of stuff.

QUACKENBUSH: Yeah, well, this was Mr. CAMPBELL.

RHODES: Right, right.

QUACKENBUSH: So, yeah, he had…there was again the information about his brother that had passed away that morning, and he was really upset about it. And then there was the information of he possibly wants to do suicide by police.

RHODES: Okay.

QUACKENBUSH: And the caller, the indication from the CAD printout is the caller is alleging quite directly that Mr. CAMPBELL is armed with a gun.

RHODES: Okay, okay.

QUACKENBUSH: Um, and then, also, there's a few brief things before his full PPDS got pulled out about his flags, about how he was flagged with a resist arrest and domestic violence history flag, on his record.

COURTNEY: Was there any information that he had threatened anyone? Or threatened to harm anyone, or committed a crime?

QUACKENBUSH: Not from my recollection at that point. I don't…get any information about that, no.

RHODES: Besides himself (indecipherable) like yourself.

QUACKENBUSH: No.

RHODES: Um, so then…so you talked to COURTNEY JONES, you get that additional information about the kids, and then how does that get put out there to someone like a potential supervisor that shows up? Do either you or BOYLAN broadcast that at that point, or do you provide that in a briefing with somebody.

QUACKENBUSH: That…at that point, it was only myself and Officer BOYLAN. So, we were the only people to be informed of that information.

RHODES: Okay.

QUACKENBUSH: So, then, after that, once I got that piece of information, I immediately went up and tried to figure out where this apartment was at.

RHODES: Okay.

QUACKENBUSH: In the complex, not knowing the complex at all.

RHODES: Okay.

RHODES: So you go someplace to try to figure out where it is, to get an eye on it, sort of thing? Is that what you're after?

QUACKENBUSH: Yes, exactly.

RHODES: And then, what happens then in terms of somebody else arriving in a supervisor capacity that gives you assignment? How does that happen?

QUACKENBUSH: It's…it seems to me it was a little while before we had a Sergeant out there. I'm not sure exactly how long. I'd have to look at the CAD or refer to the CAD record to see. But…

RHODES: Go ahead.

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QUACKENBUSH: Yeah, at first, I remember officers arriving and we were sort of just setting up containment. I figured out where it was at, or I figured out where the apartment was at by looking at the sequencing of the numbers and whatnot. I found a good place in an alcove to have an eye on it and be behind relatively hard cover.

RHODES: In an alcove on the same side as the target's apartment?

QUACKENBUSH: Yes.

RHODES: Or were you like across the parking lot or something?

QUACKENBUSH: No, same side.

RHODES: Okay.

RHODES: We have a crime scene diagram. Can you just point to where…

QUACKENBUSH: Yeah, right up here.

COURTNEY: Okay. You were in the one just immediately south, or actually...

QUACKENBUSH: This will be north.

COURTNEY: Yeah, north. Yes, excuse me, north of the…

QUACKENBUSH: Yeah. Okay, and I remember Officer BOCCHINO showing up, kind of coming up to me, you know, we had a brief visit. He said, okay, which one is it. Okay, I'm going to go around back. And he had someone with him, and he went around back, and we had a discussion on, about pinging her cell phone to see if she was even there.

RHODES: Okay, who's we? You and…?

QUACKENBUSH: Officer BOYLAN and the dispatcher, on the air.

QUACKENBUSH: Over the air. And I should also add if…I forgot about this too, but I had gotten…I also asked, um, the father about vehicle information.

RHODES: Uh-huh.

QUACKENBUSH: If he knew…he didn't know of any car that she drove.

RHODES: Okay.

QUACKENBUSH: Or anything else. But then, I pulled up what we had in PPDS and jotted that stuff down.

RHODES: Okay.

QUACKENBUSH: There were only, you know, a half dozen cars or so parked in the lot, and so it didn't look like the car was there.

RHODES: Okay. So, to move on from there, in your detective interview, you talked about at some point Sergeant REYNA comes to the location and gives you an assignment. So, where were you when REYNA comes to you and meets with you and gives you your next assignment? Which, of course, is to get on the phone, if I understand it.

QUACKENBUSH: Sure. I believe we were still right here.

RHODES: Same alcove?

QUACKENBUSH: Yeah.

RHODES: Okay. Um, so what is that conversation? She comes to you and what happens? In terms of exchanging information and then what does she ask you to do and, um, you know…?

QUACKENBUSH: Um, the direction is basically, we're going to attempt to make contact.

RHODES: Uh-huh.

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QUACKENBUSH: By phone. We're setting up a custody team out here. So, we're kind of doing a felony house stop with police cars and people out in the parking lot.
RHODES: Okay.
QUACKENBUSH: Um, and, you know, over the radio when she was calling in and talked to Mr. CAMPBELL, and see what's going on with him. Maybe see if he will come out and talk to us and that sort of thing.
RHODES: Okay. Was there any discussion at that point about what happens if he comes out and like runs back into the apartment at that point, or was it too early for that, or what's your recollection about that?
QUACKENBUSH: I don't remember exactly when in the sequence of events when this occurred.
RHODES: Okay.
QUACKENBUSH: But there was, um, there was a little bit of a discussion with JEFF ELIAS, myself, I believe Sergeant BIRKINBINE was there, Sergeant REYNA. Um, about, okay, I'm here with the canine. If he comes out, you know, what's my direction? What do I do with it, the canine?
RHODES: Okay.
QUACKENBUSH: And basically, the direction at that point, is we're not letting him go back in the apartment if he comes out, you know, we're going to send in the dog and make sure he does not go back in the apartment.
COURTNEY: And that was from Sergeant REYNA?
QUACKENBUSH: I don't remember.
COURTNEY: You don't remember?
QUACKENBUSH: Yeah.
RHODES: Okay, and is that conversation occurring, you're pointing out that you were in this alcove which was kind of adjacent to where the subject was at that point? At some point do you guys move further north to give some more space between you and CAMPBELL's apartment?
QUACKENBUSH: Yes, we did. We did move back up here eventually.
RHODES: Okay.
QUACKENBUSH: To that northernmost alcove, but I'm really hazy on when exactly that happened.
RHODES: Okay.
QUACKENBUSH: It happened later in the event than sooner.
RHODES: Okay, and one of the reasons for pointing that out is just that's closer to the patrol cars so you're not down range necessarily. You were, but then as you moved closer to…if you moved to the north in an alcove further away, then you're not, you know, between the patrol cars and the subject's apartment…
QUACKENBUSH: Sure
RHODES: So at some point you move.
QUACKENBUSH: Yes.
RHODES: Okay. So, it's at this more northern alcove where you make the phone contact with the guy? Is that where that starts?
QUACKENBUSH: That's where I have trouble being clear in my mind. I know at some point we were here and at some point we were down here.
RHODES: Okay.

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QUACKENBUSH: And I couldn't say for sure if we had one of the phone conversations here, and then kind of moved back and then had the text messaging and the second conversation something. At some point we did move. I just can't remember exactly when that was.

RHODES: Okay.

COURTNEY: And when you say we, you're talking who?

QUACKENBUSH: Myself, Sergeant BIRKINBINE, Sergeant REYNA, um…yeah, the three of us.

COURTNEY: So the three of you?

QUACKENBUSH: Yes.

COURTNEY: Okay.

RHODES: So, prior to making the phone call, was there any discussion, and if there was, who was it with? Was it with BIRKINBINE? Was it with REYNA? Or was it with both of them, about the kinds of things to talk to the guy about on the phone? Who did that take place with?

QUACKENBUSH: Um, that was primarily with Sergeant BIRKINBINE.

RHODES: Okay.

QUACKENBUSH: Um, you know, we wanted to get a call in to get a feel for where he was at, what his mentality is.

RHODES: Uh-huh.

QUACKENBUSH: You know, just try to establish a rapport. You know, find out if we can, um, what…it was really just about just initially trying to make contact, and finding out what his mentality was.

RHODES: Uh-huh.

QUACKENBUSH: And seeing if this was really like…is he really intent on hurting himself? Does he have a gun? Or is this just something that's being blown completely out of proportion?

RHODES: Okay. So, would you consider BIRKINBINE, then, to have been your, like you right-hand man or your number two or a personnel that's going to be with you the whole time while you were on the phone?

QUACKENBUSH: Yes.

RHODES: Okay. And did that continue to take place? Was there some point when he was away, or was he pretty much always there?

QUACKENBUSH: No, I recall Sergeant BIRKINBINE being with me the entire time.

RHODES: Okay. And then, what's…and I know you're focusing on the phone when you're actually having a conversation with the guy – you're thinking about what you're going to say and that sort of thing – but what was, what observations did you have about when you were on the phone with Mr. CAMPBELL, how is BIRKINBINE getting a sense of what he's saying or what his demeanor is? Are you looking at BIRKINBINE and trying to include him in the conversation in the sense that BIRKINBINE can tell what you're saying, or how is that information getting to BIRKINBINE?

QUACKENBUSH: Yeah.

RHODES: About what's going on on the phone.

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QUACKENBUSH: Well, he's right next to me, and I was doing all the talking. So there wasn't a lot of information to pass along from Mr. CAMPBELL. Um, But the phone connection was extremely poor. There was a lot of static. There was some interference and things, and you could…occasionally I could hear him, the sound garbled…

RHODES: Right.

QUACKENBUSH: Like he was trying to say something. But the only thing that I remember him saying clearly was something to the effect of why don't you guys just go away and leave me alone.

RHODES: Okay.

QUACKENBUSH: That was really the only, um…

RHODES: Okay.

QUACKENBUSH: That was the only thing I could recall him saying that I could understand.

RHODES: Okay.

QUACKENBUSH: It really was mostly just me talking.

RHODES: Before I forget, was there any discussion with CAMPBELL while you were on the phone with him, we're worried that you have a gun, do you actually have a gun, was there any discussion about whether or not he actually was in possession of a handgun?

QUACKENBUSH: Yeah.

RHODES: I know you got some, maybe, info from the girlfriend and that sort of thing, but in terms of actual discussion with CAMPBELL, did that come up?

QUACKENBUSH: I think I tried…I may have mentioned it a time or two, like, you know, we have information you may be armed or something like that.

RHODES: Uh-huh.

QUACKENBUSH: But, um, I couldn't get…

RHODES: Did he ever (indecipherable)?

QUACKENBUSH: Yeah, I mean, there is no information directly. He wasn't…when he'd respond you couldn't really tell what was being said.

RHODES: Oh, okay.

QUACKENBUSH: Most of the time there was no…do you have a gun? Yes. Or do you have a gun? No.

RHODES: Okay.

QUACKENBUSH: I mean, there wasn't enough clarity on the line and that sort of thing to get that kind of information.

RHODES: Um, and you guys, I think this is pretty clear, but you guys…you didn't record the phone conversation that you were having by plugging in a pearl corder in your ear or anything like that?

QUACKENBUSH: No.

RHODES: Okay, and I just asked that to make sure I don't miss something?

QUACKENBUSH: Sure.

RHODES: What did you notice as you had opportunity to pay attention to it while you were on the phone with CAMPBELL, how BIRKINBINE was relaying the information that he was getting from your conversation to other people? I mean,

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was he getting on the air and putting out information? Was REYNA next to him, and I know it wouldn't necessarily be your responsibility to pay attention to that while you're talking on the phone, but what's your recollection, your observations as to how he was putting out information or who he was giving it to?

QUACKENBUSH: I don't have any.

RHODES: Okay.

QUACKENBUSH: I was fully focused and kind of just trying to establish a rapport and have a conversation with Mr. CAMPBELL, and trying to understand what he was saying.

RHODES: Okay.

QUACKENBUSH: Which was pretty much impossible.

RHODES: Okay.

QUACKENBUSH: But, I didn't, yeah.

RHODES: Um, so, you talked about, you know, initially it's you, BIRKINBINE, and REYNA. Did you notice if and when at some point REYNA was no longer there? Was there something announced that I'm going to go do this, and I'm not going to be here anymore? Or do you recall that?

QUACKENBUSH: I don't recall that. Um, there was, there was a back and forth moment where, when we were engaged in the text messaging where Sergeant REYNA kind of came over and she got the gist of what was being said, text messaging-wise, and she broadcast…I do recall that, that she broadcast that information.

RHODES: What was that text?

QUACKENBUSH: It…um, the actual…

RHODES: Paraphrase.

QUACKENBUSH: …paraphrasing is basically, um, it seemed like it was just kind of joking around, kind of thing, hey, oh, wow, you guys can text, that's pretty cool. And then, um, and, you know, I said something like, you know, we're concerned that you're going to hurt yourself, and he had said something like, oh no, never. I think that's what he said.

RHODES: Okay.

QUACKENBUSH: And so then Sergeant REYNA, I do distinctly remember that she broadcast, hey, we're getting positive text messaging, we're having positive communication with Mr. CAMPBELL.

RHODES: Oh, okay.

QUACKENBUSH: I remember her broadcasting that for everybody.

RHODES: Okay. Um, so just chronologically speaking for those who would listen to this and wonder, the text about, don't make me go get my gun, or words to that effect, occurred much earlier when the girlfriend had the phone, as I understand it.

RHODES: That didn't occur later. He doesn't repeat that.

QUACKENBUSH: No.

RHODES: Okay. All right. Um, when you were on the phone with CAMPBELL and there was lost connection for whatever reason, how was the decision made to, okay,

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call him back now? Were you getting directions from BIRKINBINE to do that, or were you…was your recollection that he was kind of relying on you to keep trying to call him?

QUACKENBUSH: No, we were…I never made a phone call or sent a text or anything until I was directed, you know, and being sure that, hey, we're ready. You know, people are in place. Go ahead and make the call.

RHODES: Okay.

QUACKENBUSH: And with the text messages, I kind of showed them, you know, and that sort of thing.

RHODES: All right. Um, and then in terms of anybody kind of making note of what's actually occurring with the phone call stuff, was there anybody maintaining any kind of a log, or some other officer in the alcove jotting stuff down as it was unfolding? It may have been a manpower issue.

QUACKENBUSH: No. I did myself. If you noticed probably, in my notebook. I was just trying to write down as best as I could.

RHODES: Okay.

RHODES: And we have a copy of that. I'll point that out before we finish.
While…at any point while you guys were in the alcove, either before you actually get on the phone with him, or during that phone conversation, was there discussion about whether or not, by anybody, about whether or not this should be a SERT/HNT call out? Do you remember any conversation along those lines by anybody?

QUACKENBUSH: No.

RHODES: Okay, Um, was there anything that you were deriving from talking to CAMPBELL that lead you to make some suggestions to the Sergeant– BIRKINBINE and or REYNA about whether or not there should be a SERT or HNT call out?

QUACKENBUSH: No. Again, the conversations were pretty muddled.

RHODES: Okay.

QUACKENBUSH: So, we had a brief discussion about tone of voice and that sort of thing, did he sound intoxicated, that sort of thing. It was kind of a maybe, I'm not entirely sure.

COURTNEY: How long a time-frame were you on the phone with him? I mean, you know…obviously not continuous, but from start to finish? I mean, was it…you know, calling him back these different times. How long.

QUACKENBUSH: The two different…

COURTNEY: The duration.

QUACKENBUSH: The conversations, their duration, I would say, you know, just maybe a minute, not long.

COURTNEY: And how far apart were they? These minutes.

QUACKENBUSH: I'm not sure. The phone, the phone would probably show.

COURTNEY: All right.

QUACKENBUSH: But it seems to me it was quite a…there was definite lull between that and the texting, and then once the children came out, then there was another pretty big lull.

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RHODES: Uh-huh.

QUACKENBUSH: Which would be, you know, we weren't really in a hurry to have to recontact him.

RHODES: Okay. Um, I talked to you briefly before, because I gave you both the Grand Jury transcription for the testimony, and then the detectives interview, about… in the Grand Jury testimony you talked about that you had not asked CAMPBELL to come out, and if you look at page 97 and 98 in the Grand Jury transcription, you said something to the effect that we might want to look into the possibility of him coming out of the apartment and told him to come out. And one of the things that I'm wondering, is that completely accurate, if that's your recollection of, since it's transcribed, if you recall that part of the testimony. And if he can be a little bit more specific about explaining what you were trying to explain to the Grand Jury.

QUACKENBUSH: Yeah, that's not…I don't believe that's accurate. If it is, I misspoke, because my…um, the gist of what I was trying to say was that we were sort of trying to make an introduction and introduce the idea of, hey, we're not here to arrest you. We're not here to, you know, to hurt you or anything like that. We want to get you some help. You know, there are crisis tools and resources available, and we would like to look to the idea of you coming out and talking to us if you're…if that's something you're willing to do. But we're not going to come breaking your door down.

RHODES: Right.

QUACKENBUSH: We're not going to come, you know, tearing your house apart. We're not going to do anything like that, you know. So, it was kind of floating the idea and bring the ball into Mr. CAMPBELL's court a little bit, about what he wanted to do in the situation, and how he wanted to respond to what was going on.

RHODES: Okay.

QUACKENBUSH: But there were never any…there was never any, you know, um, Mr. CAMPBELL, you need to come out right now with your hands up. This is what we're going to do. And that sort of thing, it wasn't anything like that. It was just sort of putting the idea out there.

RHODES: Okay.

QUACKENBUSH: If you want to come out and talk to us, that's great, but we're not going to force the issue.

RHODES: Okay. Um, so in the detectives' interview, and look at page, like 13 or 14, and there's, the transcription…I'll wait until you find it.

QUACKENBUSH: Sure.

RHODES: Um, you talked about… in your interview, you say, we need you to come out and talk to us and follow our directions. And then there was some more interference, and the phone connection was lost. Pretty much immediately after that, I heard the officers yelling that he was coming out. So, um, did you actually, so explain that a little bit more in terms of what you were telling, your recollection of what you were telling CAMPBELL, was that floating an idea or what was going on at that point with him?

QUACKENBUSH: Yeah, I mean, it's the same situation.

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RHODES: Okay.

QUACKENBUSH: I was…there was not the intent or the…it was definitely not intended to, direct him you know…we need you to come out, that sort of thing. It wasn't my intention, um, at that point, at least, to direct him to come out but, you know, it was more just, hey, if you want to come out and talk to us, we would like to explore that. But…you know…

RHODES: Okay.

QUACKENBUSH: It was probably not the best way to word that.

RHODES: Well, I mean, unfortunately, at that point there is, you know, the more interference and the phone connection is lost, so, you don't get a chance to talk to him about it further. Could you hear him saying anything, you know, once you put that out to him? Does he say anything? I mean, do you even hear him acknowledging that he heard what you said?

QUACKENBUSH: No, not really, and it was…again, you could hear sort of the occasional mumbling. It was hard to discern.

RHODES: Uh-huh.

QUACKENBUSH: And it wasn't even clear if the connection was entirely lost, or he was on the line anymore.

RHODES: Right.

QUACKENBUSH: The indication that I had both times that something was happening was I would hear the custody team shouting.

RHODES: Okay.

QUACKENBUSH: So that was the first indication that I knew something was changing. Both with the children, and when Mr. CAMPBELL decided to come out of the apartment. It surprises everyone, including myself.

RHODES: Okay. And from your position in the alcove, you presumably couldn't tell where he was at in the apartment while he was on the phone?

QUACKENBUSH: No.

RHODES: Okay. Was there anybody in the perimeter that announced over the radio that they could see him on the phone in some particular window?

QUACKENBUSH: In…well, I'd have to answer that two different ways because at the time I don't know, I didn't know, and in retrospect, I found out that apparently Officer BOCHINNO or, somebody, saw him peeking out of a window or something.

RHODES: Okay.

QUACKENBUSH: I think I learned that later by reading CAD or something like that.

RHODES: Okay. But these are small apartments anyway, so it's not like it would take him three minutes to get from one end to the other.

QUACKENBUSH: No, no.

RHODES: Okay. Um…so were you ever getting at any point other than him like responding to you via text, were you ever getting much of a sense while you were on the phone with him that he was really…that he responded to what you were saying? You know, like, oh, I understand them. Okay, I'll…you know, anything like that? Or was it…?

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QUACKENBUSH: No, it felt pretty much like a one-sided conversation, that I was just talking, and he was just listening. And if he was responding, I wasn't...
RHODES: Okay.
QUACKENBUSH: I wasn't able to discern most of it.
RHODES: Okay.
COURTNEY: But, now, during one of your conversations, didn't you inquire about the kids?
QUACKENBUSH: The first conversation I did say that, you know, because he had mentioned, you guys just need to go away and leave me alone.
COURTNEY: Uh-huh.
QUACKENBUSH: And so I used that opportunity to segue into well, it's not, I'm not opposed to that, it's not a terrible idea, but, you know, we know you have three little ones in there with you and we're concerned about their welfare.
COURTNEY: Right.
QUACKENBUSH: And I don't know that we can just walk away not knowing what's going on with the situation. And, it's like I described before, kind of in the middle of while I'm having this conversation, suddenly I hear shouting and the kids are coming out.
RHODES: Uh-huh.
QUACKENBUSH: and the phone goes dead so it wasn't...
COURTNEY: So you have that conversation with him, and then the kids come out, and then later you had a conversation with him possibly floating an idea about him coming out, and then he comes out right after that.
QUACKENBUSH: Exactly.
COURTNEY: So, it looks like he's kind of cooperating with, kind of, these suggestions you're giving him.
QUACKENBUSH: Yes.
RHODES: So, when you're talking to him about kids, he doesn't say, okay, I'll send the kids out. They just come out.
QUACKENBUSH: Yes.
RHODES: Okay.
RHODES: And did he say anything once the kids do come out, and the kids are gathered up, and their safe, does he say anything to you like, well, I sent the kids out, so you guys can go away now? I mean, does he ever allude to the kids in any subsequent conversation once the kids come out?
QUACKENBUSH: No. We never talked about the kids again after that point.
RHODES: Okay. Yeah, they're out and safe, so let's not bring them up. Okay. Um, so, you really pretty well described to the detectives and in the Grand Jury testimony about what happened once he comes out. So, I'm not going to ask you to repeat all of that, but you talked about...when the detectives interviewed you, you talked to them about some sort of hesitation in CAMPBELL following orders. Um, how did you come to that conclusion that there was some hesitation? Was it because – and I know your vision was restricted according to the...or limited, because of the interviews – but did you come to that conclusion that there was some hesitation because you could see him not following, or you could hear the

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officers repeating commands and concluded there was some hesitation? How does…?

QUACKENBUSH: It's hard in retrospect to maybe verbally describe the sense that you got, but it was just kind of, um…the commands seemed to be getting more intense.

RHODES: Okay.

QUACKENBUSH: Maybe it was the sound or the…

COURTNEY: The volume maybe?

QUACKENBUSH: The volume.

RHODES: Okay.

QUACKENBUSH: And then there was some shouting going on. It seemed to be escalating essentially.

RHODES: Okay.

QUACKENBUSH: Um, yeah.

COURTNEY: Do you remember what those commands were?

QUACKENBUSH: Not, not specifically. When you hear that, you sort of…your mind kind of kicks into, oh, it's okay, we're in, yeah, put your hands on your head, back up to the sound of my voice, you know. So it kind of goes on autopilot, and I couldn't, I couldn't sit here and tell you exactly what was being said verbatim.

COURTNEY: Could you, um, tell if there was one person giving commands, two persons giving commands?

QUACKENBUSH: No. It was…I couldn't say for sure.

RHODES: Probably kind of a relief to be off the phone with somebody at that point.

QUACKENBUSH: Yes.

RHODES: You think everything is going to turn out right.

QUACKENBUSH: Yes. I was ready to run up and give him a hug.

RHODES: Um, in your…to kind of going along in the same line of information seeking, in your detective's interview, you talked to, um, I think it was BENIGA about hearing orders to get on the ground, get on your knees, get on the ground. And is that what you…I mean you kind of just explained that you were not really necessarily hearing those precise words, but just kind of kicking into autopilot. So, is that…I mean, because I…the reason I'm asking the question is because I can foresee someone down the road wondering, okay, is that what you're actually hearing, or are you just concluding that that is what they must be saying, or how does…?

COURTNEY: Do you have that referenced?

QUACKENBUSH: Yes.

COURTNEY: Are you trying to find that in there?

QUACKENBUSH: Yeah, I (indecipherable)

RHODES: Yeah, I should have marked that. I don't…but I can find it…

QUACKENBUSH: I think it's probably page 16.

RHODES: The detective's is a fairly short interview.

QUACKENBUSH: Oh, here we go. Page 14. Yeah, I…

RHODES: Yeah, it's a little bit further here.

COURTNEY: Fourteen, page 14.

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RHODES: Yeah, page 14.
QUACKENBUSH: Yeah, I understand what you're saying, and that's certainly a possibility, that's certainly a point. I don't know if that's just kind of, you know, something you're just used to hearing and that's exactly verbatim what was being said or not. I couldn't say.
RHODES: Okay.
QUACKENBUSH: And it's been…at least been some time now, so…
RHODES: Um, once CAMPBELL comes out, do you hear him say anything at any point? When any of the officers giving him commands, or just saying anything? You know, quite frankly, I don't think that they asked you in the interview. If they did, I wouldn't mention it, but I don't…do you remember him saying anything?
QUACKENBUSH: No, I…just general noise, sort of. You know, generalized shouting, the dog barking, that sort of thing. But I wouldn't be able to say specifically if this person was shouting this, or this person was shouting that.
RHODES: Um, did you overhear any discussion, either because you were close enough while you were tucked away in the alcove to where the custody team was, did you hear any discussion or, you know, in person kind of stuff or over the radio about an option to moving forward and taking him into custody once he comes back? Did you hear any discussion about that at all?
QUACKENBUSH: No.
RHODES: Okay.
COURTNEY: Now, I'm a little confused. Did you actually see him come out and approach the officers when they were giving commands? Were you watching him at all?
QUACKENBUSH: No.
COURTNEY: You couldn't see him?
QUACKENBUSH: No, I could only see sort of, you know, from where we were at, about when he gets to here.
RHODES: Right.
QUACKENBUSH: And then I can sort of see him, you know, from my point of view back there in the alcove.
COURTNEY: And what's he…describe what he's doing when you first see him.
QUACKENBUSH: He's backing up like this, with his hands on his head.
COURTNEY: Okay, and for the tape purposes, you're showing that, actually behind the head, kind of above the ears.
QUACKENBUSH: Uh-huh.
RHODES: And are…can you tell if his fingers were interlaced or not?
QUACKENBUSH: I, I couldn't describe in that kind of detail. It was, it was pretty quick, just a couple of seconds timeframe, as you know; and there's cars out here, and so really I could see his head.
COURTNEY: And was he still walking at that point, or had he stopped?
QUACKENBUSH: Maybe one step or so, and then he'd stop. He just kind of came into my view for like a brief couple of moments there.
COURTNEY: And how close was he to the car, to the cars? How close was he?

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QUACKENBUSH: I, I'd hate to even guess. I mean, somewhere around here in this vicinity. He seemed pretty close, but I'm terrible with distance measurements.

RHODES: So, for the purposes of the tape, do you think, since, you know, there's no video in here to show where you're pointing...like 10 feet, 20 feet, 100 feet, or just car lengths. How many more steps would it take for him to get back to where the officers were?

QUACKENBUSH: I don't know. I couldn't say for sure, somewhere in the neighborhood of a car length or 10 feet or so. Something like that, a rough guess.

RHODES: Okay, and, again, just for the purposes of the tape, um, you pointed out that you were in this alcove, which is actually to the north slightly of where the patrol cars are, and then there's a line of cars in the parking stalls that are adjacent to the building from where CAMPBELL is coming out of, correct?

QUACKENBUSH: Yes.

RHODES: Okay. So that, in your reports, you describe to the detectives that some of your, especially lower torso of CAMPBELL, is obstructed by, of course, the cars because he's moving back towards the officers. So...and that's all true?

QUACKENBUSH: Yes.

RHODES: Okay. So, you've already kind of alluded to the fact that you've learned some other information about, you know, like what one officer may have seen him peeking out the window, that sort of thing, so in terms of recalling today what happened that night, is there anything that you heard subsequent to the event, you know, in the media, television or talking to people that has caused you to change your perception of what happened that night? Or caused you to, you know, change a little bit in terms of information?

QUACKENBUSH: No.

RHODES: Okay.

RHODES: Um, given that this is an administrative review of this overall event, is there any other information that comes to your mind to provide to us that we have neglected to ask you about?

RHODES: Something else that you want to bring out that you can think of at this moment?

QUACKENBUSH: No, nothing comes to mind.

RHODES: Okay. Um, give me a moment to review my questions to make sure that I've covered everything that I intended to, and in the meantime, investigator COURTNEY...

COURTNEY: I've just got a few that we, that I wanted to ask here about...you touched briefly about discussions about walking away after the kids were out. Tell me more about that. How did that come up, and who all was involved in those discussions?

QUACKENBUSH: Those discussions were myself, Sergeant REYNA, Sergeant BIRKINBINE. I recall for certain being present for that sort of thing. Sergeant REYNA seemed to be leaning towards, this is probably something that we can just walk away from, that we don't need to force the issue, sort of thing. Sergeant BIRKINBINE wanted to get more clarification, sort of thing, and we eventually came to the understanding of...or Sergeant BIRKINBINE I should say, he wanted to nail down Mr. CAMPBELL's mental state if at all possible and just

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try to…he didn't see any harm in trying to re-establish contact and sort of finding out, AARON, are you suicidal? Are you going to hurt yourself? And maybe to further try to get a guarantee from him, I promise, I swear, that I will not hurt myself if you guys leave for the night. And then maybe our consciences would be clear with just leaving. And so, that was sort of the goal.

COURTNEY: Okay. And that was never communicated to you by CAMPBELL? That he wasn't going to hurt himself?

QUACKENBUSH: No. There was the one text message that he said, never, you know, I'm never…and you guys get kudos for texting.

COURTNEY: So that was in response to asking if he was going to hurt himself. I'm confused.

QUACKENBUSH: That…well, it was the first text, the initial text that I sent him saying, um, you know, AARON, we need to know if you plan on hurting yourself. Something like that.

COURTNEY: Okay.

QUACKENBUSH: And I think I'm paraphrasing a little bit. And then yeah, then he had responded, never. But then after sort of these texts or whatever or during the course of these texts is that we need to nail down…That maybe we can get him to guarantee. Yes, I promise, I will not hurt myself, if you guys just leave. And so, that was kind of the gist of what we were trying to accomplish.

COURTNEY: And you talked a lot about Sergeant REYNA was in charge in the situation. Did that ever change? Did she ever relinquish supervisory responsibility for this incident?

QUACKENBUSH: I don't…I'm not privy to that. I do…I can say that, um, at the end of the second conversation with Mr. CAMPBELL that she didn't…she wasn't present.

COURTNEY: Okay.

QUACKENBUSH: So…and Sergeant BIRKINBINE sort of had to run over to the custody team really quickly and try to direct that action.

COURTNEY: And then, at the time…one thing I wanted to ask, and I don't recall if I've read it in the detective's interview, but did you have eyes on him at the time that the less lethal round was first fired?

QUACKENBUSH: I think maybe the first round.

COURTNEY: The first round, you think you did?

QUACKENBUSH: Yeah, I think so. And then there was sort of that pause and leaning down, and then I started to see his head again, and then there were more pops, and he pretty much immediately…it was like he was taking off running so you would catch kind of a glimpse of his head bobbing and kind of moving forward, and…

COURTNEY: And from where you were at, did you come to an understanding, or understand why that less lethal round was fired at that time?

QUACKENBUSH: No. Not from where I was standing.

COURTNEY: And did you, um, I guess, what was your observation of what CAMPBELL was doing or what was his demeanor? What position was he in at the time the round, the less lethal round was first fired?

QUACKENBUSH: My recollection is just simply this: He was standing with his hands on the back of his head, just like this.

COURTNEY: Okay. And did that change after he was hit with the first less lethal round?

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QUACKENBUSH: Yes. That was when he sort of seemed to move forward, hands come down. You know, I kind of lose sight of him for a second, and then I see his head popping back up again, but obviously in that forward trajectory, suggesting that he was running.

COURTNEY: And could you tell, did his hands come down in front of him, behind him or where his hands went?

QUACKENBUSH: No. I couldn't see that.

COURTNEY: And could you ascertain that night…I know…we now know how many rounds were fired, less lethal rounds, but could you tell that night how many were fired?

QUACKENBUSH: No. I can guess, you know, a handful or something, but I'm not sure.

COURTNEY: Okay. And at the time the lethal round was fired, did you have eyes on CAMPBELL at that time?

QUACKENBUSH: No.

COURTNEY: Okay.

QUACKENBUSH: He was out of my view at that point.

COURTNEY: And then, one other thing, were you involved in any discussions after CAMPBELL was down, you know, we know there was a considerable amount of time before anybody approached him or went up to him to check on his status. Were you involved in any kind of discussions about doing an approach after the fact? After he was…?

QUACKENBUSH: No, the direction myself and Officer KEMPLE were given was to shout commands to him, to try and get him to show his hands.

COURTNEY: Okay. And what commands did you shout to him?

QUACKENBUSH: Um, AARON, we need to see your hands. Show us your hands. Um, there was some variations on that, you know. We also shouted things like, if you can hear us, show us, you know, move your foot. Something, because we could see his feet, and that was pretty much it.

COURTNEY: Uh-huh.

QUACKENBUSH: Um…

COURTNEY: And did you change positions, did you…you said you and Officer KEMPLE did that. Did you stay behind the alcove there, or did you sometimes change positions here?

QUACKENBUSH: No. Once shots had been fired and Mr. CAMPBELL was down…

COURTNEY: Uh-huh.

QUACKENBUSH: I came out here and I pow-wowed with Sergeant BIRKINBINE, and asked him if, what I could do at this point. And he told Officer KEMPLE and I to sort of flank off to the left and try to get eyes on Mr. CAMPBELL.

COURTNEY: Uh-huh.

QUACKENBUSH: And shout commands at him. So, that's what we did. And we tried to get lights situated so maybe we could illuminate where he was at and that sort of thing, but he was in a terrible position between a shrub and a car, and it was very dark, and it was impossible to see anything down there.

COURTNEY: Did anybody want to approach him or start to approach him and get called back?

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QUACKENBUSH: I don't recall that. And if that occurred, I don't have information about that.
COURTNEY: And obviously, we know from reading the reports a dog went up to him at some point.
QUACKENBUSH: Sure.
COURTNEY: And was up next to him. Okay. I don't think I have any…?
RHODES: Did you hear anything on the radio at any point or someone mentioning, like a sergeant, that, um, a lieutenant was en route, or the lieutenant had acknowledged what was going on and he was en route, or captains, or anything like that?
QUACKENBUSH: Yes.
RHODES: Tell me a little bit about that.
QUACKENBUSH: I just…it's just one of those things where just your ear catches as you're talking, street cops are sensitive to that
RHODES: Uh-huh.
QUACKENBUSH: But, you know, the boss is coming. So, I do…I, um, I just happened to remember hearing something like, you know, 9601, I'm in route. And then…
RHODES: Who's 9601?
QUACKENBUSH: Sergeant, or excuse me, Lieutenant RODRIGUES.
RHODES: Okay.
QUACKENBUSH: And then Captain DAY has a pretty distinctive voice.
RHODES: Uh-huh.
QUACKENBUSH: Kind of, oh, I hear Captain DAY's voice on the radio, sort of thing.
RHODES: Okay, and do you remember overhearing any direction that either one of those, the Lieutenant or the Captain gave anybody on the air that affected or impacted what was going on at that point in terms of trying to get phone conversations through or anything?
QUACKENBUSH: No.
RHODES: Just they were en route?
QUACKENBUSH: Sure.
RHODES: Okay. Is there anything that you can think of that we didn't ask you that we should have?
QUACKENBUSH: Nothing right now.
RHODES: Okay.
WESTERMAN: I've got a couple quick follow-up questions.
QUACKENBUSH: Okay.
WESTERMAN: You indicated that you were in the middle and in the north alcove, and you transitioned some time during the incident, you're not sure when. Regardless of when you transitioned, while you were communicating with CAMPBELL, were you deep inside the alcove, or were you out so that you could see the alcove he lived in? In other words, were you trying to observe the location, or were you…?
QUACKENBUSH: No.
COURTNEY: Were you completely isolated from the other location?
QUACKENBUSH: No, I was…when we transitioned to the role of…I was told basically that I was, my job was to be, um, communicating.

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COURTNEY: Uh-huh.
QUACKENBUSH: Or keeping in contact with Mr. CAMPBELL. I was completely focused on that and I moved around a bit, danced around a bit, with Sergeant BIRKINBINE with me, sort of trying to get the phone to work.
COURTNEY: Uh-huh.
QUACKENBUSH: To see if maybe the reception problems had to do with some sort of interference that would go away depending if I move…..
RHODES: Concrete stairwell or something like that?
QUACKENBUSH: Sure. No, but I was, at that point, I was never trying to…I wasn't trying to look out here or anything like that. No.
WESTERMAN: So it would be safe to say that you could have communicated that, or you could have done that role with what you were doing a mile away, versus a half a block away, versus 20 feet away?
QUACKENBUSH: Sure.
WESTERMAN: Okay. Um, had you…well, okay, so you articulated that when you mentioned the kids…he had mentioned, you know, just go away, and you said something to the effect of, you know, I'm not opposed to doing that, I'm just worried about the kids. You got no confirmation of him, no understanding that he had heard you, but the next thing you know, the door opened and the kids come outside.
QUACKENBUSH: Yes.
WESTERMAN: Okay. So, that was a shock to you?
QUACKENBUSH: Yes.
WESTERMAN: Um, and then the exact same thing happened when you talked about, um, the potential for coming out, and you didn't even talk about the potential for coming out. That was done, and the next thing you know, you hear officers yelling at him, and that was a shock to you as well?
QUACKENBUSH: Yes.
WESTERMAN: Okay. Had you been able to establish the rapport with him…I know, you established a rapport with him, but this either mentioned, um, it…something to the effect of it looked like he was cooperating with your request. Would you phrase it as cooperative? Or would you say that it was more safe to say that he was anticipating what you were going to do, and acted on his anticipation?
QUACKENBUSH: Yeah…I, well, yeah.
WESTERMAN: Is that correct?
QUACKENBUSH: Yeah. That's probably closer to it. Um, referring to the…these experiences, as conversations are being pretty generous I think. Communication, it was just, as I described, um, a lot of me talking and inaudible and indistinguishable interjections intermittently, and the one thing that still sticks in my mind is hearing him say, yeah, you just need to leave and just go away.
WESTERMAN: So, had you been able to…had he not anticipated and reacted prematurely to what you were potentially going to ask him to do, um, so for example, like, you know, if he'll send the kids out…had he said, you know, yeah, okay, I can send the kids out, do you think that information would have been communicated to the officers that were out there waiting?
QUACKENBUSH: Certainly. Yeah

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WESTERMAN: Okay. Um, and had you asked him to come out, had you had the time to ask him to come out, do you think that you would have given him specific instructions like, maybe, remove your shirt and do different things that we all know that officers do?

QUACKENBUSH: Absolutely.

COURTNEY: You just never had that opportunity?

QUACKENBUSH: No.

WESTERMAN: Had you been able to establish that kind of a rapport with him, where you could have done all those things and everything would have been planned out, and it was like, okay, here's what I want you to do. Do you understand that? Repeat it back to me. And he says yes, and he does that...and it's time for him to come outside, and he comes outside, the moment he is outside the apartment and you had been talking to him, who then takes control of him and what he's supposed to be doing from that point forward?

QUACKENBUSH: The custody team.

WESTERMAN: Okay. So you wouldn't stay on the phone with him while he's walking out to he custody team?

QUACKENBUSH: No.

WESTERMAN: Okay. So the second he comes outside, all of your control and all of your input into the circumstances is now gone?

QUACKENBUSH: Yes.

WESTERMAN: Okay. You mentioned very briefly about Sergeant REYNA being in charge and things like that, but when we talked prior to this, you kind of had the impression of like a division of responsibility between the two sergeants. Can you articulate a little more about what you think each sergeant was responsible for based on what you were observing of them?

QUACKENBUSH: It seems, from my perspective, that Sergeant REYNA was there as essentially the incident commander.

WESTERMAN: Uh-huh.

QUACKENBUSH: The person that was in charge of the overall scene. Um, she seemed to take responsibility primarily for the tactical aspect of the situation. And Officer, or, excuse me, Sergeant BIRKINBINE showed up as sort of more of a support role with his HNT experience and that sort of thing. And he was sort of my second, as you recall it, or kind of the guy that was going to nudge me or kick me in the leg if I said something stupid or something like that.

WESTERMAN: Sure, uh-huh.

QUACKENBUSH: Kind of guide the conversation.

WESTERMAN: So it is safe to say that Sergeant BIRKINBINE was pretty much in charge of the communication with AARON through you, and Sergeant REYNA was in charge of the custody team and all of the outside things outside of the communication?

QUACKENBUSH: That was my understanding.

WESTERMAN: Okay. Um, at any time during this incident, was there any ambiguity on your part as to what your role was?

QUACKENBUSH: No.

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WESTERMAN: Okay. At any time during this incident did you see any of the other officers at the scene have any confusion as to what their roles were?

QUACKENBUSH: No.

WESTERMAN: Okay. From your perspective on the dozens of events and stuff that you have been to, or hundreds of events that you've been to, were the negotiations side and the tactical side communicating with each other?

QUACKENBUSH: Um, it's hard for me to say because, again, my focus was 110% on trying to get…

WESTERMAN: Well, let me back up for a second. When you knew that you were getting vital information, you observed that information being broadcast out?

QUACKENBUSH: Yes.

WESTERMAN: Okay. And that was being broadcast to everybody at the scene, or within ear shot of the radio.

QUACKENBUSH: Yes.

WESTERMAN: It wasn't just, um, somebody shouting over the cars, saying, hey, okay, we've got this. It was all done via radio?

QUACKENBUSH: Yes, absolutely.

WESTERMAN: Okay. That's…I think that's all I've got.

RHODES: When he, um, when he did say that little blurp to you on the phone, you guys just need to go leave, how would you describe his demeanor? Was it like, I'm pissed. You guys just better get the hell out of here? Or was it like, I'm really depressed. You guys…can you…what end of that spectrum or was it somewhere in between, or what was your sense?

QUACKENBUSH: Not knowing Mr. CAMPBELL at all, you know, and certainly just reading him under these circumstances…

RHODES: Right.

QUACKENBUSH: Um, but if I were to just…

RHODES: Generalize.

QUACKENBUSH: Generalize and take a guess, I would have said the former. That he was angry, more angry and hostile, you guys just need to get the hell out of here. What are you doing here? Something like that.

RHODES: Okay. Regarding your notebook that we made a copy of where you've got things like, AARON, we need to know if you intend to hurt yourself. Is that something…did you do that ahead of time so that you would have like a script? Or is that what you made of note of after you said it just so you could recall?

QUACKENBUSH: After I had said it, I was making notes of it.

RHODES: Okay.

QUACKENBUSH: I figured it probably would become important.

RHODES: Okay, very good. Um, I can't think of anything else, so unless, Officer QUACKENBUSH, you have something else, it's 1700 hour and we'll end the interview, unless you have something else.

QUACKENBUSH: No Sir.

RHODES: Okay.

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Transcribed 03/27/2010 / 12:00 a.m. Gayle Laird (0327gl01)

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PORTLAND POLICE BUREAU
INTERNAL AFFAIRS DIVISION
Confidential Taped Statement
IAD Investigator Barry Renna #15038

Interview Date: 3/4/10
IAD #: 2010-B-0004
Complainant: Portland Police Bureau

Interviewed: Officer John Boylan: #41756

RENNA: This is Barry RENNA. I'm an investigator for the Internal Affairs Unit of the Portland Police Bureau. Today is March 4, 2010. It is 1605 hours. I'm in an office within the Internal Affairs Division. Also present is Sergeant CRAIG MORGAN of the Internal Affairs Unit and we'll be speaking with Officer JOHN BOYLAN who goes by Bob. Is that correct?
BOYLAN: Yes.
RENNA: Okay. And his representative from the PPA is present, Officer SCOTT WESTERMAN. We're here to talk about the IAD pick # 2010B0004 which is also partially reflected in PPB Case # 10-8325. Officer BOYLAN has been advised that his conduct and/or the conduct of any other bureau members present on January 29, 2010 at 12800 NE Sandy Boulevard is the subject of this investigation. Officer BOYLAN has reviewed information necessary to be reasonably apprised of the nature of the allegations of the complaint. Officer BOYLAN has been informed that he is a witness in the case and that Captain Ed BRUMFIELD is in charge of the investigation. I have advised Officer BOYLAN that he can have representation present during the interview and SCOTT WESTERMAN is here in that capacity. Officer BOYLAN has been provided a copy of the Advanced Notice and Waiver Form and has signed it. Officer BOYLAN, under the authority of Captain BRUMFIELD, I am ordering you to answer all of my questions fully and truthfully. If you fail to respond honestly and truthfully, you may be disciplined up to and including dismissal. Do you understand that?
BOYLAN: Yes.
RENNA: Okay. Thanks. Let's begin, I'll ask you how long have you been employed by the Portland Police Bureau?
BOYLAN: Just a little over eight years.
RENNA: And did you have any previous law enforcement experience?
BOYLAN: Yes, from Virginia.
RENNA: Okay. And what did you do, who were you employed with in Virginia?
BOYLAN: Chesterfield County Police Department just outside Richmond. Almost nine years there.
RENNA: Okay. What did you do when you were employed in Virginia?
BOYLAN: Mostly I did patrol. I did about a year-and-a-half investigations.
RENNA: Okay. And where are you currently assigned here in Portland?
BOYLAN: North Precinct.
RENNA: Okay.
BOYLAN: Pre-relief afternoon shift.
RENNA: Okay. And what assignments have you had since being in Portland?
BOYLAN: Just in patrol.
RENNA: Okay. And where were you assigned on January 29 of this year?
BOYLAN: I was assigned to 640's.
RENNA: Okay. What precinct was that?

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BOYLAN: North Precinct.
RENNA: Okay. And what shift were you working?
BOYLAN: Pre-relief afternoon which is three to one.
RENNA: And on the 29th of January, did you have occasion to respond to 128th and NE Sandy Boulevard?
BOYLAN: Yes.
RENNA: Okay. And what was the reason for you to respond there?
BOYLAN: It was a called welfare check, and just to summarize, the call was to check on individuals, a female was living there, and her kids were there, in regards to a gentleman there who was distraught about losing his brother the night before, and there was concern, they couldn't get a hold of his girl now, and were concerned for her welfare. So it came out as, I believe, a welfare check.
RENNA: Okay. Did you get that information over the radio or over your MDT?
BOYLAN: Both.
RENNA: Okay. Do you remember what information you were getting on your MDT as opposed to something that would be commonly heard on the radio?
BOYLAN: Specifically, no, it was a combination of getting it. You initially get over the radio, and then looking at the screen, and gathering that information, so I can't...
RENNA: After you arrived at the scene, what did you do? What was the scene like?
BOYLAN: Yeah, initially we waited for the back-up, and the back-up was there pretty quick. And, actually, as I got there a gentleman approached who turned out to be a father of the girl we were checking on, so I was able to talk with him and get some more information. Meanwhile, I believe QUACKENBUSH, he was the first cover officer to arrive, he went to kinda scope, to scout out the location and keep eyes on the residence while we were trying to gather more information from the gentleman.
RENNA: And what kind of information did you get?
BOYLAN: Kind of a confirmation already of what I had been told on the radio. And he was trying to call his daughter, and no response. He was adamant, "I know she's in there. She always answers her phone. She doesn't go anywhere. She doesn't have a job, so she's got to be in there." And that was my concern, that she wasn't answering, and why, why was she not answering.
RENNA: Okay. Do you remember that person's name?
BOYLAN: I really cannot,, I don't recall right off hand. I think his last name was JONES.
RENNA: Okay. Does COURTNEY JONES sound right?
BOYLAN: Yeah. Yes.
RENNA: Anything else that you remember that he told you that was pertinent to the call that you were on?
BOYLAN: I learned it, it, I learned later on, actually, that the information that he was providing to me was like third hand. He was getting it from somebody else who actually was the caller, who I believe was the aunt of the girl. So, I didn't know it at the time, but then when I called him later on to verify, to get some more information, she verified that she was the caller to 911 and that she, I believe, had turned around and given that information to another daughter, and that daughter had called the dad. So, if that makes sense, it was kind of third and fourth hand, but it was still pretty consistent with what we had been told on the radio and on the MDT. So...
RENNA: Okay. And you had occasion to speak with ALEESA JONES?

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BOYLAN: Yes. That was, I believe, the other daughter who had told the father all this information, and that it was actually from her that I found out that she had received the information from the aunt who was the one who called us.
RENNA: And did you speak with her in person or on the phone?
BOYLAN: ALEESA?
RENNA: Yes.
BOYLAN: On the phone.
RENNA: At what point did you speak with ADRIENNA JONES who was, to my understanding, the girlfriend?
BOYLAN: Yes.
RENNA: Okay. How much time transpired from your arrival to the point that you spoke with her?
BOYLAN: Boy, I'm just guessing. Maybe twenty minutes, half an hour tops.
RENNA: Okay. What were you doing during that time?
BOYLAN: Again, talking with COURTNEY, and then talking to ALEESA over the telephone. More officers arrived and they were kind of forming a plan. And then all of a sudden, I was briefing the Sergeant and looked over and, boom, here she comes. Turned out that was ADRIENNA. She just walked out into the parking lot. "Hey, come over here." So…
RENNA: Do you recall what other officers were arriving?
BOYLAN: At that point, Officer QUACKENBUSH was the first officer for cover. Officer LEWTON had showed up before the girl came out, and there was a Sergeant that was also there on the scene before the girl came out _____ she was. There may have been a couple of other officers; maybe BOCCHINO and his trainee may have been there already. I know they had ended up covering the back, covering the west side of the apartment.
RENNA: And when you say sergeant, who are you referring to?
BOYLAN: Sergeant REYNA.
RENNA: Okay. And what was the reason that she responded? Did she come on her own, or did she come in response to a request?
BOYLAN: I believe she came on a request from Officer LEWTON. I believe he requested a supervisor.
RENNA: Do you remember when she got there, what was discussed with the sergeant?
BOYLAN: Yeah, I just basically briefed her on what information I had at the time, filled her in, per se, with what was going on, what we had, what information we had, to kind of make a plan of what we were going to do next.
RENNA: Did the sergeant offer any suggestions as to what her thoughts were on the call?
BOYLAN: Throughout the call she did. I mean, that specific point. I know that when the girl came out, we had discussion "Okay, how are we going to handle this?". We definitely didn't want to let her go back in. Because as we were talking to her, she said, "Well, I know he had a gun last night, and the gun that he had, he put in his sock, and he put that sock in the jacket that he is now wearing, and he's laying down on the couch." So we knew that there was a gun there. So, obviously we didn't want to let her go back in and have another person who could potentially be harmed. So, we were talking…we got her away and were trying to formulate a plan. "Okay, what are we going to do?" Because the kids were still inside as well.
RENNA: And what was Officer QUACKENBUSH doing while you were speaking with ADRIENNA?

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BOYLAN: I don't know if he was still keeping eyes on the house or if he had come back. I don't recall. He may have still been watching the apartment. He may have come back to us. Again, little by little, there were more officers coming that I may not have been aware of 'cause I was talking to Sergeants trying to make plans. So, I don't recall.
RENNA: Were there any cars positioned in the parking lot of the apartment complex that we're talking about at this point in time?
BOYLAN: Police cars?
RENNA: Yes, police cars.
BOYLAN: At this time, no. There are not.
RENNA: So where were the police cars being staged and parked at?
BOYLAN: Just parked along Sandy, right by the complex.
RENNA: How did Ms. JONES describe Mr. CAMPBELL'S behavior when she came out?
BOYLAN: I talked to her and said, "Hey, this is the information that we're getting," trying to verify what was going on. She was saying, "Hey, that happened last night." But she was trying to make it sound like it was better today. That those threats and his desire to kill himself and having the gun out, it happened the night before. And trying to verify…I think I tried to ask her about his drinking, was he still drinking. And I tried to get his, I guess, his state, mental state at that moment, if that makes sense.
RENNA: And what, how was that being communicated to you? What were you hearing her say as far as his state of mind right then?
BOYLAN: Right. The way she made it sound to me that was he was… it wasn't as bad as it was. It was worse the night before. It wasn't that way now is the way that I was hearing it presented to me.
RENNA: Was that being…what you were learning from her being communicated to other officers at the scene?
BOYLAN: I don't know. I know that whoever was there in that group I'm assuming heard that. I don't know if that was communicated or not.
RENNA: Did you have a group of officers around her that was learning things at the same time you did, or was it just you…who was there listening to her?
BOYLAN: I'm pretty sure it was Sergeant REYNA that was with me. There may have been another officer, but I know that Officer LEWTON was going to try and get a key to the apartment with the maintenance staff, so he may not have been there. And I don't know if QUACK was there, I don't recall. He may have been.
RENNA: Did Ms. JONES feel that Mr. CAMPBELL was a threat at the moment that you were speaking with her?
BOYLAN: Based on my conversation, no.
RENNA: The information that you received from Ms. JONES, did you personally relay any of that information to other officers at the scene?
BOYLAN: No.
RENNA: And after you spoke with Ms. JONES…well, let me ask, how long do you think you spoke with her that initial time?
BOYLAN: Probably a few minutes. I was three, four, five minutes.
RENNA: Okay. And what happened with her after you spoke with her?
BOYLAN: We had her go sit in the police cars to keep her away from the apartments while we kinda tried to formulate a plan of how we were going to precede next.
RENNA: Did she express any desire to go back in the apartment?

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BOYLAN: I believe she did. (Indecipherable) We just said, "No, we're not going to let you go back in there."
RENNA: All right. Did she tell you if there was other people inside the apartment?
BOYLAN: Yes.
RENNA: Okay. And who would that have been?
BOYLAN: The kids, her children.
RENNA: Okay. And how many?
BOYLAN: Three.
RENNA: So what was your understanding at that particular time, after you had spoken with Ms. JONES, as to what type of situation you were dealing with? Were you thinking that you've got a barricaded suspect, a hostage situation, a suicidal subject, what...after the initial call, now, you've been on scene, talked to some people, what is your belief at that point?
BOYLAN: Well, that was the problem, is that we were getting information from the caller and those people that it was really bad; whereas talking to ADRIENNA, it wasn't really that bad. So that was the situation that we were in. Basically, what she was telling us, everything is okay now. It didn't seem like things were...it wasn't aggravated. He wasn't a problem now. It was the night before. Yet the other information was, no, he's still a problem. So, that's kind of the problem we faced.
RENNA: Did you trust her?
BOYLAN: It's hard to answer that. I don't know if I can say I trusted her.
RENNA: Well, the reason I ask is....
BOYLAN: Go ahead. I could just take it at face value. I mean, on the one hand, she was in there, she could see him; but on the other hand, maybe she was trying to protect him as well. I don't know. It's hard to say.
RENNA: The reason I ask you is that you were getting information third hand, now you're speaking with the source.
BOYLAN: I understand that.
RENNA: And if after speaking with the source, is your assessment of the situation modified?
BOYLAN: Again, it's hard to say because, I understand the point you're making, is she's there, she can see it, but, again, maybe she...I have no proof of this, but maybe she was trying to make it less than it really is to protect him. We don't know. I didn't know, so I could only take it at face value, what she was telling me.
RENNA: And after speaking with her, you said that she was secured in a police car. Where did you go? Where did you get located?
BOYLAN: At some point, I just remember wanting to try and make phone contact, and I remember her telling us he was not going to answer your phone. (Indecipherable) So, in the back of my mind I'm thinking, "Okay, we're going to have to use her phone then." But we didn't get that phone right away for whatever reasons. So, we know at one point, in the alcove with Officer QUACKENBUSH and Sergeant REYNA, and he attempted to make contact with his phone to AARON.
RENNA: Who tried to make contact with whose phone?
BOYLAN: QUACKENBUSH.
RENNA: With his own personal phone or a city issue phone?
BOYLAN: Yeah, yeah, yes.
RENNA: Okay. And that was unsuccessful?
BOYLAN: Yes, unsuccessful.

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RENNA: Okay. You just referred to an alcove…
BOYLAN: Uh-huh.
RENNA: And I'm going to show you a computer-drawn diagram of a portion of the apartment complex. Can you indicate to…or can you just with an X show me which alcove that you're talking about? Okay, you've just marked it with an X. Okay. And you said that Officer QUACKENBUSH was there. Who else was in that alcove with you?
BOYLAN: Sergeant REYNA.
RENNA: Okay. The three of you?
BOYLAN: Yes. And at some point Sergeant BIRKINBINE showed up, and eventually it was the four of us in there.
RENNA: Okay. At that point in time, was there any plan being formulated as to what was going to be done next?
BOYLAN: Yes, that's what we were talking about.
RENNA: Okay. What were you discussing?
BOYLAN: What to do next.
RENNA: What options were you discussing?
BOYLAN: Options were…well, first of all, the major concern was obviously the children inside with him, what do we do? How do we deal with the kids? Do we try and make contact with him? But knowing he has a gun in his jacket, do we want to do that? That's what we were discussing. Do we walk up, do we try and loud hail him, do we call him. That's what we were discussing at the time.
RENNA: Did you arrive at an answer to all those questions?
BOYLAN: Yes. We were going to try and contact him by phone.
RENNA: Okay. And that was unsuccessful.
BOYLAN: Right.
RENNA: And then what was plan B?
BOYLAN: At some point, I remember, I believe one of the officers said, "Hey, you know, she just received a text mail, a text message from him." I'm thinking that's not good, why does she still have his phone, or her phone to get that? I went over to where she was and got her phone, and that's when I looked down and there was a message from him to her. And the message said, basically, "I'm going to get my gun. I'm not playing around." So, I obviously broadcast it over the radio so other officers would know that.
RENNA: And, the pause here, I was looking at a copy of the cad printout from this particular call, and I'm looking at an entry here for 1730 hours. Is this the one that you're referring to?
BOYLAN: Yes. That's correct.
RENNA: Okay. And it just indicates, "Suspect inside sent text, 'Don't make me get my gun. I'm not playing.'" So that's at 1730?
BOYLAN: Yes. That's when it came across. That's right.
RENNA: Okay. And then you took possession of the cell phone from here?
BOYLAN: Yes.
RENNA: And what did you do with it?
BOYLAN: Gave it to Officer QUACKENBUSH to attempt to use to contact AARON.
RENNA: Okay. And Officer QUACKENBUSH was still in the alcove there that you already indicated?
BOYLAN: Yep.

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RENNA: Sergeant REYNA was still with him?
BOYLAN: Yes, I believe so.
RENNA: Okay. After you took the phone to Officer QUACKENBUSH, were there any other plans that were discussed?
BOYLAN: I'm trying to remember. The basic plan was, at that point, we wanted to try and make contact with AARON first. So, that's what they were going to do, and that's what he did. And, again, little by little, I know there were officers coming. I don't know who was arriving when, but it progressed. More officers showed up. But, yeah, that…to answer your question, yes, that was the plan, to try and make contact with him and go from there and see how that worked.
RENNA: Okay. At that stage of the incident, you've already told us that you were in the alcove.
BOYLAN: Uh-huh.
RENNA: Where were the other officers? You told us Officer BOCCHINO and his partner were on the west side.
BOYLAN: Covering the back.
RENNA: Covering the back. Were there other officers…where were they generally located?
BOYLAN: I do know there was an officer, Officer BURNS, I believe, who was with the female, Ms. JONES. And at some point I remember the Sergeant saying, "Hey, look, let's (Indecipherable) the kids came out. So, Officer BURNS was with the female at the car. And another officer was there, I don't know at that point where Officer LEWTON was. I don't know. I know he was on scene. He was trying to get the key for us in case we needed to make an entry. And there may have been some officers on the south side too.
RENNA: The south side of the parking lot?
BOYLAN: Yes.
RENNA: And in a transcript of an interview that you were involved with detectives on the night of the shooting…
BOYLAN: Uh-huh.
RENNA: It indicates that stated that you were part of the custody team?
BOYLAN: Yes.
RENNA: Okay. Who had established that plan for a custody team? How did you become part of that custody team?
BOYLAN: Yeah, I believe Sergeant REYNA had set that up, and I think it was Officer KEMPLE and I who were initially set aside or you guys are the custody team in case he does.
RENNA: And was there any particular or specific roles discussed for the custody team?
BOYLAN: I don't believe so. When we say that, you know what that means, so…
RENNA: Okay. And for anybody that may be listening or reading the transcript of this, what essentially is a custody team?
BOYLAN: Their job is to take a person into custody. Give the verbal commands, give the instructions to make it clear to that subject what we want you to do, this is our plan, and to hopefully gain compliance and get that person where they need to be and take him safely into custody, handcuff them so there is security.
RENNA: Okay. Did you and Officer KEMPLE discuss any particulars of who was going to do what in your custody team?
BOYLAN: No.

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RENNA: I think you've already indicated in one of your answers or maybe a couple times, that in addition to Sergeant REYNA, another sergeant had arrived at the scene, and that was Sergeant BIRKINBINE?
BOYLAN: Yes.
RENNA: What was he doing? What was his role when he got there? What role did he assume?
BOYLAN: When we were in that alcove, it was, I mean, what I saw, is them working with each other. Sergeant REYNA and BIRKINBINE, you know, bouncing off ideas. "What do you think about this?" and "How about this?" and "What if we do this?" I'm trying to monitor what's going on with them, and so I'm hearing this, so that's what was going on. They were just discussing options.
RENNA: Was there a plan of action that was arrived at after Officer QUACKENBUSH had the phone? He gets, he now has Ms. JONES phone, correct?
BOYLAN: Uh-huh.
RENNA: What happens next?
BOYLAN: He attempts to make contact, I believe, first. Early, I mean, dialing a number, does I believe a short conversation with AARON. So he does make contact, not very long.
RENNA: And how did that change things, among you know, planning wise?
BOYLAN: I don't think it did.
RENNA: All right. So then, what was discussed after that?
BOYLAN: I don't believe, yeah, the initial phone call I don't think was very good in terms of his response toward us, so…and I think QUACK tried to call him back. QUACK, when I say QUACK I mean QUAKENBUSH, obviously, I don't think he answered. There was a problem I was telling WESTERMAN here, there was a problem with the phone, there was interference. Some people were just an alcove or two away, and he said catch _____ he was getting cut off, so at some point he decided to try and send a text message instead. So, at some point that was decided.
RENNA: Okay. Were there any police cars in the parking lot at that point?
BOYLAN: I don't recall, but I don't think so. Yeah, I'll just say no, I don't recall exactly when the police cars got there.
RENNA: At that point in time was there any discussion regarding the activation of the SERT?
BOYLAN: I don't believe so at that point.
RENNA: Are you aware of anyone at the scene, at that point in time, calling anybody from SERT or HNT to consult with it?
BOYLAN: No.
RENNA: Was there any discussion that you overheard or that you were aware of of anybody raising an objection to calling SERT or HNT?
BOYLAN: Anyone actually raising an objection to calling them?
RENNA: Uh-huh.
BOYLAN: No, I'm not aware of anyone.
RENNA: Expressing, "No, we don't need SERT or HNT."
BOYLAN: No.
RENNA: At that point in time was there any discussion among the group that you were with – the four officers that you described, yourself and QUACKENBUSH and the two sergeants – a discussion involving the option to withdraw from the apartment complex?
BOYLAN: Yes, that came up.
RENNA: Okay. Tell me about that.

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BOYLAN: As this continued, it seemed…I got the impression that's what we were getting ready to do. After the text messages came in, which I took to be almost a humorous message in terms of, "Hey, kudos to you guys. You guys actually text (Indecipherable) be cops. You use text messages (kudos to you. I took that to be a humorous response. But it seemed like things were getting, going along in a more favorable way in the outcome. And that came up several times. "Hey, if we do confirmation, he's going to hurt himself." once the kids came out, then we're going to walk away from this.
RENNA: Kind of in a linear progression of things, a timeline of deals, the text message that you were just referring to. Were the kids outside at that point, or were they inside?
BOYLAN: You know, I don't recall. If you check with the CAD, I'm sure it's in there. He'll tell us that. I don't recall. We were in the alcove when they came out, but whether that was before or after the text, I can't say.
RENNA: Okay. Tell me about the kids coming out. How did that come about?
BOYLAN: Yeah, I believe QUACK had talked to them, talked to him on the phone, and had mentioned the kids, and the conversation ended. And as we were still there talking, all of a sudden they came out. They just arrived in the parking lot.
RENNA: Okay. And while you were talking, I looked at the CAD, and there's an entry here at 1734, "Two kids walked out front." Which is quickly followed by, "Three very small black children came out."
BOYLAN: Yep. That's correct.
RENNA: And then shortly after that "The three children are secure."
BOYLAN: Yes.
RENNA: And also, looking at the CAD printout, it's not until 1758 that there is a transmission that indicates that, I'm assuming, "Officer QUACKENBUSH is in text communication." So I'm assuming that means that he is texting back and forth with Mr. CAMPBELL, correct?
BOYLAN: I assume so, yes.
RENNA: Do you remember that?
BOYLAN: Remember him texting?
RENNA: Well, no, do you remember that being communicated to officers at the scene?
BOYLAN: Yes, I do. I believe it was.
RENNA: Do you remember who did that communication?
BOYLAN: I think it was Sergeant REYNA.
RENNA: Okay.
BOYLAN: I know that was broadcast. They were trying to call him, and now we're trying to text…I know that was broadcast to all ears.
RENNA: Okay. When the children come out, that's 1734…
BOYLAN: Okay.
RENNA: And the text communication is not 'til 1758.
BOYLAN: Okay.
RENNA: So a fair amount of time goes by between those two…well, what was going on in that time?
BOYLAN: I believe it was more…he tried to call him again. I believe he tried to call him again, and we discussed things a little bit more. "How are we going to go about this?"
RENNA: All right. And what was the…what kind of things were being discussed?
BOYLAN: What our time frame, what time frame did I get that uh…
RENNA: Just a second.

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BOYLAN: Ok, so, we had our phone at 1740. I'm trying to recall what exactly just, again, we wanted to make contact with him to verify that he was okay, and I can't say specifically…it was so _____ let's try to contact him. We weren't going to go up there knowing that he had a gun.
RENNA: All right. When the three kids came out, what was your assessment of the situation?
BOYLAN: Kids seemed fine.
RENNA: All right.
BOYLAN: So, we took them away, and we got them…actually, Sergeant REYNA instructed another officer to bring them like a block away, I think to a gas station.
RENNA: As far as what type of call you were now dealing with, did that change after the kids came out?
BOYLAN: It changed the sense that now we knew that there was one person in there. And there was nobody else in there that was a potential target if he were violent, and there was one person now.
RENNA: Okay. Sergeant QUACKENBUSH, since he was the one apparently that was in communication with Mr. CAMPBELL, did he give you or any other officers on the scene that you're aware of, any indication that Mr. CAMPBELL was making threats, either to himself or to other people?
BOYLAN: Did Officer QUACKENBUSH…
RENNA: Did he communicate that?
BOYLAN: Any threats on his part , on AARON'S part, against us?
RENNA: Correct.
BOYLAN: No. That wasn't part of it.
RENNA: Do you remember any discussion among the group that you were with or any other officers if there was a plan in place in case Mr. CAMPBELL came out of the apartment and ran in an attempt to get away?
BOYLAN: No.
RENNA: About twenty-five minutes goes by from when the kids come out of the place until Sergeant REYNA indicates that QUACKENBUSH is texting.
BOYLAN: Can I stop you for a second?
RENNA: Please, go ahead.
BOYLAN: Realize there's at least one phone call in between that time that was made from her cell phone before QUACK made contact with this guy.
RENNA: Okay, and what was discussed in that phone call?
BOYLAN: Again, it was a short phone call trying to find out what's going on, and I don't think it went well in terms of his response. It was pretty short, and he basically hung up on QUACK, if I remember correctly. So there was at least one phone call in between that time and 'til we started using text, texting.
RENNA: After the kids came out?
BOYLAN: Yes, I believe so. Yes.
RENNA: Okay. Do you recall in that progression of events when the police cars were moved into the apartment parking lot?
BOYLAN: In terms of timing?
RENNA: Yes.
BOYLAN: I don't.
RENNA: All right. Do you remember how it came about, that those patrol cars were moved into the parking lot?

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BOYLAN: You mean who directed that?
RENNA: Uh-huh.
BOYLAN: Yeah, Sergeant REYNA.
RENNA: Okay. And do you remember why that was? What was discussed?
BOYLAN: It was brought in…I know that part of the reason they were brought it was for cover to use, and I assume it was for a custody team. If he came out, we were able to use that as cover and to be able to, hopefully, take him into custody without any incident. So, the exact time they brought that up, I don't know.
RENNA: Okay. Officer QUACKENBUSH becomes engaged in text communication with Mr. CAMPBELL. What's your understanding at that time of what was being communicated back and forth in those text messages?
BOYLAN: Just, again, finding out "Was he okay." I know QUACKENBUSH emphasized his words, you know, "We're not here...you're not in trouble, we're not here to arrest you. We want to make sure that you're not going to hurt yourself or anybody else. And, basically, we're going to be done."
RENNA: Did Officer QUACKENBUSH communicate to the people in the alcove, were they the same group?
BOYLAN: Yes.
RENNA: Okay. What was being communicated to him through the text messages?
BOYLAN: Yes.
RENNA: And was that being broadcast in some fashion to the other officers on the scene?
BOYLAN: I know most of the time, yes.
RENNA: Did you make any of those transmissions?
BOYLAN: I might have made one. I know Sergeant REYNA made at least one. I remember hearing her say, "Hey, we're trying to do this…" I know it was done at some point.
RENNA: Okay. How did it come about that Mr. CAMPBELL came out of the apartment?
BOYLAN: In…I tell you, it surprised me. Because, again, my impression was as we go along, we were almost done. It was just, "Hey, can we get your word that you're not going to hurt yourself, and then this is over. We're going to walk away." I believe, in my mind, I was thinking it was almost done. We'll wrap this up and get out of here. And then, boom, someone, I heard yelling, "Hey, he's coming out." So, that, as far as surprise me, it did. I'm sorry, what was your specific question again? In terms of timing, or…
RENNA: Just how it came about.
BOYLAN: Okay. Yeah, I'm in the alcove. I'm still with Sergeant REYNA and BIRKINBINE. And I'm still asking, what point she leave, I don't remember if she left before that or whatever, but still in the alcove, at least with Officer QUACKENBUSH and BIRKINBINE. Heard the yelling, Looked out, sure enough, he's coming out. So, I really, at that point, I kind of jogged over to the patrol car. There was already a bunch of officers there. Now, I had been picked, as I said earlier, as a custody team, but there was a lot more officers on the team now than there were. Because we had a lot more officers to utilize than when we first started. So there's already another custody team ready to go.
RENNA: And how do you know that there was another custody team that was in place?
BOYLAN: At some point I saw them. These guys were ready to go. They were a custody team. I just knew that.
RENNA: Okay.
BOYLAN: It was passed to me somehow.

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RENNA: Just a moment ago you referred to a she. Are you talking about Sergeant REYNA?
BOYLAN: I believe it was, yeah.
RENNA: Okay. And I'm thinking you said it in reference to you didn't know if she had left at that point?
BOYLAN: Right.
RENNA: Where did she go?
BOYLAN: At some point she left the alcove and I just I learned information afterwards. I can't tell you when she left and I believe it was,, if I remember correctly, to meet the Lieutenant . I know she was being called, I believe, but...and some of this I was getting afterwards and I mix those things. Anyways, I know that QUACK and I were there and I believe BIRKINBINE was there as well. When AARON came out. So I jogged over, took a position behind the engine block, actually there was a bunch of officers in front of me. I was kind of behind them.
RENNA: Okay. And you also said that it was your understanding or your belief that after the text message, I'm fine, I think you said, that you were going to get ready to go.
BOYLAN: Yes. I remember at some point that, I think that Sergeant REYNA wanted confirmation. "Hey, if we could just get your word..." basically that was what was being said, "If we can just get your word you're not going to hurt anybody, then we're done. We're going to leave here." So, as I said, as it was going along, it seemed like it was headed that way. And in my mind I'm thinking we're almost done. This operation can be done and we're going to get out of here.
RENNA: As Mr. CAMPBELL came out of the apartment, do you remember which officers started giving him any verbal commands?
BOYLAN: I don't. Wait, let me back that up. I do know, I heard Officer LEWTON give him commands, but I don't know if that was the initial officer or not, so I can't honestly say.
RENNA: All right. After you moved from the alcove over behind the patrol cars, you described that as a lot of officers there. Who do you specifically remember as being there?
BOYLAN: I know Officer LEWTON was there. I think I was standing right behind him. Officer KEMPLE was there, and I know that Officer FRASHOUR was there. There was another guy, I don't know his name. I think he was with East Precinct. He was there. So at least four or five of us.
RENNA: Okay.
BOYLAN: And also, and also, at some, actually Officer ELIAS, I think, was behind a dumpster. I think he had positioned a dumpster, yeah, he had pushed a dumpster around with his dog. He was in the area too.
RENNA: When Mr. CAMPBELL came out of the apartment, did he immediately begin walking towards the officers?
BOYLAN: I don't know because I was coming late. I mean, I heard the yelling, so by the time I got there, he was...there were like two parked cars right in front of the alcove that he came out of, but when I came out, I think he was already past those cars.
RENNA: All right. And was he walking forward or backward at that time?
BOYLAN: I think he was actually...I think he had stopped and was facing us. And that's when they gave him the command to turn around, and he started walking back to the police.
RENNA: Okay. And where were his hands at that point?
BOYLAN: Behind his head.
RENNA: Did he do that on his own, or was he given that direction or command?
BOYLAN: I don't know. I don't recall that.

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RENNA: All right. At that point in time, were you aware of any plans if Mr. CAMPBELL decided to go back into the apartment?
BOYLAN: No.
RENNA: Did you hear anything being discussed about that?
BOYLAN: No. But just to kind of add on to that, I wasn't with that group of officers by the cars. So they may have come up with a plan. I'm not aware of it.
RENNA: I'm only asking of the stuff that you are aware of. At that point in time, as Mr. CAMPBELL is walking towards you and the other officers, what was the lighting like in the parking lot?
BOYLAN: We had at least one spotlight from a police car. And there may have been another light, too, I don't know…I know we had at least one spotlight on from a police car.
RENNA: Was that spotlight on Mr. CAMPBELL, or in the general area of the apartment?
BOYLAN: I don't know. I just know I could see him easily. There was no question about being able to see him.
RENNA: I think you indicated that after Mr. CAMPBELL cleared the two parked cars, he stopped and then he turned around?
BOYLAN: I believe so, yeah.
RENNA: From a position of facing the officers, you and the other officers, to having his back towards you?
BOYLAN: Yes.
RENNA: Was he given a command to proceed toward the officers again?
BOYLAN: Yes. He was walking backwards with his hands behind his head.
RENNA: Okay. And when he had his hands behind his head, did he have his fingers interlaced?
BOYLAN: I believe so.
RENNA: And at that point in time, I realize it's an estimate, but how far away do you think Mr. CAMPBELL was from you and the other officers?
BOYLAN: From when I first saw him, or…
RENNA: At that point, as he's starting to back up towards you and the other officers.
BOYLAN: Maybe thirty feet.
RENNA: Okay. How would you describe his gait, his speed of backing up?
BOYLAN: I would describe it as normal. Just walking backwards, not too slow and not too fast.
RENNA: Okay. Did that ever change in the course of his walking back towards the car?
BOYLAN: I didn't see a change.
RENNA: Did Mr. CAMPBELL turn his head to look towards the officers while he was backing up?
BOYLAN: I don't remember. No, not at that moment, I didn't see him do it. Later on he did, but not when he was walking back.
RENNA: And you estimated when he turned around and began walking backwards, that his distance was about thirty feet.
BOYLAN: Yeah.
RENNA: And I emphasize estimate.
BOYLAN: Right.
RENNA: How far did he get on a continual walking motion before something changed? Again, an estimate.

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BOYLAN: Right. Probably within, I would say he got to within maybe fifteen to twenty feet of the car when he…I don't recall if he was ordered to stop or he stopped, or where he came, but where he stopped, I would say was about fifteen, twenty feet.
RENNA: Is Mr. CAMPBELL saying anything to the officers? Was he saying anything?
BOYLAN: Not that I recall at that point.
RENNA: At what point did it change?
BOYLAN: When he stopped, another officer, Officer LEWTON was giving him commands at that point, and he started looking over his left shoulder, even with his hands behind his head, like doing this, looking back at us.
RENNA: Okay. And while you were describing that, you were actually turning your head looking over your left shoulder to demonstrate what he was doing, just now.
BOYLAN: Yes.
RENNA: At that point in time, that he was doing that, how did you perceive Mr. CAMPBELL'S demeanor?
BOYLAN: The problem was, when he started looking back over his shoulder, at one point Officer LEWTON said, "Hey, if you don't comply, you may be shot." Something along those lines. And I heard, AARON say, "Well just go ahead and shoot me, shoot me, go ahead and f'ing shoot me." Something along those lines. So at that point, it's not good. Obviously, the tension was starting to rise, and we wanted this to deescalate, not escalate, so that was a concern.
RENNA: Is there anything, what was he doing that was not compliant with the commands he was given?
BOYLAN: I don't know. I didn't give, I didn't give that order. I know he was looking back at us, and I know we don't want that. For our safety we don't want someone trying to eyeball where we are in case they do have a weapon, and they're trying to locate us and they can spin around and get a shot off. I can't speak for what Officer LEWTON was thinking but that's you know, being an officer, and someone's looking back, you don't want that. You want to be where they can't locate you.
RENNA: Okay. Anything besides looking over his shoulder to indicate to you that he was being noncompliant?
BOYLAN: No.
RENNA: Okay. At that point in time, could you tell how many officers were giving commands to Mr. CAMPBELL?
BOYLAN: I know it was Officer LEWTON, and that's one thing I'm gonna try, for myself_____. You only want to have one officer, so that's what I recall. It was Officer LEWTON giving the commands. It may have transitioned to somebody else, but at that point, I was hearing the word of LEWTON.
RENNA: Did you…do you recall hearing any other voices, whether you could identify who it was coming from or not?
BOYLAN: I can't recall. There may have been, but I can't…I don't know who it would have been.
RENNA: In your statement to detectives, you indicated that there may have been another officer with a less lethal shotgun up there with the cars. Do you remember who that was?
BOYLAN: I don't. Oh, it may have been Officer KEMPLE. I know he has a bean bag. So, I don't like to guess, but…
RENNA: Okay. Do you recall Mr. CAMPBELL being given any commands to get down onto the ground?

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BOYLAN: I don't.
RENNA: Do you remember any commands being given for him to turn around?
BOYLAN: I don't. Doesn't mean it didn't happen, it's that I don't recall specifically what was said.
RENNA: At that particular point in time what was your assessment of the situation?
BOYLAN: I was concerned in the sense of he's looking back. It seemed like he…he's telling us to shoot, okay, he's getting aggravated, and we don't want that for obvious reasons. Not sure what he's going to do.
RENNA: Did you hear any discussion of any of the officers to deploy a taser?
BOYLAN: I did not.
RENNA: Did you see anybody armed with a taser?
BOYLAN: I…no. I mean, we all have them. Whether someone was ready, I don't, I didn't see that.
RENNA: Did it appear to you that it was a situation where the use of a taser may have been appropriate?
BOYLAN: Yes, it could have been.
RENNA: What precipitated, what occurred immediately before the first less lethal round was fired?
BOYLAN: I didn't see anything.
RENNA: Did it surprise you that the less lethal round was fired?
BOYLAN: I don't know if it surprised me. I wouldn't say that it surprised me, but it…I didn't see anything myself that you know, it just went off, I saw him fire it and I saw it hit him.
RENNA: What did you witness, what did you see that would cause a less lethal round to be fired?
BOYLAN: Right. Basically what I've explained was looking back, that's what I saw and telling them to, "Shoot me, shoot me. Go ahead and shoot me." Looking back, that's what I observed.
RENNA: All right.
BOYLAN: And as it was happening, it was happening very quickly. It was, you know one of those things that was starting to steam roll in a sense, and within a very short amount of time, the first bean bag round was off.
RENNA: Where were Mr. CAMPBELL'S hands at the time that the round went off?
BOYLAN: On his head.
RENNA: Okay. Do you remember at that point whether his fingers were interlaced or not?
BOYLAN: I believe they still were. They were at least on his head. Whether they were interlocked, I can't say, but they were up here.
RENNA: Where did…you said that you saw the less lethal round strike Mr. CAMPBELL. Where did it strike him?
BOYLAN: Basically, his lower back and on his buttocks.
RENNA: All right. What was Mr. CAMPBELL'S reaction to that less lethal round?
BOYLAN: He basically took a step forward, his arms came down a little bit. Almost like the momentum of the shot kind of pushed him forward. So, (Indecipherable) step a half step forward, his arms came down, and just like for a second or two, sort of like a pause. It was kind of like things almost froze there for a second. I don't know if he was trying to think what he was going to do, but just for a second or two, it was like that.
RENNA: And then what occurred?
BOYLAN: And then he took off. He took off running. I mean sprint.
RENNA: Was anything being said to him from either you or any of the other officers?
BOYLAN: Not from me, and I don't recall anyone saying anything.

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RENNA: Was Mr. CAMPBELL saying anything at that point?
BOYLAN: He was just running.
RENNA: Okay. And was he moving at a full sprint, what you would describe as a full sprint? Or something less than that?
BOYLAN: I would say a full sprint. Very…at least a fast run. He was running.
RENNA: Okay. And in the direction of where?
BOYLAN: Back to the alcove. But instead of going…instead of…see, this is the alcove here…so instead of running the way he had come, you know, he came out and walked backwards this way, he ran this way, towards this little walkway here.
MORGAN: Just for the tape. They can't see it. You're kind of indicating on the map there that when he exited, he almost made an L pattern, straight out, turned, straight back to the patrol car.
BOYLAN: Correct.
MORGAN: And on his route back, he approached the building at a more distinct angle, and then started heading back towards the apartment.
BOYLAN: Right. I'm sorry, (Indecipherable) along here, but yeah, he comes out in an L pattern, exactly. But then as he runs away, he runs basically like this, trying, in my mind, he's goingto the alcove to get back to his apartment. So, that's where he's going. Not this one…this one.
MORGAN: So, and just since I'm already breaking up the flow here with descriptions and stuff, physical stuff. When you were describing after the first shot hit him, his hands, you were showing us.
BOYLAN: Yes.
MORGAN:: And just to try to articulate it, you indicated, you basically showed us his hands coming apart, coming forward in front of his body, but still at shoulder/chest height more-or-less?
BOYLAN: Yes, okay. That's pretty accurate. Yeah. Out like this.
MORGAN: Okay.
RENNA: Did you ever see Mr. CAMPBELL'S hands move to the area of his waistband?
BOYLAN: I believe I did, as he was running away. I recall him…to me, when you run fast, when I run fast, to get the full speed, your hands should be doing like this. You watch sprinters; they don't run with their hands down like this, to get their full speed, full momentum. And I recall, what I believe, going down toward the front of him. I didn't see him doing this at all. It was almost like they were going down toward the front.
RENNA: Okay. And when you say he wasn't doing this, you're doing a pumping motion with your hands going from your shoulders down to your waist.
BOYLAN: Yes. Right. Exactly, a pumping motion with my arms, as if you watch a sprinter in the Olympic competition, they wouldn't hold their hands down by their side. They would slow down. You use your arms to get momentum to gain speed.
RENNA: Okay.
BOYLAN: I did not see him doing that. That stuck out in my mind.
RENNA: All right. And while he was running, were there additional bean bag rounds being deployed?
BOYLAN: Yes.
RENNA: Okay. About how many?
BOYLAN: I would probably guess it was like three or four. I'd guess, and I was watching them hit him. They were hitting him as he was moving along. In his back and his lower back area.
RENNA: All right. And how quickly were those rounds being fired?

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BOYLAN: Pretty quick, and he was running. It was not a great distance. So, it was, you know…
RENNA: As fast as the action could be cycled?
BOYLAN: I would say that's accurate, yes.
RENNA: Did Mr. CAMPBELL react at all to those bean bag rounds hitting him? That you could see?
BOYLAN: Not visibly. He just kept running.
RENNA: While he was running, were you surprised at the amount of rounds that were going off?
BOYLAN: No, I wouldn't say I was surprised. No.
RENNA: Did you see the canine deployed?
BOYLAN: I saw the canine on him when he went down to the ground. To be honest, I was watching him, I wasn't paying attention to the dogs.
RENNA: And what is your understanding of when a canine can be deployed in that type of situation?
BOYLAN: Obviously…well, it's hard to say cause I'm not trained in a canine dog, and what they, how they, you know, obviously the individual threat, they perceive them to be a threat like I say they can do that. I'm having a hard time answering that question because I'm not trained into how they can use their dogs. So, obviously, they would think a person they believe to be armed is a threat, let the dog go. That's what I would guess.
RENNA: Are you aware of the canine, the use of the canine being discussed among the officers or the sergeant?
BOYLAN: Officer ELIAS was there at some point. I don't know, I can't recall what was discussed in terms of tactics. I know he was there because I remember seeing him adjusting the dumpster, moving it to an advantageous position for him and his canine in the parking lot in case AARON came out, to deal with that so what was discussed I can't recall.
RENNA: Were you surprised when the round from the AR-15 went off?
BOYLAN: I was, and I was telling SCOTT initially when I heard the bang, and it was a different than a bean bag gun. So I knew that something different had been fired but it took a couple of seconds. Prior to, it was put over the radio that there was shots fired oh, ok that was why it was different sounds, you know, it was a rifle.
RENNA: Did you see Mr. CAMPBELL react to that different sound prior to the radio being…before somebody came on the radio and said there were shots fired?
BOYLAN: Yes.
RENNA: Okay. What did he do?
BOYLAN: He went right down on the ground. He fell down, and there was no more movement.
RENNA: Okay. And what was your understanding of when he fell…what did you assess that as having occurred before the transmission went out that the shots had been fired?
BOYLAN: Can you repeat that question?
RENNA: Sure. I guess what I'm asking is when you were there and you hear a different sound go off, a different round being fired, and Mr. CAMPBELL falls to the ground, before an officer comes on the air and says "Shots fired," which you said was when you kind of realized what it was.
BOYLAN: Right.
RENNA: Prior to that transmission, were, did you put those events together and realize that a lethal round had been fired?
BOYLAN: Yeah, I don't know if I did or not. I mean, I knew a different sound, that it was different, that was not, and maybe it sort of registered that's what it was. I mean, he went down immediately. So, at what time it immediately clicked, but I knew once it was confirmed when they said…I think he

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even said something before he got the radio. I was standing right next to him. I'm right there at the car. So I think maybe something was said before we even heard it on the radio. But at some point, it was like a second or two, I realized that is what happened. Does that make sense?
RENNA: Um, yeah, I think so.
BOYLAN: Okay.
RENNA: Do you recall seeing the canine before it actually was up with Mr. CAMPBELL? Did you see when the canine was released by Officer ELIAS?
BOYLAN: No. Like I said, he was off to the side. My attention was tracking or following AARON'S moves.
RENNA: Okay. After Mr. CAMPBELL fell, could you see him from where you were located?
BOYLAN: I moved a little bit. I could show you a diagram. It would be helpful.
RENNA: Please, go ahead.
BOYLAN: I moved…I was standing here in front of the engine block. So I moved a little bit over this way. And I could see him lying with his stomach down on the ground. But we couldn't see much. All we really could see…I remember distinctly his shoes, they were like pointing, like the tip of the shoes were like right down on the ground but his feet were like standing up. If that make sense, as he's laying down. We could see the soles of his feet. Couldn't see his hands.
RENNA: Okay. You just indicated with your finger moving from behind the patrol car with the open door, the one that's furthest east over to a position almost between the two patrol cars.
BOYLAN: Yes. (Indecipherable)I probably didn't move as far as here so you could get a better look. And again, I described what I could see from that angle.
RENNA: Okay.
BOYLAN: The problem was, too, it wasn't very well lit over here. The light didn't get very, you know, just because of where it was. The bushes here, and the cars blocking it, it wasn't a great well-lit area to get to see things very well.
RENNA: Are you aware of any officer trying to approach Mr. CAMPBELL as he was on the ground?
BOYLAN: No.
RENNA: Did you see Officer ELIAS try to approach him?
BOYLAN: No. I remember ELIAS calling his dog back. Because at that point, I saw the dog on top of AARON.
RENNA: Was there any plans discussed to approach Mr. CAMPBELL?
BOYLAN: No, not that I recall. No. Let me back that out, I think Officer ELIAS may have mentioned something; at some point he called for binoculars because he had a pair of binoculars in his car and the binoculars were brought over, so I told Officer BIRKINBINE "Hey, I basically said, Let me go, I'm going to go around." And I went to the apartment complex, just one east of this place. And walked around, got a different position to see if I could see what was going on with the binoculars, to get a better view of AARON.
RENNA: Did you go…were there any officers at the location that you went to with the binoculars?
BOYLAN: No. There were two other officers there.
RENNA: So there were two officers there. Do you remember who they were?
BOYLAN: Yeah. It was MCALLISTER and ANDERSEN.
RENNA: Okay. As the less lethal rounds were being fired, and then followed by the AR-15 round, was there any reaction from any supervisors that you are aware?
BOYLAN: No.

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RENNA: Okay. Did you see any at that point in time?
BOYLAN: No.
RENNA: Do you know where Sergeant REYNA was when the AR-15 was fired?
BOYLAN: I've learned since then, but…
RENNA: Did you know where she was while you were there?
BOYLAN: No.
RENNA: Okay. Do you know where Sergeant BIRKINBINE was?
BOYLAN: I don't. You know, I left, he was back in the alcove, but where he was when that was going on, I don't know.
RENNA: Okay.
BOYLAN: I remember at some point he was there standing right in front of the car, but that after he was shot, so…
RENNA: Okay. And since the event you have learned that Sergeant REYNA was someplace, I think you said?
BOYLAN: Yeah.
RENNA: And where was that?
BOYLAN: Well, she was with the Lieutenant. She had been called to meet with him and the Captain too.
RENNA: And where was that in relation to what was going on?
BOYLAN: I believe it was out by Sandy. I think she had gone, I can't say for sure where it was, but …
RENNA: Okay. So, did I hear you right? The Lieutenant and the Captain?
BOYLAN: It was at least a Lieutenant. It may have been both.
RENNA: Okay. Any other supervisors on scene at that point besides Sergeant BIRKINBINE, Sergeant REYNA, the Lieutenant, and possibly the Captain?
BOYLAN: Right. Not that I'm aware of, no.
RENNA: Were there any conversations at that point in time about SERT being activated?
BOYLAN: Not with me.
RENNA: Did you overhear anything?
BOYLAN: There might have been a conversation between ELIAS and Sergeant BIRKINBINE, but I didn't hang around very long. When I got those binoculars I was basically, I could tell he had a lot on his mind. He was trying to coordinate, and so I said, "Okay, I'm going to go over here. Just so you know where I'm going now."
RENNA: You're talking about…when you say he, you're talking about Sergeant BIRKINBINE?
BOYLAN: Yes.
RENNA: Okay. What was he trying to do? You're saying he had a lot of things going on?
BOYLAN: Yes. Obviously, the situation, the man was shot and he was trying to coordinate how we were going to respond to this and make a plan. And I didn't want to add to his burden, so to say, so I just said, "Okay, this is where I'm going with the binoculars. I'll try to get a look at him."
RENNA: And I think you said that you were in a position when SERT did respond, that you were there with the other two officers with the binoculars and they approached Mr. CAMPBELL?
BOYLAN: Yes. I went next door, was able to get a view. And I radioed what I could see and they could just stay there until SERT arrived.

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RENNA: What was being broadcast on the radio? What were you aware that was…what kind of plans were developing at that point in time?
BOYLAN: I don't recall any plan. I don't know what was being planned. I tried to broadcast what I could see, and was waiting for, basically for information or waiting to see what happens.
RENNA: Okay. It sounds like you moved out of position of being privy to conversations that were going on regarding plans, but what do you recall, if anything, being transmitted that you could hear over the radio as far as "Hey, SERT is on the way. We've got a call in to SERT," and those are my words, I'm making them up.
BOYLAN: Right.
RENNA: Similar to that. Was anything being broadcast?
BOYLAN: I don't recall. I'm sure there was because I know that for me tactically, I felt like we could go up and approach him safely. But that wasn't my call to make. So…and I say that because I'm sure at some point they were saying that. I just can't recall them, hey SERT is on the way. I know it was because I know at some point well ok well then how long will it take, we weren't sure how long it would take, and they got there really quickly.
RENNA: And why did you feel it would be safe to go up and approach Mr. CAMPBELL?
BOYLAN: Just based on the fact that there was no movement at all. Even though we couldn't see his hands, I just felt that tactically we could do that safely with the tools that we had there, rather than waiting for SERT. And that's just a tactical consideration that I talked to my supervisor about. But, yeah, rather than waiting for SERT…and then in their defense, they made it very quick.
RENNA: Was there any reaction from Mr. CAMPBELL at all to the dog going up? The canine unit?
BOYLAN: I never saw him move again.
RENNA: And after SERT arrived, and he was approached by SERT officers, he was approached by a medic assigned to use with SERT, and that individual pronounced him deceased? Is that correct?
BOYLAN: Yes.
RENNA: Okay. What did you do after Mr. CAMPBELL was pronounced deceased?
BOYLAN: I walked back around to where the patrol cars were and I started…basically, I was there initially to help preserve the scene, the crime scene, and I started marking the casings over where the bean bags rounds…taking out business cards and marking them so they would be marked, and was there maybe 5-10 minutes and I was pulled off.
RENNA: Okay. Who pulled you off?
BOYLAN: I don't recall. It may have been Sgt. Wheelwright. Somebody pulled me off.
RENNA: Did you have an officer that was assigned to stay with you?
BOYLAN: Yes.
RENNA: Who was that?
BOYLAN: That was DEREK HARRIS.
RENNA: And after you were pulled off, where did you physically go?
BOYLAN: To basically go out to where the police cars were, and at that time there were lots of people there. and just waited and just hung out with DEREK. They had some food brought out and then was told; "Go ahead, you know, head back to North Precinct."
RENNA: Okay. Were you directed not to speak with anyone?
BOYLAN: I'm sure that I was. I don't remember who told me, but I know that I was. Yeah.
RENNA: Are you aware of anyone at the scene that began a crime scene log?
BOYLAN: I'm not.

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881 **RENNA:** Anybody approach you and ask you to sign a crime scene log or ask you what time that you
882 arrived?
883 **BOYLAN:** No
884 **RENNA:** Did you testify at the Grand Jury?
885 **BOYLAN:** No.
886 **RENNA:** And were getting close to wrapping it up. Have you talked with anyone else about this case,
887 or read or heard any news accounts of this incident that has influenced your perception about what you
888 saw or observed?
889 **BOYLAN:** No.
890 **RENNA:** Do you have any information that you believe would be relevant to this case which we have
891 not covered? Anything at all related to the call, or anybody that you believe that we should talk to
892 about the incident that you're aware of that hasn't already been identified?
893 **BOYLAN:** No.
894 **RENNA:** That would be a no to all those questions that I just compressed into one?
895 **BOYLAN:** Yeah, I mean, exactly.
896 **RENNA:** Okay. Keeping in mind that this is in an administrative review, is there anything about this
897 incident that caused you concern and you would like to address in an effort to improve performance?
898 **BOYLAN:** I've already mentioned it, just in terms of tactically, if we can put the subject down, we
899 can do it safely, to look at that rather than calling SERT. That's something we can look at..
00 **RENNA:** Let's see if Sergeant MORGAN has any questions…
901 **MORGAN:** Yeah, I've got a few and I'll need to jump around. You want a break? We've been going
902 awhile. I'll probably take ten, fifteen minutes. I'm hoping not much longer than that.
903 **RENNA:** Okay.
904 **MORGAN:** And I apologize in advance for jumping around, but such is life. When you arrived first
905 and then QUACKENBUSH arrived, QUACKENBUSH went to get eyes on was that at your request?
906 Or did he kind of take that upon himself?
907 **BOYLAN:** I think he took it upon himself. Just good police work.
908 **MORGAN:** Okay. And did you know where he was headed when he went there to go get eyes on?
909 **BOYLAN:** He got on the radio and said I've got eyes and he made it clear so that I …I was there to try
910 and get information, so I didn't have to…we just went ahead and took initiative, so.
911 **MORGAN:** Okay. And then you said that LEWTON requested Sergeant REYNA to arrive.
912 Specifically, what did you tell her to get her up to speed on the call at that point?
913 **BOYLAN:** Yeah, I believe it was LEWTON, just filled her in on basically with the information I had,
914 kind of confirmed, "Hey, I talked to the father. This is where he can't reach her. This is what he's
915 hearing." And, like I said, pretty much very similar to the information that we had in the call. Threats
916 he had made intoxicated, making threats against his life, waving a gun and he is distraught over losing
917 his brother the night before. And there were kids inside. I know that she's in there because she doesn't
918 go out, she doesn't go anywhere. And she won't answer the phone. Those kinds of things.
919 **MORGAN:** Okay.
920 **BOYLAN:** The dad's concerned about his daughter , he's there.
921 **MORGAN:** And at that point, just to be clear about when info got obtained, at that point, did you
922 have reason to believe he was in possession of a gun at that moment?
923 **BOYLAN:** At that moment? Yes, we certainly had a suspicion he was.

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MORGAN: And was that dad, or was that from the 911 call, or do you remember where you got that info?
BOYLAN: Both. Yeah.
MORGAN: Okay. And the dad and the aunt's concern, was it simply the fact that ADRIENNA was not answering her telephone that raised their concern, or were there other things playing into that as best that...that you could determine?
BOYLAN: Yeah. With all those indicators, as I was saying, he's intoxicated, he's distraught, he's just lost his brother the night before, you know, he's got a gun. Also, I'm going to throw this out there, for us, looking at his PPDS history, that was cause for concern, there were things on there raised red flags. Hey, this is a violent guy.
MORGAN: And had you looked at his PPDS?
BOYLAN: Yes.
MORGAN: Do you remember when in the course of the events, that you looked at that?
BOYLAN: Yeah, it was either right before I talked to the dad, or after.
MORGAN: Okay. All right. So, the fact that when ADRIENNA came out and you made contact with her, the fact that you then had her physically present and she was obviously okay, didn't necessarily alleviate 100% of the concerns? Is that right?
BOYLAN: Yeah. It did not. Right.
MORGAN: Okay. And then just a couple different points here, when REYNA first arrived and you guys are huddling, and you're saying, you're kind of talking about various options, what specific options were you talking about at that point? You've still got everyone in the apartment. What were you guys discussing there.
BOYLAN: Yeah. One option was, "Hey, let's go up there. If the door is still open let's see if we can see him, if we can get in there, take him into custody right now." That was, but tactically, that was...first of all, we knew he had a gun. (Indecipherable), she told us. Plus the kids were still in there, and that was like that's not gonna _____, that's really risky. And then, loud hailing. That was one that I think was raised. And then, I think the best option was used was attempt to contact him by phone. Tactically, for us and not to escalate and make it worse.
MORGAN: And prior to QUACKENBUSH starting to attempt to make the phone contact, had a custody team been designated at that point?
BOYLAN: I think so. I think it had. I know that he was...QUACK was designated right off the bat, you're going to be our communication cop. Okay. That was clear. The best I can recall, yes.
MORGAN: Okay. So there was some plan in place if QUACKENBUSH called that says hi, it's the police, and Mr. CAMPBELL interpreted that as time for me to go, you guys were prepared for that eventuality, do you feel like?
BOYLAN: Go, as in terms...
MORGAN: As in go out of the apartment, I'm headed out. And either to contact you in a friendly manner, or to take off running, or whatever options might be there at that point.
BOYLAN: Yeah, we definitely had the custody team to come over to us. We didn't discuss, as far as I can recall, anything like if he took off running what we were going to do.
MORGAN: Okay. And you said a couple times that the first phone contact didn't go real well. Do you know specifically what exactly happened in that first phone conversation?
BOYLAN: QUACK kind of relayed, it was very, I believe it was a very brief...he didn't want to talk. (Indecipherable) shouldn't talk to the police, and that's all we could say. It wasn't very favorable in terms of his reception to our contacting him.

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MORGAN: Okay. Do you know if the info of that contact was brought to the other officers on the scene?
BOYLAN: I don't recall.
MORGAN: Okay. You didn't do it personally?
BOYLAN: I want to say that it was, but I can't say for sure.
MORGAN: Okay. Was any officer specifically designated to act as an information conduit between QUACKENBUSH and the custody team? Was anyone given that particular assignment? "You are going to relay what's happening on the phone," to these guys?
BOYLAN: No. Not that, not that I can recall.
MORGAN: All right. And do you know why BIRKINBINE responded? Do you know was that a request, or did he just show up, or do you know what?
BOYLAN: I don't know.
MORGAN: Okay. And then, kind of again, going back to I guess decision point number 3 at this point, now that ADRIENNA and the kids are all out and he is alone, talk about what different options were talked about at that moment in time.
BOYLAN: Yes. There was that hashing out, "Okay, now there's only him now in there. What do we do now?" You know, the option, "Well, do we just walk away?" And then at one point, it was I remember Sergeant REYNA that said, "Hey, if he can just tell us that he's not going to hurt himself, then we're done. We're going to walk away." And that's, quite frankly, the way I think...that's what I felt, that we should go and, you know, I can't speak for those officers. I'm assuming that they felt the same way. You know.
MORGAN: And again, I apologize, jumping back a little bit, but let's go back a again real quick to that first decision point, before anybody is out, when you've just talked to dad and basically, and you're just getting eyes on, and you're briefing with the sergeant and whatnot.
BOYLAN: Yes.
MORGAN: At that point, was there any discussion about HNT and SERT?
BOYLAN: No.
MORGAN: In your mind, at that point, was it possible that you had a hostage situation or a barricaded suspect?
BOYLAN: Was it possible, yes.
MORGAN: Okay. Was it...were those terms being used at all in the conversations? Was that on the minds of folks that those were some of the possible scenarios that were playing out?
BOYLAN: I don't know if those terms were used. I mean, obviously for me, I kind of felt they were a certain possibility. And that's probably one of the reasons why I'm gonna guess that LEWTON called the supervisor to be out there.
MORGAN: Okay. And then, jumping forward again now, did either BIRKINBINE or QUACKENBUSH broadcast or give some sort of heads up that they were going to be requesting that Mr. CAMPBELL come outside?
BOYLAN: No, I don't think that they ever requested that he come outside. It was never said that he come on out. It was more like we get your word you're not going to hurt yourself, we're not here, it's hard remembering what was said, it was more what I heard QUACK say was more along the lines of, "Hey, can we..." It may have been "Hey, can you come out and talk with us, you're not in trouble. We're not here to arrest, and if you can give us your word..." At the very end, that was where we were going. "Hey, if you just tell us, cause it seems like you don't want to hurt yourself, if we can have your word, then we're done." I don't know if I answered your question or not.

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MORGAN: It does. As best you could hear the conversation, a specific request to have him come outside was never issued by officers?
BOYLAN: I'm trying to think back. There may have been a request for him to come out and talk to us, but I think, more along the line establish rapport and also to see, to _____ "What do you think about doing? What's going on? What's your plan?" You know, I don't, where he was at, what his mindset was.
MORGAN: And as best you know that info was not broadcast to others, that that conversation was taking place, that you were possibly going to be trying to arrange to have him come outside?
BOYLAN: Yes. I don't recall.
MORGAN: Okay. Do you remember BIRKINBINE specifically telling QUACKENBUSH to ask him to come outside?
BOYLAN: I don't recall that at all, no.
MORGAN: Okay. All right. Almost done, I promise. Let's see here. When you were describing Mr. CAMPBELL backing up and Officer LEWTON giving him the commands, and you said at one point Officer LEWTON said, "Look, you need to do what we…follow our commands or you're going to be shot." Something along those lines.
BOYLAN: Yes.
MORGAN: What was your impression of what his actions were at that moment that was causing LEWTON to give that warning? If that makes sense?
BOYLAN: Yeah, I don't know. It was…you know, walking backwards, maybe he saw something that I didn't. I don't know. But all I could see was this stuff, and then, "Go ahead and shoot me, go ahead shoot me." What caused him to say that, I can't, I didn't see anything.
MORGAN: You don't specifically remember LEWTON saying, "Don't look back at us." Or, "Look straight ahead." Or anything preceding that?
BOYLAN: He very well could have said that, but I just, certainly don't remember distinctly. I don't know.
MORGAN: Okay. And then just touching on how many officers were giving commands. For me it's a pet peeve on these calls where all the police officers are telling the guy to do three different things.
BOYLAN: Yeah.
MORGAN: Do you feel like if one officer had been saying, "Put your hands straight up in the air," while another officer was saying, "Get flat on your belly," while another officer was saying, "Step to your left," would that have registered with you, do you think, if contradictory commands were getting yelled out?
BOYLAN: Yeah, I would hope so. Better register or I'm not paying attention. Yeah, exactly.
MORGAN: And I think the last question, oh, let me just make sure. After the shooting, when you were kind of moving around and trying to get some angles and whatnot, I know you said that you weren't sure if discussions about SERT were being had at that point or not.
BOYLAN: Right.
MORGAN: Was it your impression that if you had been able to ascertain and get a clear view of his hands and have a clearer picture of him, either through the binoculars or just shifting positions, that approach would have been made at that point?
BOYLAN: I don't know. I can't answer that. I don't know. Tactically, it's …I don't know if that would have been the call or not.

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MORGAN: Okay. From the radio traffic , did it seem like there was an effort to determine his position better, or…
BOYLAN: I don't believe from radio traffic. Because I was there. It was like, "Okay, I'm going to move here to see..." I was involved in that. But in terms of radio traffic, I don't know. I mean, I broadcast at least once if not twice, you know, I told the sergeant, "I'm moving." I told him personally and then broadcast, you know, what I could see from my viewpoint. But what other people were saying out over the air, I don't know.
MORGAN: Okay. That's all I've got.
RENNA: Okay. Two more. First one, after…or you said that Officer QUACKENBUSH was designated as the communication guy. Who made him the communication person?
BOYLAN: Either REYNA or BIRKINBINE. I don't know which one.
RENNA: Okay. And that was going to be my followup. If Officer QUACKENBUSH, being designated as the communication guy, did that change when Sergeant BIRKINBINE arrived?
BOYLAN: No. He was the man doing that. That was his job.
RENNA: Do you know why he was designated?
BOYLAN: I don't.
RENNA: Okay. From your position where you were at, did you…what was your impression of who was in command after the shot was fired?
BOYLAN: BIRKINBINE was right there. So that…
RENNA: Did anybody else come in and assume command that you are aware of?
BOYLAN: No. I saw BIRKINBINE, and that was it. But like I said, I wasn't there very long because I moved, so.
RENNA: Okay. I have no more. Scott?
WESTERMAN: Just to clarify a couple of things. The original call had nothing to do checking his welfare, is that right? It all had to do with checking hers.
BOYLAN: It was her welfare.
WESTERMAN: Okay. When she first came out and talked to you, ADRIENNA, is that her name?
BOYLAN: Uh-huh.
WESTERMAN: When ADRIENNA came out and first talked to you, did she tell you of any concerns?
BOYLAN: I was asking her specific questions about the information we had, so, no, there was not. In terms of… my concern was, "Okay, what is he acting like now? This is the report we have." And she was, "No, he was doing that last night. These things are not going on right now." That's the impression that I got.
WESTERMAN: Okay. Which goes to what I was saying, based on the information that you have from the radio call from the aunt, coming on, and then from the information from the father, this was a highly elevated situation.
BOYLAN: It could have…it was certainly possible. Yeah.
WESTERMAN: But once you talked to ADRIENNA, it kind of de-escalated a little bit?
BOYLAN: A little bit, yeah.
WESTERMAN: Did ADRIENNA say anything about the police presence?
BOYLAN: Yes.
WESTERMAN: What did she say?
BOYLAN: She said that she wanted us to go away or it would escalate things.

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WESTERMAN: Okay. During your entire role, from the time that you got there, Liani REYNA got there, Sergeant BIRKINBINE got there, did you have any ambiguity at all about what your role was during that incident?
BOYLAN: My role?
WESTERMAN: Yes.
BOYLAN: No, I don't believe so.
WESTERMAN: Okay. Based on your observations of the other officers that were arriving at the scene, the communications that you're hearing from the sergeants, from the officers that are talking on the radio, did it appear to you that there were people on the scene who didn't know what their role was?
BOYLAN: No.
WESTERMAN: You mentioned that when he got...oh, I'm sorry, while you were in the alcove with Officer QUACKENBUSH and Sergeant REYNA and Sergeant BIRKINBINE; you indicated that Sergeant REYNA was there first.
BOYLAN: Yeah, she was the first supervisor to arrive.
WESTERMAN: So, she pretty much took control from that point?
BOYLAN: Yes.
WESTERMAN: When Sergeant BIRKINBINE got there, was it your impression that they were more working together, or was he taking over, or was she still in charge, or were they kind of collaboratively working on this together since they were both right there?
BOYLAN: Yeah, my impression was they were working together.
WESTERMAN: Okay. And at some point you notice that Sergeant REYNA was pulled away from the scene, but you don't know when?
BOYLAN: Right.
WESTERMAN: Okay. When AARON CAMPBELL was shot with the first bean bag round, you mentioned his arms came down, and Sergeant Morgan kind of did a visual, at that point, did you see AARON CAMPBELL reach for his waistband or reach for any area where he had been shot with a bean bag gun?
BOYLAN: After the very first shot?
WESTERMAN: Yes.
BOYLAN: Did I see him reach anywhere?
WESTERMAN: Did you see him reach anywhere after the first bean bag round?
BOYLAN: No.
WESTERMAN: Okay. When he was running, from your perception, did it appear he was reaching for where he was impacted with the bean bag round?
BOYLAN: No.
WESTERMAN: With all the information that you had from ADRIENNA, from the father, from the radio traffic, when AARON CAMPBELL first came out of the apartment, did you have the impression of whether he was armed or not.
BOYLAN: From the information that we had from her, it was in his jacket.
WESTERMAN: Okay. Was he wearing that jacket?
BOYLAN: He was wearing a jacket.
WESTERMAN: Okay. She told you that she was wearing the jacket he put the gun in?

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BOYLAN: She told us that he had taken the gun and put it in a sock, and then put the sock in his jacket that he was wearing while he was lying there on the couch.
WESTERMAN: Okay. So your information that you had was that the gun was in a sock, it was put in the jacket the night before, and that he's now wearing that jacket?
BOYLAN: He's wearing that jacket that has the gun in it.
WESTERMAN: Okay. So when he came out and you see him wearing the jacket, did you form an opinion in your head that he was possibly armed?
BOYLAN: Absolutely possible, yeah.
WESTERMAN: Okay. The last question that I have was as it related to the hostage situation, in other words, was there a discussion about whether it was hostage situation or not. Clearly when you were talking to the father, before ADRIENNA comes out, am I correct in assuming that you're thinking all possibilities? Okay, she went to the store. She left her phone. He broke the phone. She broke the phone. You're thinking all these things, right?
BOYLAN: Yes. There were multiple different possibilities.
WESTERMAN: Did you have enough information based on the father and the aunt's comments, to reasonably believe that there was a hostage situation? Reasonable belief to act as if there was a hostage situation, or was this all preliminary with no confirmation?
BOYLAN: It was enough to make it certainly credible that it was possibly going on.
WESTERMAN: So you were thinking it?
BOYLAN: Yes, but we don't know for sure. But it was a distinct possibility. He's in there right now, waving around a gun. We don't know.
WESTERMAN: Was there anything that would have confirmed that for you?
BOYLAN: Sure. If we had made contact with her and she said, "I was in there _____."
WESTERMAN: No, what I'm saying, was any information presented to you after talking with the dad, that would have confirmed that you actually had a hostage situation?
BOYLAN: I'm sorry, I I'm just zoning out here.
WESTERMAN: Okay. When ADRIENNA came out, was there a concern of a hostage situation?
BOYLAN: Well, her kids were still inside.
WESTERMAN: But with ADRIENNA'S comments to you, was there a concern that, I mean....
BOYLAN: No. At that point...
WESTERMAN: What I'm getting at is...let me ask you this way, you're king for a day, sergeant for a day, with the information that you had at the scene at the time throughout the process, did you have in your mind enough information to conclude that there was a hostage situation that would require you to act in accordance to our policies as a hostage situation? Or was this still developing stuff with no confirmation?
BOYLAN: Yes, honestly, as we went through the whole scenario, we gained more information. But, again, that possibility was there. Even when she came out, it wasn't still confirmed yet. We wanted to make sure that this was the case.
WESTERMAN: Okay.
BOYLAN: And so, yeah, I'm trying to answer your question.
WESTERMAN: No, that's fine. That's fine. After Mr. CAMPBELL was shot, when you went to the other side of the apartment complex to look over there, you had indicated that Officer ELIAS had made a comment about SERT or approaching the victim?
BOYLAN: Yeah. I remember hearing him talking with Sergeant BIRKINBINE briefly

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(Interruption from a cell phone)
WESTERMAN: For the record that was Investigator Renna. (Laughter)
RENNA: For the record that was my phone.
WESTERMAN: Yeah.
BOYLAN: Yeah I mean I heard them discussing the issue with the dogs, do we want to do this. I remember hearing that briefly before I left.
WESTERMAN: Okay. That's all I have.
RENNA: I've got one question. When Mr WESTERMAN was talking about roles that were assigned, one of the roles that was assumed there at the scene was an officer was armed with an AR. Do you know why an AR was requested? Was that discussed?
BOYLAN: It wasn't discussed with me, but I (Indecipherable) for officer safety reasons, we want to have superior firepower to apprehend a potentially armed subject and obviously with a long gun, gives us greater range, we don't have to expose ourselves unnecessarily to risk, and we can stay farther back and still engage our suspect if we have to. And that's just common sense. But it was not discussed with me, no.
RENNA: Prior to…the person that was armed with the AR was Officer FRASHOUR. Prior to his arrival, was anybody else armed with an AR?
BOYLAN: I know of at least one other one.
RENNA: And who was that?
BOYLAN: Officer HUGHES. JOHN HUGHES.
RENNA: And where was Officer HUGHES located?
BOYLAN: I believe he was in the back. In the back, west side.
RENNA: So that would have been over where Officer BOCCHINO was?
BOYLAN: I believe so.
RENNA: Okay. As Mr. CAMPBELL approached the car, did you draw your weapon?
BOYLAN: No.
RENNA: And why not?
BOYLAN: We had more than enough officers there with guns on him, yeah, I just didn't feel a need to.
RENNA: Okay. I have no further questions.
RENNA: Is there anything that you would like to have that you haven't been asked? I know you were asked that previously, but we've asked you some follow-up questions, so is there anything else that you would like to add at this point?
BOYLAN: No.
RENNA: Okay. Mr. WESTERMAN?
WESTERMAN: I think we're good.
RENNA: Okay. Then I'll conclude the interview, and it is 1733.

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Transcribed 03/17-18/10 / 4:50 a.m. Gayle Laird

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PORTLAND POLICE BUREAU
INTERNAL AFFAIRS DIVISION
Confidential Taped Statement
Sergeant CRAIG MORGAN / #38846

Interview Date: **March 5, 2010**
IAD #: **10-B-0004**
Complainant: **PPB**

Interviewed: TYRONE WILLARD / 47105

MORGAN: This is Sergeant CRAIG MORGAN. It is Mach 5, 2010. It's just before 4:55 in the afternoon. We're located in an IAD interview room on the 12th Floor of the Justice Center. Present with me is my IAD partner, Investigator BARRY RENNA. Also present is Officer TYRONE WILLARD and his PPA rep Officer DAVE DOBLER. We're here in reference to IAD case #2010-B-0004. The associated PPB case number is 10-8325. Officer WILLARD has been advised that his conduct and/or the conduct of any other bureau member present on January 29, 2010, at 12800 NE Sandy Blvd. is the subject of this investigation. Officer WILLARD has reviewed information necessary to be reasonably apprised of the nature of the allegations of the complaint. Officer WILLARD has been informed that he is a witness in this case and that Captain ED BRUMFIELD is in charge of the investigation. I advised Officer WILLARD that he could have representation present during the interview and Officer DOBLER is here in that capacity. Officer WILLARD has been provided a copy of the Advanced Notice and Waiver Form and has signed it. Officer WILLARD, under the authority of Captain BRUMFIELD, I'm ordering you to answer all of my questions fully and truthfully. If you fail to respond fully and truthfully, you may be disciplined up to and including dismissal. Do you understand?
WILLARD: I do.
MORGAN: Okay. All right, and what we're here talking about is an officer involved shooting from back at the end of January and normally I just have you give a narrative of a call but since this is kind of an obviously a longstanding call or whatnot, I'm gonna just start with some specific questions. What is your current assignment?
WILLARD: I'm a police officer, uniform patrol, East precinct, afternoon shift.
MORGAN: Okay, and how long have you been employed by Portland Police?
WILLARD: Coming up on four years, three and a half.
MORGAN: Okay, and how long have you been assigned out at East precinct?
WILLARD: Just over two years.
MORGAN: Okay, any prior police or law enforcement experience prior to Portland?
WILLARD: No.
MORGAN: And on January 29, 2010, what was your assignment that day?
WILLARD: On the street?
MORGAN: Yeah, your district assignment.
WILLARD: Sure, I was 946.
MORGAN: Okay.
WILLARD: Partnered in a car with RON FRASHOUR.
MORGAN: Okay.
WILLARD: I was driving, he was the passenger.
MORGAN: All right, and at some point during the shift you get a call to respond to 12800 NE Sandy Blvd. Just tell me how that came about and what information you received initially.

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WILLARD: Sure. Officer FRASHOUR and I were in a parking lot near 122nd, the Taco Bell parking lot. I was eating. He was sitting next to me. Dispatch came over the air asked for anybody to respond up there to 128th and Sandy to assist North precinct. Officer FRASHOUR keyed up on the air saying that we're en route and I drove northbound at code 2, code 3, got there quick.
MORGAN: Okay, and just to clarify, you said they asked for anybody to respond, it was anybody with an AR?
WILLARD: Yeah, anybody near 128 and Sandy that can respond with an AR or something like that.
MORGAN: Okay.
WILLARD: We head up there. They said switch to North for information on the call. FRASHOUR had the computer pointed towards him. He briefly read through the entry of the call.
MORGAN: Okay, and was he sharing aloud with you some of the stuff he was reading?
WILLARD: Yes, I asked what's the gist of it? Not that exact wording but what's going on, where are we heading? I knew where we were headed. He said that it's a welfare check call. The guy inside, suicidal guy wants the police to kill him and he has a gun. I didn't have any other information until we got there and started talking with other North precinct officers.
MORGAN: Okay, and as far as any radio traffic from the time you switched over to North to the time that you arrived, did you hear any updates over the air in that time frame?
WILLARD: It was pretty quiet on dispatch. I later found that the air was held for that situation so that's probably why it contributed to the quiet air traffic.
MORGAN: Okay.
WILLARD: And I don't believe I heard anything that gave any information before getting there.
MORGAN: All right, and from the information you initially received then, from what the dispatcher said, and from what Officer FRASHOUR was sharing with you via the MDT. What was your understanding at the outset of what kind of call this was going to be?
WILLARD: Prior to talking with other North officers?
MORGAN: Yeah, when you first get the call and when you're responding, before you arrive on scene, what was your impression of the type of call if you can classify it?
WILLARD: One of the main things that stood out to me was suicide by police, guy with a gun, distraught. I was just kind of thinking we had to be careful. I don't know a guy with a gun wants to die, wants the police to do it so we treated it serious.
MORGAN: Okay, and on the information you had just at that time, did you feel like this could be a situation where it was a barricaded suspect?
WILLARD: I didn't have that information so I didn't jump to that conclusion. I didn't…
MORGAN: Okay.
WILLARD: …I didn't think he was barricaded.
MORGAN: Okay, and kind of same thing with the information just that you had at that time, did you believe that it was a hostage situation?
WILLARD: No.
MORGAN: Okay, and was that for the same reason, you just didn't have enough information to conclude one way or the other?
WILLARD: Yeah, correct.
MORGAN: Okay.
WILLARD: We'll probably get to that point later, but as the call progresses I'm learning more.

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MORGAN: Right, okay. And we'll kind of use this one to cover the whole call, so a little broader question here.
WILLARD: Uh-huh.
MORGAN: Either at the outset or at any time during the call did you receive information that CAMPBELL had threatened anyone besides himself with harm?
WILLARD: I didn't learn that until later.
MORGAN: And did you have any information at any time during the course of the call that CAMPBELL had committed a crime?
WILLARD: At that point I didn't know if he did or didn't. Knowing that he had a gun in there and there was family members, there could have been some kind of menacing or harassment or something domestic related. At that point I didn't know for sure.
MORGAN: Okay. Did you feel at any point that you had probable cause for a crime, personally based on knowledge of what developed over the call?
WILLARD: From what I knew at that point, no.
MORGAN: Okay, and did you receive any information about CAMPBELL'S history at all either en route to the call or FRASHOUR sharing with you or from officers on the scene or any of that?
WILLARD: First I heard about the individual was once we eventually got over behind the patrol car, Officer FRASHOUR had taken his position. Between Officer KEMPLE and Officer LEWTON, they gave us a brief info on him. I was asking height and weight, skin color, you know, I didn't know he was a black guy until I was standing behind the patrol car. Um, and that he is, maybe one of the officers said he was flagged resists or flagged. I didn't hear the DVRU, domestic violence stuff until later but flagged resists, or he's got a long history or something like that, very brief.
MORGAN: And what did that tell you about the call, if anything? How do you feel that information influenced your perspective on the call?
WILLARD: Usually when I'm informed that anybody that we are dealing with is flagged resists or elude, I'll go ahead, I generally take it more serious I guess.
MORGAN: And was that true in this case as well?
WILLARD: I guess I was more aware and alert.
MORGAN: Okay. Who appeared to be in charge of the scene when you guys arrived?
WILLARD: When we first showed up, Sergeant REYNA, who I met that night, was behind the engine block of the patrol car that was parked in the parking lot. She had a rifle. That's when Officer FRASHOUR took the position and she moved on into the alcove area of the apartment to the north. As for sergeants, I assumed it was her, that's who I saw. Immediately standing at the patrol car, the voice I could hear that was not on the radio was Officer LEWTON and he seemed to be kind of directing people, asking the officers to go around over on, directly east of the door. I think he was arranging who is in the back, what kind of guns do I have. I heard Officer LEWTON kind of taking charge there.
MORGAN: Okay, and from where you were, do you know if he was consulting with the sergeant and making those decisions or was he doing that on his own to some extent?
WILLARD: You know, I think he did run on over a couple of times. We were pretty close to that alcove, so they were communicating, I believe they were. I did most of my fixating staring at those front windows watching for movement.
MORGAN: Okay, any other sergeants on scene when you got there that you know of?
WILLARD: At that point for me showing up, I only remember seeing one. Later I learned Sergeant QUACKENBUSH came up. I saw him, but I thought there was only one sergeant there.

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MORGAN: Okay, and was your conclusion that Sergeant REYNA was running the call based on actions she took and decisions you heard her make or was it more based on the fact that she was the one ranking officer at the scene?
WILLARD: I mean, she was the ranking one obviously. Every once in a while I'd hear on the air, one thing I remember her saying is that we're communicating to the individual inside via text so be patient. Um, her wording saying we I assumed somebody else was doing it. I didn't know who was doing it. I remember her keying up and once the three kids came out and scooped them up and got them out to a safe place, she let dispatch know that the kids are safe. She was on the air every once in a while.
MORGAN: Is it safe to say that with some possible consultation with a sergeant when he was going back and forth, that Officer LEWTON was allocating a lot of the tactical resources from where your perspective was? Did it appear he was making those decisions to some extent?
WILLARD: I would say that. Yes.
MORGAN: Okay, and so and I apologize we're gonna be kind of jumping around like this, kind of going back to the narrative and off and back and off. So, you guys arrived now and tell me what happens when you arrive on the scene.
WILLARD: Okay, well we showed up quite a bit after the original officers were there and we got out of our patrol car which was parked right about where that white one was, that car currently is on that photograph. We ran, we jogged on over to the west side of the apartment complex just at the corner near the pool up close against the apartment complex. And there was two officers there. I couldn't tell you their names. One had a shotgun, I think one had a beanbag. And then we heard on the air that I think it was LEWTON said we need the rifle up front. So I'm sticking with my partner. FRASHOUR and I run around up north again, east and then down over to the patrol car. Right when I rounded that corner there, that is when I saw folks behind the vehicle that was parked in the parking lot. Sergeant REYNA stood up and left as we kind of moved on in there.
MORGAN: And at that point was there a plan of action discussed, as to what your role was there? Do you know what the big picture or plan was at that point?
WILLARD: Big picture or plan, no. The immediate plan I think it was clear what needed to be done. Officer FRASHOUR, first of all when we got there we're trying to get a feel for where 37 is. It's a long straight row, they all look the same. There was a satellite dish on the ground right in front of the unit and Office KEMPLE said see that satellite dish, it's the two windows to the right, those are that unit. So, that's where I started watching for movement in the blinds, which I believe I saw movement throughout the time we were there. And also I just felt like my role and I'm not, I wasn't looking at the big picture, I was just right there helping out how I could.
MORGAN: What did you interpret your role to be at that point?
WILLARD: At that point, I was support for Officer FRASHOUR. I knew that, that was in my mind. He was fixated at the front with the rifle. His knees were hurting. I got two pads out of the car, warning pads to put under his knees. It was dark or it was getting dark I don't know but it was dark. That streetlight that was there was illuminating us. Officer ELIAS and his dog showed up eventually. My role being at that point I didn't know he was gonna come popping out on us like he did, I'm not sure I'm kind of rambling here.
MORGAN: That's okay, it's fine. Do you feel like you had an assigned task at that point other than supporting FRASHOUR?
WILLARD: Um...

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MORGAN: Or if it helps, do you feel like the group of officers at the patrol car had an assigned task as a group?
WILLARD: When CAMPBELL did come out, it became clear real quick who had what role. I don't know if I said it out loud, I don't remember designating myself verbally, "Hey, I'm custody." I just know that when he came out I started gloving up real quick and KEMPLE was working the spotlight. LEWTON had the beanbag and he was calling out commands. So, my mind set was less lethal, custody, custody, lethal. And I knew that the dog was back behind us.
MORGAN: Okay.
WILLARD: But for me I've been to calls, it just seemed kind of routine.
MORGAN: And you said that once he came out it became obvious immediately. Had there been any discussion prior to him exiting as to who was gonna assume what role amongst the officers at the car?
WILLARD: I don't remember that.
MORGAN: Okay, and when you guys arrived, did either the officers at the car or Sergeant REYNA prior to heading to the alcove, did they update you on what was going on at that point? Did you receive any more information about what the status of the call was at that point?
WILLARD: I think I remember them saying that the female is out, one of the adults. I don't remember who said it but there was kids inside. I didn't know if there was a conclusion that it is a hostage situation or not. It once again was a surprise to me when I saw the kids coming out. It was also a relief, you know, the dad instinct, and any officer will be relieved of that.
MORGAN: Did you receive the information that the girlfriend is out, the kids are still inside? Was that pretty quickly after you arrived? What kind of time frame are we talking about that you're gathering this information?
WILLARD: I'm sorry. From the information that I had there versus what I learned later, you know?
MORGAN: Yeah, it's hard to differentiate and best you can what we want to know is at the time, not the stuff you learned afterwards, as best you can.
WILLARD: I don't remember.
MORGAN: Do you remember where you were getting that information from? Was that over the radio or was that via the officers at the car?
WILLARD: It could have been either. I think LEWTON would come over and update us just to free up the air so that it wasn't coming over. I think every once in a while I heard Sergeant REYNA key up and give us some updates as to that.
MORGAN: And were you given any specific instructions if CAMPBELL had come out of the apartment and looked as if he was going to flee, did you guys have any specific instructions on how you were gonna handle that scenario?
WILLARD: Um, specific instructions I wouldn't say that. I thought that Sergeant REYNA got a car onto Prescott in case he was to run. Seeing that the dog was there. That's usually what they're used for. I don't think it was ever said, you know, it just seemed like that would have been too obvious if he did pop and run we're gonna go after him. No one said, you know, if he runs you and you and you go chase.
MORGAN: Okay.
WILLARD: But we did have the place locked down. It was almost like we had a perimeter set up. We got a dog. If that was to happen we'd have a canine track. It would all happen really quick. I think the chances of capturing someone that would have ran were pretty good.
MORGAN: Okay, and did you have any understanding of what, you kind of touched on it, what was the canine there for on this call?

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WILLARD: Sure, canine, if he was to run or if we had to do an entry. Not that, I mean, both of those scenarios could have happened and we were ready for it. As for the entry part, I don't think that was ever brought up, you know, to enter and make sure everybody is okay, that was never brought up.
MORGAN: Okay. Prior to the shooting, did you hear or did you participate in any conversations about activating SERT for this call?
WILLARD: No, SERT never came up. I didn't even think of that.
MORGAN: And again you touched on this, but you said Sergeant REYNA gave a couple updates over the radio, LEWTON was kind of going back and forth and giving you some information, any other sources of updated information as the call continued?
WILLARD: No, other than, I mean a lot of air space seemed to be setting up, people saying okay I'm in place here and over here. Let's block some traffic here. Some updates once again Sergeant REYNA saying they are communicating to him via text. Um, I can't remember if there was any other updates?
MORGAN: All right. Did you at any point learn that CAMPBELL's girlfriend had told Officer BOYLAN that CAMPBELL's problem behavior had been the day before and that he was doing fine today?
WILLARD: No.
MORGAN: Did you ever get that information?
WILLARD: No, I did not.
MORGAN: All right, and now walk me through…you guys get there and you get set up and the kids pop out. Just kind of tell me about that little piece of the call.
WILLARD: Once again times I'll give kind of ballparks. From the time we showed up and we were behind the patrol car to the time the girls came out it seemed like maybe 15 to 20 minutes. The call 946 keys up, that would have been me saying that two kids are coming out and then I saw a third, the third being very small and waddling, doing that little toddler waddle. She came out holding a teddy bear or some stuffed animal. That's when I keyed up again saying there's three coming out, three black kids, coming right out from that same area. Obviously, from that angle we can't see the front door because it's around the corner. I assumed it was coming from there. I ran around behind a car that was parked up against the apartment complex and started running up to snag up the youngest kid and get her out of the area where any kind of rounds could have been shot off. But there's another officer, don't know his name, grabbed her up, ran north around the corner to the same spot that leads into Sergeant REYNA saying that the kids are secured and I think she coordinated or something getting them out of the way, you know, so they're not sitting right around the corner, get them in a vehicle, get them down the street.
MORGAN: Okay, and you said earlier you were surprised when the kids came out?
WILLARD: I was, yeah. Given their size and once again the dad instinct in me kicked in, saying I would never in a million years allow my little kid to come walking out.
MORGAN: How did you feel that fact changed the threat level of the call if it did at all in your mind?
WILLARD: In my mind, I took things even more serious. It went up another level from there. Someone who is willing to have their kids walk out, it just to me seemed that the severity in the individual's mindset that we're dealing with he's serious or crazy, I don't know. I would have never let my kid walk out.
MORGAN: And, um, was part of the surprise…had you heard from anyone that the officers in contact with CAMPBELL were going to be requesting that he send the kids outside? Were there any updates like that at all?
WILLARD: No.

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MORGAN: Okay.
WILLARD: I never heard that.
MORGAN: And you said that you did get an update that they were contacting him by text and whatnot?
WILLARD: Uh-huh.
MORGAN: Do you remember were those updates just general we're talking to him or were they providing substance as far as how it was going or what was being shared there?
WILLARD: There was nothing specific that I remember being put out over the air or told to me how the conversation was going. Just that there was one, and it was texting, and that we should be patient.
MORGAN: Okay, so that continued for the duration? You never received updates as far as how it was going?
WILLARD: I did not.
MORGAN: Okay. Did you have any information about CAMPBELL being in possession of a weapon?
WILLARD: Even en route it was in the call.
MORGAN: Okay.
WILLARD: Suicidal guy with gun in unit 37.
MORGAN: Did you ever get any more specific information about what type of gun or where it might be or any of that?
WILLARD: No, I did not.
MORGAN: Okay.
WILLARD: Just a handgun. I may have asked at one point if it was a rifle. It was, it seemed that everyone there was under the understanding that it was a handgun.
MORGAN: But you're not quite sure where they got that understanding from?
WILLARD: Nope, I do not.
MORGAN: Okay, and once the kids came out, was it your impression that CAMPBELL was alone in the apartment at that point?
WILLARD: Well, yeah, once the kids got out to the street, that was my impression that it was just at this point him in the apartment.
MORGAN: Okay. Did you ever receive information that the officers were going to be trying to talk Mr. CAMPBELL into coming out, the officers that were in contact with him?
WILLARD: At that point, I didn't know what they were working on specifically.
MORGAN: Okay.
WILLARD: At that point, I was kind of a pawn on a chessboard sitting there watching the front window. If I saw movement, I'd say, "There was movement in there, he's looking out."
MORGAN: And were you aware that he was about to come out at the time that he did?
WILLARD: No, not at all.
MORGAN: Were you surprised when he did?
WILLARD: Very much so.
MORGAN: Okay, just tell me about that.
WILLARD: Sure. I was either kneeling or standing behind the patrol car and all of a sudden I see an individual come walking out very quick. I remember him walking out backwards, hands on top of his head, fingers interlaced and I couldn't hear specifically what he was saying but I know he was mumbling something and it was in a tone that seemed like he was mad or aggravated. He was not in a

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good mood based on his whole body language. He came straight out, stopped and turned his back towards us and walked straight backwards. And I think a few different of us had a response to his, the surprise and the quick motion of him. I think someone said stop or slow down and then LEWTON was the one taking over. LEWTON pretty much did the bulk of the communication with him once he was outside. He kept walking back towards us quick. "Slow down, stop." LEWTON was yelling those kind of things. He was just kind of ignoring it and walking fast towards us and that right there once again upped the severity of the whole thing. His body language and his actions, were clearly stating that he was in control, not the police. And eventually maybe 15 to 20 feet off the front of the patrol car is where he stopped and…

MORGAN: And did he do that at, in response to a command or did it appear he did that on his own?

WILLARD: Well being that Officer LEWTON was yelling at him to stop and slow down multiple times and he didn't. Once again going back to I believe his actions, that he was on control, I think he stopped on his own.

MORGAN: Okay.

WILLARD: It may have been in response to one of the many times he was told to stop maybe. I don't know what he was thinking. Eventually he did stop, but it was way too close for comfort.

MORGAN: And what happens at that point?

WILLARD: Officer LEWTON, this is what I remember him saying, "we believe you have a weapon. If you reach for that weapon you may be shot" and he yells "do you understand?", LEWTON yells that to him. And CAMPBELL's response was, with his hands on his head he turns and I could first see, this is the first time I saw his face, was through the opening in his arm. His eyebrows were down and his face wrinkled up, really pissed looking and that's when he said shoot, just fucking shoot me. And it wasn't, he didn't just say it, he was yelling it. I believe he said that twice. I remember hearing it very clear the first time and I was thinking what. He's got a gun…I've never seen anybody say that with a gun or rifle pointed at them. Most people are in fear of their lives and that reflects in their words, their actions and he wasn't. He wasn't afraid of his life. Um, so he turns, says that and then takes his hands off his head and starts dropping it and LEWTON was yelling to stop and get your hands up, yelling it and he kept dropping his hands and that's when I remember boom, boom two beanbag rounds. Being I was standing between the two guys, both about equally far apart. Two shot out from my right. He stumbles forward and CAMPBELL does, stands back up and as he is sprinting full speed straight toward his apartment, he's turning both his hands to his lower left almost as if he is digging for something. And I'm watching, I don't know if I said it, I know I was thinking it is he's reaching, he's reaching. Panic started setting in. I was actually still gloving up, strapping on the right glove onto my hand and I started reducking behind the engine block expecting something to come out. I mean, he was definitely digging and reaching for something. His movement was very obvious and aggressive and there's something back here. I don't know what he was reaching for, but I was expecting something to come up. Do you want me to just keep going?

MORGAN: Keep going until the shot and then we'll kind of go back and do some specifics.

WILLARD: So, do you want to know like keep going what my mind was thinking and things?

MORGAN: Yes, absolutely, yes.

WILLARD: I know that I heard beanbags going. He's running, he's digging, he's reaching. Um, I was honestly expecting the lethal cover to shoot. Um, so I wasn't surprised when I heard the different sound of the rifle crack off. I was expecting it. I was even thinking, you know, should I pull, but I had in proximity I would have swept my muzzle right across KEMPLE's head, so I, and obviously it all happened within seconds. So the shot was fired and CAMPBELL is still in a full dead sprint. And hit

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the front of a car that was parked right in front of the unit and landed in front. And so, okay, the shot fired, he falls and then I see out of the corner of my left eye a dog sprinting. Officer ELIAS deployed his dog at that point. The dog ran over and started biting the guy.
MORGAN: Were you able to tell in relation to the shot when the dog was released?
WILLARD: It was really close. It was close. I specifically within a couple seconds maybe.
MORGAN: Is it possible the dog was released prior to the shot?
WILLARD: It could have been being that it was out of sight. He was behind the dumpster to our left and behind us.
MORGAN: And it's also possible that the dog could have been released after the shot? You're just not sure based on the sequence, is that right?
WILLARD: Well, my guess is it was probably almost the same time of the shot. It could have been give or take a half-second because it was really quick.
MORGAN: Okay, all right. Okay, we're just going to go back through some specifics here.
WILLARD: Sure.
MORGAN: About that particular part of things. When you first saw him, did you get on the air and advise that he was coming out?
WILLARD: When he exited the building. I don't remember if I did. I actually think I may have grabbed it, just keyed up and it goes beep because there's so much other stuff going on the air it wouldn't go through. There was a couple of times during the call where radio traffic was not getting through.
MORGAN: Okay, and you kind of covered this, but at any point in this, did you have your gun actually out of the holster?
WILLARD: No, I never unholstered my gun.
MORGAN: And describe for me as he's walking back, describe for me the lighting conditions you guys have at that point.
WILLARD: Sure. There's a streetlight, you guys know where the streetlight was at? Okay, and the spotlight on the patrol car was the only thing lighting him up.
MORGAN: And was he pretty well, was the spotlight from the patrol car pretty well staying on him or was he…
WILLARD: It was fixated in his midsection.
MORGAN: Okay, and that stayed consistent though pretty much the whole time he's backing up?
WILLARD: Yes.
MORGAN: Okay.
WILLARD: We knew he had a gun, we just didn't know where at on him. I was really looking for it, looking for any kind of bulge or anything. We knew there was a gun involved in the whole situation.
MORGAN: And tell me about that. What is he wearing? What are you able to see?
WILLARD: Um, he is wearing I think it was a dark gray hooded sweatshirt zip-up style. It was baggy. There was dark jeans, maybe denim. He wasn't sagging a whole lot. I don't remember seeing if there was a belt or not. I couldn't tell for sure. He had white shoes on. That's something I do recall. I say he wasn't sagging much because the speed at which he was walking backwards, a lot of people that sag can't even walk that fast forwards unless they're holding up their pants, so.
MORGAN: Could you see the line of his underwear or shorts over the jeans?
WILLARD: A little bit of the top of his either boxers or underwear. I believe I could see some of that.

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MORGAN: And could you see any skin exposed above that, the skin of his back?
WILLARD: I don't remember seeing any skin.
MORGAN: And the walking backwards and the hands interlaced on the head, was that in response to commands or had he done that completely on his own?
WILLARD: On his own. It, yeah.
MORGAN: And you seemed to indicate that when he first appears there was a couple of folks yelling at him, is that accurate or were a couple officers giving different commands at that point before LEWTON kinda takes over?
WILLARD: It was fairly quiet right around the patrol car. Once he popped out, there was, it seemed like multiple officers yelling out different things. Maybe to each other or to him. I think I said out loud "he's out" and I may have heard someone else say "he's coming out" and then you hear one or two yelling down to him loud enough to where he could hear, "stop, slow down, stop." Um, and then it got, everyone else kind of kept, you know, shut up and LEWTON was the one from there that was yelling out stuff to him.
MORGAN: Did CAMPBELL ever appear confused about what was expected of him, as best you could tell from his body language?
WILLARD: No, no. No, based on his body language it seemed like he has been through the hands on the head routine before. High risk vehicle stop kind of scenario. He seemed like he'd had practice in that.
MORGAN: And you kind of went through a couple of them, stop, slow down and then eventually the less lethal warning about the weapon.
WILLARD: Uh-huh.
MORGAN: Any other commands that he was given, that you remember?
WILLARD: Um, right before the beanbag went off, there was the LEWTON yelling stop, hands up. I could tell from the tone of his voice that it was more of a like louder "hands up, hands up." You know, more of an urgent sound as he was dropping his hands and that's when he did the beanbags.
MORGAN: Okay, so I know it's gonna be hard going back to frame in time, but LEWTON gives the command about we believe you have a weapon.
WILLARD: Uh-huh.
MORGAN: If you reach for that weapon you may be shot. CAMPBELL responds go ahead and shoot me then basically.
WILLARD: Uh-huh.
MORGAN: Tell me again what CAMPBELL does with his hands after yelling that back.
WILLARD: Shoot, just f-ing shoot me, unlaces his fingers. He doesn't quickly drop, but now his hands are off his head and he's starting to, they are in this area here, they're not up, they're here and that's when he's yelling get the hands up.
MORGAN: And you're indicating in here, but I just want to make sure we're clear
WILLARD: Okay.
MORGAN: Are the hands in front of him at that point?
WILLARD: No, they're to his side.
MORGAN: Okay.
WILLARD: I remember them being over here to his left, closest to where we're at, almost like he's showing us here's the hands.
MORGAN: Okay.

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WILLARD: He could have put them over here.
MORGAN: And they're about chest height, shoulder height?
WILLARD: Shoulder, chest height. At that point, when the first, when I remember the first round of beanbag going off.
MORGAN: What was your impression of what LEWTON was asking him to do? Was he telling him to get his hands back interlaced on the back of his head or was it straight up in the air or what?
WILLARD: Right before the shot was, he was yelling hands up, hands up, hands up.
MORGAN: And you believe that was in response to the fact that he had moved his hands?
WILLARD: When he took his hands off of his head and was bringing them down, they were coming down.
MORGAN: And from the time he gave the hands up, hands up, to the time the less lethal was deployed, what kind of time frame are we talking about there?
WILLARD: Maybe a second.
MORGAN: Do you feel there was enough time for CAMPBELL to comply with that request before the beanbag went off?
WILLARD: There was, yeah, he had a ton of time, which frustrates me. He had a ton of time to comply with the dozen commands that were yelled at him. He had plenty of time.
MORGAN: Okay and then tell me about the plan of the custody team as far as, assuming he had continued to comply with commands, what were guys gonna do with him exactly? Or what were you gonna have him do I guess?
WILLARD: What I was told, nothing specific. What we all revert to in our training is to have him side step to the left, prone them out. We never say what we're gonna do specifically, we just revert right back to the training in the advanced academy that we've all done. We've gone over it a dozen times and I know for sure at East precinct I have been involved in a lot of high risk custodies and it was just a routine deal. I knew that I was gloving up for a custody. If we were to approach him when he was proned out I knew that lethal had been FRASHOUR and KEMPLE and I would have scooped up his arms and click, click he would have been on his way.
MORGAN: Okay. Do you feel like the custody team was treating this as a high risk stop for tactical purposes?
WILLARD: In a way, yes. I mean, with a high risk vehicle stop you have an unknown threat in the car even if we have the driver out let's say. We're just gonna move him out to the left from us so we can walk straight up to him. That's what I thought was gonna happen from there.
MORGAN: And so…
WILLARD: We're standing behind a patrol car, it seemed very much like a high risk vehicle stop.
MORGAN: Were you intending, let me just clarify, were you intending to have him walk past the patrol car and take him into custody behind the patrol car or was he pretty much at the distance you wanted to do it, you just wanted him a little farther over?
WILLARD: I don't know specifically how LEWTON was setting it up. Once again I just assume that he was gonna step him out to the left. From there, I don't know he could have had him prone out there or come back to us. I'm not sure what he was planning on doing.
MORGAN: Was there any discussion at the point he stopped, was there any discussion about approaching him in that standing position and taking him into custody there where he was standing?
WILLARD: There wasn't.
MORGAN: And why was that?

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WILLARD: Why was there no discussion?
MORGAN: Would you have been hesitant to do that?
WILLARD: From where he stopped and was first, that location where he was beanbagged?
MORGAN: Correct.
WILLARD: I thought it would have been strange for us to walk up and around the patrol car. I wouldn't have pictured taking him into custody there personally. I would have wanted him, if anything, I was picturing him stopping there, I would have had him farther out. If he would have listened he would have been farther away, safer. Step over to the left and prone him out out there. So we didn't have to walk around. Because of how close he was to the patrol car, it would have been very awkward, tripping over each other if we got a custody team and a lethal cover going out and around the patrol car and then to him. I wasn't picturing that.
MORGAN: Uh, did this appear to be a situation where a taser would have been appropriate in your opinion?
WILLARD: No. I never thought of bringing out the taser. That 21 foot probe length, that would have been stretching it from where he was at there. Taser never came across my mind at that point.
MORGAN: All right, and did you hear any discussion about using the taser?
WILLARD: No.
MORGAN: And were you aware the beanbag was going to be deployed when it was or did it come as a surprise to you?
WILLARD: Uh, surprise as in, did he say I'm going to beanbag you now or did he verbalize it you'll be beanbagged? I don't remember him saying anything to that effect, but CAMPBELL's obvious disregard to any of the commands, it was of no surprise to me.
MORGAN: And again your perception of why the beanbag was deployed?
WILLARD: Failing to comply and starting to lower his hands. I pictured beanbags as being a compliance tool. Obviously, that's why it's called less lethal. Um, you're asking why do I think the beanbag round went off?
MORGAN: And I realize you can't put yourself in LEWTON's head, but just from your perspective, what was your impression of why the less lethal was deployed?
WILLARD: He wasn't following commands and was…it seemed like he was setting up for something. Um, maybe to stun him so that he can get a tactical hand because he was pretty much running the show, CAMPBELL.
MORGAN: And other than the standard warning, "We believe you have a weapon, if you reach for that weapon you're gonna be shot," any other specific references to the beanbag given by LEWTON to CAMPBELL?
WILLARD: No.
MORGAN: Okay. How many times do you think the beanbag was deployed total? I know you said there were two and then he kind of took off running.
WILLARD: Obviously now I know how many were. At the time, I thought I heard two or three total beanbags and one or two rifle rounds.
MORGAN: Okay, and you said after the first couple, I can't remember exactly what you said but CAMPBELL basically picked himself back up or gathered himself and then started running. Did the first couple appear to have an effect on him then? Can you describe how that looked?
WILLARD: Um, sure. He turned, he says his thing about shooting, he wanted to be shot, lowers his hands, LEWTON is yelling, "get your hands back up, hands up," boom, boom, he stumbles forward,

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forward at an angle I guess heading directly, a straight line back to unit 37, and then stands up and he's in a full sprint and turns and he was diving his hands back into the back waistband area. Into either the back pocket or, I mean, I think I lost sight of one of his hands. It was into something, he was digging for something. Um, once again, exactly how many rounds of beanbag I heard going off…I do remember actually, this is the car here, dropping back down expecting something to happen towards me. And so I, you know, I know that in my head I was, I couldn't testify truthfully if I was saying it or thinking it, but I do know that at least I was thinking he's reaching, he's reaching, he's reaching. And it definitely wasn't, it worried me big time.

MORGAN: How quickly would you say the beanbag rounds went off as best you were able to tell?

WILLARD: It was quick rounds, boom, boom, boom.

MORGAN: Would you say pretty close to as quick as you can cycle the action and reacquire the target?

WILLARD: Yeah, yeah.

MORGAN: And where exactly where CAMPBELL's hands at the time FRASHOUR fired? Did they stay consistently digging on that back left side…

WILLARD: Uh-huh.

MORGAN: …the whole way?

WILLARD: I think his right hand, being that he couldn't reach far enough it was somewhere about here. But his left hand was in a back left pocket or into his pants that was, it was back here near his left butt cheek.

MORGAN: Okay, and you felt like the left hand was digging deep enough that it was at least partially out of view? Is that right, am I putting that right?

WILLARD: Uh-huh. Yes.

MORGAN: Okay, and you've articulated this but just to be clear and give it it's own kind of stand alone answer here.

WILLARD: Uh-huh.

MORGAN: Describe your assessment of the threat level that Mr. CAMPBELL is posing to police and to civilians in the area.

WILLARD: At what point.

MORGAN: At this time. After the beanbag rounds had gone off and he's running back towards the apartment.

WILLARD: Sure. I am at this point thinking that, I mean, I can quote the use of force policy, 1010.10 section B, members may use deadly force to effect the capture or prevent the escape of a subject where the member has probable cause to believe that subject poses a significant or immediate threat of death or serious physical injury. I've had coaches give scenarios of threats running and what would you do. In that scenario, I was thinking shoot, shoot, shoot. He was running and we needed to effect the capture or prevent the escape of that guy. And beanbag wasn't working. I was expecting him to pull a gun out based on what he was doing before. There's an apartment complex right there, it could have been a hostage situation, so I'm thinking our safety and the safety of others inside. Once again, I was on custody. I wasn't holding the less lethal or a rifle. If it was me holding the rifle, I would have shot, absolutely. That's why I said prior in this interview that I was not surprised when I heard that gun go off. I was expecting it based on his deliberate digging in his pants. It's just frustrating because as soon as LEWTON told him what he needed to do to be shot he did it and that's what was frustrating.

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MORGAN: Do you know where either Sergeant REYNA or Sergeant BIRKINBINE were when the lethal round was fired?
WILLARD: In the alcove to our right I'm assuming. I don't know specifically.
MORGAN: Did you see either of them during this…
WILLARD: After?
MORGAN: …second period I guess.
WILLARD: Sure. So, okay, after the shot was fired, he falls in front of the car. All I can see is his pants and the bottom of his white shoes. I'm looking for movement. The canine dog is on the guy biting him. Canine is calling him back. The dog runs back to ELIAS. I get behind, step out from the patrol car obviously staying low and I run over towards the, I can point where but there's a car parked up against the building and I ducking low ran over and looked straight down towards CAMPBELL to see if I could see anything, movement of hands, anything he was laying underneath ready for us to come up and approach him. The scenario is going through my head of that. Didn't see any movement and as I was walking back to, staying low and moving quick back to the patrol car, I think somewhere at that point is when Sergeant, the guy.
MORGAN: BIRKINBINE?
WILLARD: BIRKINBINE, I've never met him until that night, came out and I, he asked or said something about was that less lethal only or was that rifle. I mean, a clarification question and I said both. Okay. And that's when he came up and said we need to relieve FRASHOUR. I said I'm going to stay with him and we both walked off the line. We went straight for the corner out of sight. That's when I saw Captain DAY and Sergeant REYNA right around there. I think she was talking with Captain DAY.
MORGAN: Okay. Was that the first time you saw BIRKINBINE on the call was when he came up and…
WILLARD: Yes.
MORGAN: …checked to see who shot?
WILLARD: Yes, the first time I saw him, that's the first time I saw…I didn't know that Captain DAY was out there.
MORGAN: Okay, and did you hear Officer FRASHOUR say anything either at the car immediately afterwards or did he discuss the shooting at all with you on the way back, prior to you guys getting separated?
WILLARD: After the shot was fired, I remember keying up. I don't know if it went through or not, but my fingers, I pressed on the microphone and I said beanbag, shots fired beanbag deployed. I remember him keying up. I think his got through and he said lethal or shots fired lethal shot. Just to let them know the difference between beanbag and what he just did. Then we walked back. We didn't say anything to each other and as soon as we got into that corner there, Captain DAY, I'm not sure if he asked or FRASHOUR said that he did fire a lethal round. Okay, FRASHOUR turned and said Sarg or said to somebody, do you want me, something about his rifle. Do you want me to, I don't know the rifle terms, but when you empty it out and deadline it or something. I'm not an AR guy. I don't know what the response from the sergeant was, but when we got to Captain DAY he immediately found out either by asking or someone saying to him who was what and he looks at me and I said I was a witness officer and he looks at FRASHOUR and FRASHOUR said I fired. And he goes, you two separated now and to his left was TY GARRISON and MICHELLE TAFOYA and he immediately goes you with him and TAFOYA with him. And I never talked to him. In fact, I didn't talk to him until after the gag order was lifted.

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MORGAN: Okay.
WILLARD: I never said one word to him.
MORGAN: Did you hear FRASHOUR say anything to LEWTON along the lines of "I thought he had a gun, he was reaching for a gun?" Did you overhear anything like that at all?
WILLARD: No.
MORGAN: Okay, and just backing up real quick here. ELIAS's dog ends up on CAMPBELL for a few seconds at least, do you remember what ELIAS was doing during that time period?
WILLARD: Yeah, ELIAS broke from cover. I don't know if he jogged forward or took a few steps forward. He was out in the open parking lot yelling for his dog to come back and then I think he realizing where he was at with no cover, he either walked or jogged back behind cover and the dog did come over.
MORGAN: Did you hear any conversation between ELIAS and any of the officers or sergeants about forming a custody team and going up and securing Mr. CAMPBELL while the dog was on him?
WILLARD: Okay, custody, when I, after going and looking down, getting close to the apartment complex and looking directly south at CAMPBELL laying there, I went back over to FRASHOUR and somebody was talking about a custody team. I don't remember who. And I stood up behind FRASHOUR and said something to the effect of I'm…there was somebody formulating a plan about getting up there on him and getting him into custody and getting medical going. Oh, yeah, somebody I think LEWTON said over the air "get code three medical coming." So, we knew that he was shot, we knew that he needed medical attention and we were working quick to get that to him but then the whole factor of can't see his hands and then ELIAS is yelling for somebody go to his patrol car and get his binoculars maybe so they could lay down flat in the parking lot and see underneath, see anything they can.
MORGAN: Okay, do you remember who was participating in that conversation when you got back up there?
WILLARD: Uh, there was a lot going on. A lot of people moving quick and some yelling going on. Not yelling out of frustration, just to be heard. I don't remember specifically who at that point seemed to really…
MORGAN: And had you then gone back and left the scene prior to them coming to a decision about whether or not they could safely approach?
WILLARD: I, okay, standing behind FRASHOUR thinking that we're going to approach, I'm gonna be custody. I'm going to go up with FRASHOUR and before we even moved from the patrol car, that's when the sergeant came in and he got FRASHOUR off the line and I said I'm gonna be with FRASHOUR, which then within seconds we were split and I never came back to the scene, so from what I understand there was a lot of discussion as to custody at that point. I was with Michelle TAFOYA in a patrol car half a block away, half a block west.
MORGAN: Okay, and I'm guessing this is going to be the same answer in that case, were you involved or did you overhear the discussions about whether to call SERT after the shooting?
WILLARD: No, I was not involved in any of that. The only time I heard that was over the air.
MORGAN: Okay.
WILLARD: Active SERT.
MORGAN: Had you come to any conclusions about CAMPBELL's state based on his reaction to the canine?
WILLARD: I thought he was dead.
MORGAN: And what was that based on?

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WILLARD: I've seen people that have played dead get bit by dogs and they come alive very quick and when he got bit he wasn't reacting. He was moving because the dog was moving him, but he, I thought he was dead.
MORGAN: Do you know, or did you come to any conclusion as to who was in charge of the crime scene after the shot was fired?
WILLARD: I didn't even think of it. It didn't come across, I would have thought, either one of the two sergeants that were there. Well, now that the captain was there after the shot was fired and I'm out on the street separated, knowing that the captain was there, I thought maybe the captain was running the show.
MORGAN: And again you kind of covered this but just to be clear, did you have any discussions with any of the involved members that night?
WILLARD: No, absolutely not.
MORGAN: Prior to your detective interview? Do you know if anyone on scene was maintaining a crime scene log?
WILLARD: Um, I saw, he was an east precinct officer, he was standing near the crime scene with a clipboard and paper. He's working right now. I don't remember his name specifically, east precinct guy. That's after I came walking up near the mobile command precinct. I stayed away from that whole thing and detectives talked to me right at the front there. They were gonna have me do a walk through, but they didn't want to disturb any of the crime scene, so they had me tell them where everybody was.
MORGAN: Okay.
WILLARD: RICK DORAN was the guy I saw with the clipboard.
MORGAN: Did you sign the log at all?
WILLARD: No.
MORGAN: And obviously this has been a bit of a media sensation. Anything you've read, anything you've seen on the news, do you feel like any of that has influenced your perceptions of the events from that night?
WILLARD: Either the day after I was on line. This is the first, well, I'll explain. Clicked on an article that was on a, I don't remember where it was, and started watching a little bit of video of a news crew in the apartment complex to the east, a video tape down of the crime scene and was interviewing some guys that looked like gang members and I stopped the video. It was just like this is ridiculous some of the things that they were saying. So, that was the end of any news in my house for a couple of weeks.
MORGAN: And you participated in an EAP debrief?
WILLARD: Yes, I did.
MORGAN: And we don't need to go into that details of that debrief, but did you feel like anything you learned there has effected your perception of the events of that night? In other words, do you feel as if you still have independent recollection of the events that night?
WILLARD: Well, obviously at the debrief you hear point of views from a variety of people and it starts making a bigger picture. As for the result of what happened that night, even after the debrief, I knew that CAMPBELL had a goal and a mission and he fulfilled it. He knew exactly what he had to do, and he did it. Um, I don't think anything different would have happened that night.
MORGAN: And you don't feel like your memories have been contaminated or there's not really a right word for it but…
WILLARD: Sure.
MORGAN: …you still feel like you are remembering correctly what you perceived that night…

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WILLARD: Yeah, I do.
MORGAN: ...and you can separate that from what you learned after?
WILLARD: I do remember everything very well. It's still for the most part a video in my head. I think in my detective interview immediately afterward I said two or three rounds of beanbag or two rounds of rifle, but once I learned that it was actually six and one, you know, your mind starts thinking well did I hear that or what did I hear? All I know is I heard a lot of rounds going off, seven total.
RENNA: Okay. You made reference earlier in your interviews after you went up on the car with Officer FRASHOUR and there was a break after the kids came out. There was a period of time.
WILLARD: Uh-huh.
RENNA: And I think Sergeant MORGAN asked you about communication that was going on between the officers behind the car and people that were in the alcove, officers there. You described that at that point in time you were a pawn on a chessboard.
WILLARD: Uh-huh.
RENNA: How did, I guess #1 go over for me again why you felt that way, #2 being there, how did that make you feel?
WILLARD: Sure. In reference to pawn on chessboard, I knew I wasn't running the show and I knew that others were. There was movement to my right. I was doing a lot of focusing on that front window there. Um, I remember LEWTON getting up and down behind the car and over communicating with the sergeants a couple of times. I don't know what they were talking about, what they were doing. What I felt at that time, I don't know if I had a lot of feelings going through me. At that point, it seemed routine. Guy inside with gun, now he's by himself. Just waiting for something. What are we gonna do?
RENNA: Okay, what kind of updates were you getting?
WILLARD: Wasn't a whole lot of updates.
RENNA: Did you know that they were talking to him on the phone?
WILLARD: Yes. Well talking? At that point texting. I did not know, at that point, any phone conversation had ensued.
RENNA: Okay, and then what do you recall, how many times were you told that they were texting back and forth?
WILLARD: Once, maybe twice.
RENNA: Moving further along, up to the point where Mr. CAMPBELL is running. He's been struck with a couple of less lethal rounds and running back to the apartment and you describe him as digging with his hands in the back onto the left side of his body.
WILLARD: Uh-huh.
RENNA: Did you see his hands or a hand actually disappear into his clothes?
WILLARD: I believe I saw his left hand out of sight. I don't know if it was into his pants or into his back left pocket, but he was in the motion of digging, like a quick, frantic reaching for something as he is running.
RENNA: Okay. Did you see him getting struck with the beanbags, actually struck? Did you see it hitting him?
WILLARD: I remember seeing a round, not specifically the round, but he had a baggy sweatshirt that was almost like a cape-like in the wind when he was running and when one round hit it hit the back of his sweatshirt and there was a ripple effect and that was pretty much square into the back. I remember

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seeing that ripple effect. I knew that round hit him. I remember specifically seeing that. I remember saying that in my detective interview, I remember seeing some kind of effect.
RENNA: Okay, do you remember which round that was in relation to the others?
WILLARD: That was probably the, probably the third or fourth round that was shot because he had, that was when he was in full sprint.
RENNA: Okay.
WILLARD: The wind is catching onto the back of that.
RENNA: You also said, I believe you made reference, it was when Mr. CAMPBELL had stopped in front of the car, in front of where you guys were positioned. That you didn't upholster your weapon because Officer KEMPLE was immediately in front of you? At least in a position…
WILLARD: Sure.
RENNA: …where the muzzle of your weapon would have gone across him.
WILLARD: When he stopped and LEWTON was giving commands, I wasn't thinking of pulling out my gun. I knew at that point we had less lethal, lethal, KEMPLE and I for custody. So I wasn't even reaching or thinking about my gun. Where I started thinking of gun was when he was in a full sprint after being beanbagged and his hands were reaching for something. And at that point I was thinking that he needs to be stopped. I didn't reach for the gun. Obviously, it all happened really quick but one of the quick thoughts that run through your mind among the many was that I didn't want to, if I did pull a gun it wouldn't have swept right across as I pulled it up and out towards him. It would have gone right across KEMPLE who was kneeling down working the spotlight.
RENNA: Did you have thoughts about drawing your weapon before that point?
WILLARD: No.
RENNA: How come?
WILLARD: Because I was on custody. That was what I was thinking. Are you talking about prior to him even coming out of the apartment?
RENNA: Um-hmmm.
WILLARD: No.
RENNA: Why not?
WILLARD: I was trained not to pull out a gun unless you have something to point it at. In fact, that night I remember kneeling down behind the car, I was putting both my hands ungloved onto the side of the car to keep warm, my hands warm as I was kneeling behind the engine block.
MORGAN: Dave?
DOBLER: Why don't we go back to when you were talking about Mr. CAMPBELL came out and he was being given commands, a series of commands, some of those by Officer LEWTON.
WILLARD: Uh-huh.
DOBLER: And you had mentioned that it was frustrating because he had a ton of time to comply…
WILLARD: Uh-huh.
DOBLER: …and chose not to. Can you go into a little bit more detail about that?
WILLARD: Sure. When he first came out and was moving quickly, he was being specifically LEWTON was yelling at him to stop numerous times and he wasn't willing to stop. His body language and obviously his movement towards us at a very quick pace walking backwards, sure he had his hands on his head, sure he was walking backwards, but he is moving way too close to us and much too fast. If he listened to maybe even the sixth command to stop he would been have stopped way out in front of

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us, much farther out, a much safer distance for any officer to react properly. But he eventually did stop where he wanted to stop, that's how I perceived it.
DOBLER: When you initially saw him coming out of the alcove, what was he doing? Was there anything unusual about what he was doing? How he was coming out of the alcove?
WILLARD: When he came out, first time I saw him was with his hands on his head walking backwards just really quick. Straight out, stopped, turned and straight back towards us. I made reference to him saying something. I couldn't hear what he was saying but I know that I could hear something, some kind of mumbling going on with an angry tone as he's walking back towards us.
DOBLER: In your career, have you ever seen somebody without being given commands do something like that?
WILLARD: Yeah, they have. Um, a lot of people watch TV and they assume the position before being frisked or something, I've seen it happen before.
DOBLER: What about the rate of him walking? You mentioned that was really fast?
WILLARD: Uh-huh.
DOBLER: Wasn't his walking fast like that closing distance? As part of your training, time and distance gives you opportunities or reaction time?
WILLARD: Action reaction principle. I was definitely thinking he's setting up for something. He's going to do something. He's setting up for it. It put a knot in my stomach.
DOBLER: You touched on this, but since we're talking and don't have the ability of visuals, and just in my own mind, when he stopped and you said he looked, his hands were up on his head and he looked back to the left, at least what I saw you do.
WILLARD: Uh-huh.
DOBLER: Now, he was at that distance of roughly 15 feet from the car?
WILLARD: Approximately, yes.
DOBLER: And he was stopped at that time?
WILLARD: Uh-huh.
DOBLER: And when somebody's looking like that, what do you think about?
WILLARD: He shouldn't be looking at us. He's seeing where we're at, just we want to keep him facing away. Him turning and starting to turn and saw him looking at us obviously is not what we're telling him to do. You're asking me what was I thinking? He could be looking for a target. Immediately afterwards he was digging his hands in his pants he has seen targets, why, he was acting like a left-handed guy that night. I don't know if he was left-handed to this day, but he was definitely reaching.
DOBLER: If you could have stopped him at a safe distance, if you were like a high, pretend this is a high risk car stop…
WILLARD: Uh-huh.
DOBLER: Would you have picked that distance or would it be further away?
WILLARD: I would have stopped him twice the distance out. Action reaction, he's closer and he could turn and have an easier target. Anybody is more accurate within 15 feet versus 30. And he was close enough where he could have, he could have hit us, he could have shot us and been more accurate.
MORGAN: Two more quick things real quick and then I think we're done.
WILLARD: Sure.
MORGAN: Um, if you had received information about the fact that the text messaging appeared to be going well.

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WILLARD: Uh-huh.
MORGAN: About the fact that the contact team for lack of a better term felt like they were making progress with him, do you feel like that would have effected the interaction you guys had with him once he emerged?
WILLARD: My answer on that is no and this is my reasoning. My thought process is he's suicidal, something happened to the point where he's distraught enough to have a gun, we're here, the mentality of a suicidal person when they come to a conclusion of how they are going to end their life can be of joy and excitement because they have a mean to their end. He could be telling one person one thing and be saying it jokingly and happy, but until he's in handcuffs and he's patted down, I'm going to treat him the same as any other threat. And once he comes out, we're gonna go by routine, how we're trained to do it. Keeps us as safe as can be. Keep the tactical advantage completely.
MORGAN: Okay, and let me ask a similar question, you said that you were surprised when he kind of appeared and you guys didn't know that we'd be requesting him to come outside.
WILLARD: Uh-huh.
MORGAN: Do you feel like if you had known that the other officers were requesting him to come outside, do you feel like that would have changed the interaction at all?
WILLARD: If someone on the air said okay we asked for him to come out, he should be coming out now and then there he appears, would it have changed our reaction?
MORGAN: If nothing else about his behavior once he exits, changes, if you just had that extra piece of information prior to him appearing in your line of sight, do you feel like that would have changed the event at all?
WILLARD: No.
MORGAN: And explain why you feel that way.
WILLARD: Sure. Even if, I mean, within a couple of seconds I got over the quick adrenaline rush of oh there he is and then now we're in the role of calling out commands, going by the numbers. If I was told he's coming out now and then he came out, it wouldn't be the oh he's out now, it would have been like okay here comes the commands. If he did exactly what he did and not listened and dropped his hands and ran, the whole bit, he still would have got shot.
RENNA: Okay. After you arrived, do you recall ever getting advised by radio, word-of-mouth, by somebody next to you in the line that he, Mr. CAMPBELL had been acting one way the previous night but that he had calmed down and he was not acting that way on this particular day.
WILLARD: I did not get any information.
RENNA: All right, I've got nothing.
MORGAN: All right. And these are just a couple of wrap-up questions here. Do you have any information you believe would be relevant to the case which we haven't covered here today?
WILLARD: Well, good question. Stuff that happened that night or things that I've learned after?
MORGAN: Throw it out there and I'll tell you whether or not, it can't hurt to share it.
WILLARD: I mean, you know, I think you guys know his history, so no I can't think of anything.
MORGAN: Okay, anything at all related to the call that we didn't cover that you feel we should have discussed?
WILLARD: Um, no.
MORGAN: Okay, and anybody else you think we should talk to that we might be unaware of?
WILLARD: No.

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MORGAN: Okay, and keeping in mind this is an administrative review, is there anything about the incident that caused you concern or that you think should be addressed in an effort to improve future performance?
WILLARD: Um, the actual incident or how they handled things afterwards?
MORGAN: Both if you have a critique on the debrief or something, we'd certainly be happy to hear that too.
WILLARD: Sure. I think, I mean, this is one thing that I know that is already in the works, but for the media to hear that Officer FRASHOUR has had his rifle taken away and he's been pulled off the road. It sounds like discipline. And I hope that eventually that we'll go into standard procedure that yeah they're taken off the road, this is what we do regardless of guilt or no guilt. You know, I'm thinking that's something that's going into action. So if in the future I'm involved in a shooting it doesn't seem to the media that Officer WILLARD is being punished. It's, this is what we have to do.
MORGAN: Okay.
WILLARD: That's the only thing that I could say right now.
MORGAN: Okay, anything about the call at all that you…
WILLARD: No, of the call, no.
MORGAN: Okay, that's gonna be it then. We'll go ahead and conclude the interview. It is about 6:17 p.m.

10b0004trs-willard
Transcribed 03/19/2010 @ 5:00 p.m. / Cathy Daley 0319cd01

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PORTLAND POLICE BUREAU
INTERNAL AFFAIRS DIVISION
Confidential Taped Statement
Jon Rhodes/#16753

Interview Date: March 4, 2010
IAD #: 2010-B-0004
Complainant: Portland Police Bureau
Interviewed: Officer David Kemple #39589

RHODES: Okay. We are now recording. This is Jon Rhodes, investigator with the Internal Affairs Division. It's Thursday, March 4, 2010, and I've got 1755 hours. Also present is Lynn COURTNEY, investigator with the Internal Affairs Division. This is the time set to interview Officer KEMPLE regarding an officer involved using deadly force incident that occurred on January 29, 2010. Also present besides Officer David KEMPLE is his PPA representatives, Scott Westerman, and you both know that we're recording.

WESTERMAN: Yes.

KEMPLE: Yes, sir.

RHODES: This is again, internal affairs Division Case 2010-B-0004 and the Portland Police Bureau Investigation report is 2010-8325. Officer KEMPLE has been advised that his conduct and/or the conduct of any other Bureau member present on January 29, 2010, at 12800 NE Sandy Blvd. is the subject of this investigation. Officer KEMPLE has reviewed information necessary to be reasonably apprised to the nature of the allegations of this investigation. Officer KEMPLE has been informed that he's a witness in the case and that Captain Ed BRUMFIELD is in charge of the investigation. I've advised Office KEMPLE that he could have representation present during the interview and Scott Westerman is, of course, here in that capacity. Officer KEMPLE has been provided a copy of the Advance Notice of Waiver form and has signed it and it's in our possession. Officer KEMPLE, under the authority of Captain FAMOUS I'm ordering you to answer all of our questions fully and truthfully. If you fail to respond fully and truthfully you may be disciplined up to and including dismissal. Do you understand that?

KEMPLE: I do.

WESTERMAN: You didn't say Captain BRUMFIELD.

RHODES: Who did I say?

WESTERMAN: FAMOUS.

RHODES: Did I say FAMOUS?

WESTERMAN: You did. And you also didn't introduce your partner.

RHODES: Yeah, I did. It says BRUMFIELD right there so I wouldn't say, I don't think I said FAMOUS, but I'll listen to that later.

WESTERMAN: I'll put money on it.

RHODES: Just by way of introduction describe how long you've been a police officer with the Portland Police Bureau and if you have any prior law enforcement experience.

KEMPLE: A little over eight years and no prior.

RHODES: And I know that you already have been interviewed by detectives in this case and you testified at a Grand Jury. So the point of this is to clarify some matters and we've, obviously had an opportunity to read all of those reports. So would you tell us what your assignment was on the day that this incident occurred and whether or not you were working a single car or (indecipherable) car.

KEMPLE: Yes, I was working a single car. My assignment is 655, I'm a District Officer for the

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area where the incident occurred.
RHODES: Okay. This particular incident?
KEMPLE: Yes.
RHODES: Okay. So describe how you were assigned to the call and information that you received initially via over the air or via your car computer as you were responding.
KEMPLE: Okay. I was in route to get coffee with the other officer that was working the district and I was looking at the NVT to (indecipherable) that this call was there. I decided to attach myself to the call as I'm hearing updates over the radio and it wasn't really clear over the radio what was going on. I missed a bunch of the transmission because I tried calling Officer LEWTON a couple of times to see what was going on since he was already out there.
RHODES: Okay.
KEMPLE: They're pre-relief and I'm regular afternoon, so the call would come out at right around I guess 1622 I believe is when the call came out.
RHODES: Okay, okay. And what time did you get out on the street?
KEMPLE: I usually get out around 1640 or so after roll call.
RHODES: I see, alright.
KEMPLE: So I got there it ended up being right around 5:00.
RHODES: Okay. So even though it was your district, somebody else was actually dispatched on the call as the primary?
KEMPLE: Yes. Yeah, a pre-relief officer since I started, I work 4:00 to 2:00 a.m. the pre-relief works uh, 3:00 to 1:00, so a pre-relief officer is dispatched to the call.
RHODES: Okay. Who Is that?
KEMPLE: I believe Officer BOYLAN
RHODES: Okay, alright, I was a bit confused there for a second. When you were interviewed by the detectives you talked about getting additional information about the call, the details of it, the nature of it once you arrived at the scene.
KEMPLE: Yes.
RHODES: So was that like a briefing?
KEMPLE: We were when I got there I talked to another officer who was already there and he just gave me a real quick possibly there's a guy in the house, possibly has a gun with three kids, uh, it's a possible suicide by cop situation. When I got there I immediately went to the back of the address.
RHODES: Who was the officer that you got that from?
KEMPLE: I believe it was Officer uh, BURNS, I believe it was him. Yeah, I went to the back of the address where Officer BOCCHINO's trainee was. When Officer BOCCHINO came to the back of the address and relieved me I went back to the front of the address where I contacted Sergeant REYNA.
RHODES: When you were getting that additional information or briefing from Officer BURNS, was there another officer with you? At the call at that point?
KEMPLE: No I got there and I was just getting out of my car, saw him, asked him what was going on and then asked where I was needed. I was told to go to the back to be with Officer BOCCHINO's trainee.
RHODES: And then you ended up connected with REYNA?
KEMPLE: Yeah, after Officer BOCCHINO came back to the backside to be with his trainee I returned to the front where Sergeant REYNA was, Officer BOYLAN and Officer LEWTON were, and officer, yeah.

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RHODES: Okay. And then what were you given an assignment to do at that point and by whom?
KEMPLE: When I returned to the front I actually grabbed my shotgun and loaded it up and then uh, Sergeant REYNA told me to store my shotgun that she was going to take the long gun. So the initial plan was going to be Officer BOYLAN and I were going to be the custody team. Officer LEWTON was going to be less lethal and Sergeant REYNA had the long gun.
RHODES: Okay. And at that point what information do you remember getting about the subject, uh, presumably you got his name.
KEMPLE: Yeah.
RHODES: And then did you get additional information about his history in terms of prior arrests or measure of anything about violence in his past at that point?
KEMPLE: Uh, no.
RHODES: In your interview with the detectives you talked about hearing, or getting information from those that were in the alcove about a possible SERT call out or SERT involvement and uh, who were you talking about when you said uh, they were talking about it being a SERT call out. Who was talking about it? And how were you getting that information? Was it coming to you over the radio or did you overhear it because you were close enough to the alcove, or how did that happen?
KEMPLE: Uh, at that time in the alcove, I don't know if Sergeant BIRKINBINE was there or not. Uh, and Officer FRASHOUR and Officer WILLARD had arrived by this time. So there's the four of us, Officer FRASHOUR, Officer WILLARD, me and Officer LEWTON behind the vehicle which is here doing the high risk stop type thing on the house.
RHODES: Okay.
KEMPLE: Sergeant REYNA, Officer QUACKENBUSH, Officer BOYLAN are in the alcove. I'm not sure if Sergeant BIRKINBINE is there or not yet. I don't remember when he arrived. I don't remember where I heard that they were considering calling out SERT, at that time it is just (indecipherable) were talking about it, I don't know who's talking about it.
RHODES: Where you were at, positioned by the cars and just as a purpose of the tape, you're just pointing out the diagram that we have that's part of the case file.
KEMPLE: Yeah.
RHODES: Were you close enough to the alcove that if they were talking in normal conversation you'd be able to overhear it?
KEMPLE: Uh, no.
RHODES: Okay.
KEMPLE: Unless, if they yelled something. They wouldn't have to yell real loud for us to hear it, but we weren't close enough to just overhear normal conversation because at this time I believe Sandy was still open so there's - - I don't remember when we shut Sandy down, but there's other noise around. So, maybe in a perfectly quiet environment.
RHODES: Okay. Do you remember hearing any talk about a SERT call out or their involvement or consideration of that on one of the, either the main channel that everybody was using or one of the other talk nets?
KEMPLE: I don't recall.
RHODES: Alright. And at that point, you already mentioned that REYNA was there, uh, and then Sergeant BIRKINBINE arrived at some point. What was your sense either because they told you they were running the show or that you had some other information about who

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actually was in charge of the incident at that point, the supervisor?
KEMPLE: It was, my understanding is that Sergeant REYNA was in charge of the incident. Yeah.
RHODES: Did that ever change at some point for whatever reason?
KEMPLE: Uh, after the shooting, Sergeant BIRKINBINE came out and he was putting us in different positions and that was after the shooting, so at that point he was the one that was directing us. Prior to that Sergeant REYNA had directed me to be part of the custody team.
RHODES: Okay. And of course we know in looking back at everything that at some point lieutenant arrived and then at some point a captain arrived. Were you guys ever, do you remember being made aware of that and there was any kind of additional directions from either one of those two sources?
KEMPLE: It probably came out over the radio. I mean we had the net shut down, so I'm sure we had heard it over the radio. Our primary concern was watching the apartment so we weren't paying too much attention to what was going on, we had our role and (unintelligible) yeah.
RHODES: And were you given any direction, I know that you were to be a custody team, in terms of what the plan was in terms of trying to contact him by phone or by loud hail or some other means that somebody - - was there discussion about this is what our objective is? This is what we're going to try to do and then from that, if that happens if he comes out then this is going to happen. Was there some detailed discussion about that?
KEMPLE: Our primary - - when we set up our custody team we set up the cars I guess it would be a modified high risk step. And we did that so if he did come out we could go ahead and treat it like a high risk stop. We were either going to bring him around the front of the car in between the two cars, kind of depending on how things played out. So we were going to treat him as he came out as a high risk stop like a stolen vehicle or something. As far as contact with him, they were trying to get a hold of him by phone and we did know at some point there was a text message that said don't mess with me, I'm serious, don't make me get my gun and we did receive that information from the alcove.
RHODES: When you were getting updates such as that, I don't know if you can remember how you got an update about the text message. How did that work? Did somebody from the alcove come over to where you were at and tell you or did somebody from the alcove tell you on the, broadcast it on the radio? How did that work?
KEMPLE: I don't remember. I know that we got that information. I don't remember if it came over the radio or if somebody actually walked out.
RHODES: You mean from the alcove?
KEMPLE: Yes, from the alcove.
RHODES: Were there times when you were getting information that way from the people in the alcove that they would, somebody would come over and update you guys about one thing or another? Did it ever happen that way?
KEMPLE: I believe they were coming from the alcove. I don't remember really a whole lot of what was said.
RHODES: Okay.
KEMPLE: I mean, I was pretty - - I think the four of us were pretty focused and somebody may have got information. I wasn't really paying a whole lot of attention to information that was coming in. I was just primary focused on the apartment.
RHODES: Okay. So you're at the car and what's your recollection of how long you get posted up at the car and you're watching the front door, do the kids come out? Approximately.

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KEMPLE: It could have been 15-20 minutes, I really don't know. Uh, could have been 10, 15, 20 minutes. Time-wise I don't know, we were there for awhile. Kids come out, we see the kids. The kids look really scared. One of the kids comes up with his arms up, I go around the back of the car, put my arms out, kid runs to me, I pick him up. Run him to the alcove and then uh, once we were there dad, or somebody with relation to the kids comes to the alcove and then I end up taking kids with whoever that is to a Suburban and then I told them to drive down the street with the kids.

RHODES: Okay. And I think I know that mom was, the mother of the children was there too so.

KEMPLE: Yeah.

RHODES: Uh, and I've looked at the reports about when the children came out. Do you remember any of the kids saying something that was pertinent in terms of what was going on inside the apartment? I know they're small so they may not even been able to do that.

KEMPLE: The only thing I remember is one of the kids said something about my sister or something like that. They were really little. They were really scared. They weren't talking to me. One of them said something about my sister, but it didn't - - that's all I really got out of it. But my concern was get them out of the line of fire if something happens.

RHODES: And when you took the kids over towards the alcove, was there another officer assisting you in doing that or were you doing that by yourself?

KEMPLE: I think somebody came around, I don't remember who it was.

RHODES: Okay.

KEMPLE: I just basically picked up the one kid, ran to the alcove and the other two kids were there and I overheard somebody.

RHODES: Was there somebody else who could have filled in for your spot as a custody person while you were doing that if the guy came out, or did you notice that?

KEMPLE: I didn't notice if anybody did or didn't.

RHODES: Okay. And then presumably you get back to the car.

KEMPLE: Uh-huh.

RHODES: Then you're posted up watching the apartments and then as best you can how much more time passes before this Campbell guy comes out?

KEMPLE: It could have been five or ten minutes. Again, I don't know the exact amount of time. I do know that when he came out it was a surprise he was coming out.

RHODES: Was there any discussion at that point or the point before Campbell comes out about what to do if he comes out and then like runs back in? Were you, was anybody given any direction as to how they should treat that scenario?

KEMPLE: I think it really just, we didn't want him going back in the apartment, but we didn't really discuss. I think it was just kinda we were going to play it by ear about, you know, how he comes out. We weren't expecting him to come out when he did. Uh, we didn't want him, definitely didn't want him going back into the apartment, but there was no real discussion of you know, how I think we were just the four of us and the dog, we just kind of planned on taking care of business when he came out, so.

RHODES: When you say we, are you talking about the people that you've already mentioned that were close to the car, that's FRASHOUR and uh, LEWTON, yourself and WILLARD?

KEMPLE: Yes. And then ELIAS is here with the dog behind, I guess it would be just southeast of the cars, the dumpster and ELIAS was there with the dog.

RHODES: And when you say we didn't want him to go back into the apartment. Was that something that was actually discussed other than just having that in your mind that your

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preference would be that he not get back into the apartment. Was there any out loud discussion about somebody saying we don't want him to go back into the apartment, or we can't let him go back into the apartment? As opposed to just having in your mind that it wouldn't be a good thing if he went back into the apartment. Do you remember any of that?

KEMPLE: I don't think any of us actually said we don't want him going back into the apartment. I think probably there was some discussion of, you know, something about the apartment, but I don't remember if anybody actually said we do not want him coming out and going back into the apartment. I think we just, we didn't want it, as a collective we were all on the same page. We had ELIAS there with the dog and I think that was just the collective understanding that the purpose of the dog was to hopefully stop that.

RHODES: In your interview with detectives, I keep referring to that, you talked about using a spotlight. Once Campbell comes out of the apartment, using a spotlight to illuminate him.

KEMPLE: Yeah.

RHODES: So explain that in a little bit more detail in terms of what part of his body you were able to illuminate based on your position, you know, with the spotlight.

KEMPLE: Okay. Yes. He's coming out as he's traveling backwards towards us, probably when he gets, at some point I light them up, I can't, I don't want to put a distance on it because I don't remember. But when he stops probably about, excuse me, ten or fifteen feet from us he's got his back to us and I've got the spotlight on his back. And yeah, I could see uh, his waistband, I could see the back of his pants, I could see a little bit of his underwear because his pants were sagging. I could see a little bit of his back uh, his bare back and then his sweatshirt was pushed up a little bit so I could actually see the skin of his back.

RHODES: Okay.

KEMPLE: So, really, I was just going over every inch of him with a spotlight, looking for a bulge, looking for anything that, you know, if there was a gun I'd, you know, anything, so I was really, yeah.

RHODES: And is the angle of the beam that you're using to light him up, was it your impression, I know they were fairly close based on your description with uh, the detectives and the Grand Jury, did you get the impression or do you believe that when you were lighting him up with the spotlight that the other officers, LEWTON, FRASHOUR and WILLARD could basically see the same thing that you could see or were you at an angle that was making it perhaps they couldn't see as much?

KEMPLE: No. I was at the same angle pretty much, I mean well at a little bit different angle, LEWTON is to my right and Officer FRASHOUR is to my left, I'm kind of crouched down. I'm looking with the spotlight for any sort of weapon. They're, LEWTON was giving commands so his, I think his primary concern doesn't have to do with looking for a weapon, he's just trying to maintain control of the subject. Officer FRASHOUR is providing lethal cover and I don't think he's probably seeing the same beam, but that's not his primary attention, he's watching the subject also.

RHODES: Okay. Did you have opportunity at that point, I know that LEWTON is giving commands, but were you able to kind of interject, you know, in a softer voice to your other officers about what you were seeing or what you were not seeing with the spotlight?

KEMPLE: I did not say, no. As LEWTON's giving commands I basically I guess you could say

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checked out audibly. My primary, I'm looking, seeing if I see anything so I don't say anything and I didn't hear some of the communication. I didn't hear all of LEWTON's commands for a short period of time because I've worked with LEWTON, I know the command he's giving, I've heard him a million times, so I'm just, it's kind of just - -

RHODES: Okay. So you're using the spotlight essentially to illuminate him to give the other officers an opportunity to see better what you know, is there or not there.

KEMPLE: Yeah, I'm using the spotlight so I can look for a weapon. If I would have seen a weapon I would have said there's a gun here, there's a gun there. So my job is I'm looking for a gun. I'm looking for any sort of weapon and I'm looking at every inch of his body that I can see with the spotlight and their role is different. Officer FRASHOUR's role is to provide lethal cover. We have a guy who possibly has a gun and his role is to provide lethal cover. LEWTON is the less lethal cover. My sole purpose at that point is to look for a weapon.

RHODES: Okay. And as you said - -

KEMPLE: If I would have seen it, I would have said it.

RHODES: Okay. And then you talked about LEWTON giving commands. Was there anybody else giving commands at some point or is that your recollection it was just him?

KEMPLE: Up until after, up until the shooting , LEWTON was the only one to give commands. After the shooting, I gave commands. Officer QUACKENBUSH and I gave commands, but that's after the fact.

RHODES: And then I think you've already mentioned this, but just to clarify, how close does he, Campbell get to where you guys are out of the police cars before he stops.

KEMPLE: It's probably, it's right around ten or fifteen feet.

RHODES: Okay. And is there, at any point did you guys, was there any discussion about okay, he's close enough we can go get him sort of thing, take him into custody? Or was there just not opportunity to do that because you were going to move him back further?

KEMPLE: Yeah. We were not going to go to him. We wanted him to come to us and we wanted it on our terms. And that is something we, I don't remember if it was discussed, or if we all, you know, we've all done the high risk stuff so many times, we know where we're going to take somebody into custody and so that was, you know, he follows our commands, we tell him where we want him to go.

RHODES: Okay.

KEMPLE: We tell him exactly what we want him to do and so we were not going to go to him. We wanted him to come to us.

RHODES: Alright. For those who are not, or who might listen to this. What would be routinely where you were taking him? Would you bring him back further between the police cars, or where would you ideally like him to be?

KEMPLE: Yes. The way the police cars were we could have taken him one of two places. We could have taken him in front of the front police car and we would have backed up. Or we could have taken him in between the two police cars and just taken him into custody there.

RHODES: Okay. And obviously the bean bag was used at some point.

KEMPLE: Yes.

RHODES: And what was your assessment about why that occurred?

KEMPLE: At that time I wasn't watching the hands. I was focusing on the waistband. I don't know how, it could have unfolded very quickly. I don't know how fast things unfolded. I couldn't tell you second-wise, it could have been 30 seconds or five seconds, you know,

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I'm just primary looking at my spotlight. When I kind of start looking at the hands I hear LEWTON yelling put your hands up, put your hands up and so I look up at that point, I see Campbell with, his hands are either a little bit away from his head or on his head, but they're about right there. And I heard Officer LEWTON multiple commands to get your hands up, get your hands up and I it was just before he got bean bagged that I actually started watching what the hands were doing because I wasn't paying any attention to that.

RHODES: What's you assessment of what LEWTON was trying to get Campbell to do at that point with his hands that apparently, or seemingly, Campbell was not complying with for whatever reason? What's your assessment of what LEWTON was trying to get Campbell to do at that point?

KEMPLE: Gain complete control of the hands. For me, at that point, I know I can see his, I can see that his back, I can see his waistband on the back, but at the same time, you know, it's still possible that he's got a gun and so I know that Officer LEWTON wants control of his hands and he's not, as LEWTON is giving commands, he's not responding at all to the commands.

RHODES: Did Campbell ever turn around so you could see the front or was the front of Campbell not visible to you guys at any point?

KEMPLE: Front of Campbell was never visible under spotlight and I don't believe it was ever visible at all.

RHODES: Do you remember any warnings given by LEWTON that he was going to use the bean bag if the guy didn't comply?

KEMPLE: I don't remember, no. Again, as far as commands given I've heard him so many times. I was not paying attention to the command I was just looking at the waistband.

RHODES: Okay. And then did you have opportunity at that point to observe anything that FRASHOUR, Officer FRASHOUR was doing or hear him say anything at that point?

KEMPLE: No, I don't remember him saying anything. I don't know if he did or didn't. Campbell, after being bean bagged, Campbell started moving this direction and I was being right where I was.

RHODES: Moving in what direction? Towards the - -

KEMPLE: Yeah, he started moving I guess to a south, kind of a southwest angle.

RHODES: Back towards the apartment?

KEMPLE: Yes, yes.

RHODES: Okay.

KEMPLE: And so I could only see a little above the waist for a short period of time and so I, all I see, I know his hands are coming down as he starts to run. I don't have any visual of him from about here to here. So I don't know what he's doing because the car is blocking my view and I don't hear Ron giving any orders or anything.

RHODES: Did you hear - - I know from reading all the reports at some point the K-9, the dog, approached Campbell. Did you see when that in that sequence of events, the dogs went, the dog went forward? Do you remember?

KEMPLE: I believe that from my memory as I'm seeing out of the corner of my eye the dog is probably right about where the front of the police car is when I hear the shot. That's kinda - -

RHODES: Okay, alright. Once and when you talk about the shot your reference to FRASHOUR's shooting the AR.

KEMPLE: Yes.

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RHODES: Did you hear FRASHOUR make any statements right after the shot? Right after he discharged his AR.

KEMPLE: Shortly after he said, I saw him reaching for a gun in the waistband.

RHODES: At that point what discussion was going on about moving forward to either try to take Campbell into custody or not?

KEMPLE: Just after ELIAS'S dog, right after he hit the ground ELIAS'S dog was on top of him. ELIAS'S moved to about right here and it was a very, very short discussion, should we go, should we go and then we decided that ELIAS was going to call his dog back. We couldn't see the hands, he's, Campbell's not moving. We've giving commands, he's not responding to any commands and we can't see his hands. We decided to have the dog come back - -

RHODES: When you talked about ELIAS moving forward since when you point on the diagram it doesn't come across on the audio.

KEMPLE: Yes.

RHODES: How many feet forward of the police car do you think ELIAS went roughly?

KEMPLE: I don't know, it was probably 15, well, he would probably be about equal to the front passenger side tire and then maybe like five or six feet south of, so I guess, number four on the diagram, maybe five or six feet south of that. And his reason for doing that for doing that was to have a view of his dog on top of the subject.

RHODES: Okay. At the point of making decisions about whether or not to move forward, was there any on-air discussions? Did you get some direction from uh, one of the supervisors, whomever it might have been uh, REYNA or BIRKINBINE or the lieutenant or RODRIGUES or Captain DAY about moving forward or not? Did you guys get some particular direction about that?

KEMPLE: BIRKINBINE was out there really fast right afterwards because they called uh, they at first thought it was just bean bag rounds fired and so he was out there really quick afterwards and uh, we told him that it had actually been a shot. And so he had us, he told us we were going to wait and he's uh, yeah, he's the one that ended up - - we had the discussion of whether or not to call out SERT at that point to do rescue and that's, I believe, when they called out SERT.

RHODES: Okay. And then what happens from there? Do you just hold your position until SERT gets there and relieve you or how did that?

KEMPLE: At that point I move the second police car, the most northern police car is my police car. I move my police car over onto I guess it's like the fifth spot south of Sandy. I move it at an angle, my idea is to get the passenger side spotlight on Campbell, light him up and uh, and there's a vehicle that's right in front of mine, we were going to give commands to Campbell from my vehicle, my spotlight didn't work. So I ended up standing behind this vehicle which is uh, there's three vehicles just south of the police car, it would have been the most north of those vehicles, the one adjacent to the police car. I stood by that vehicle and gave commands with my gun drawn on Campbell uh, at first with Officer QUACKENBUSH and then with Officer LEWTON and until relieved by SERT.

RHODES: Okay. And then at that point how did you let a supervisor know that you were witness to the use of force?

KEMPLE: I uh, I had told them right afterwards that we had seen the shot. So.

RHODES: Okay. And they may have kind of known that anyways - -

KEMPLE: Yeah.

RHODES: - - because of the position you were at.

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KEMPLE: Yes.
RHODES: And then the night of did you get interviewed that night or did you uh, write a report and then get interviewed? How did all of that work?
KEMPLE: Uh, yes. I was interviewed, it was probably very early the next morning, like 12:30, so yes, I was interviewed later and then um, I was asked to write a special report a few days later or a week later to say that I was there and to refer this special, the narrative, refer to the narrative of my interview with the detective.
RHODES: Okay. And then once the shooting occurred and then it turned into a crime scene, who seemed to be uh, in charge of that?
KEMPLE: Sergeant BIRKINBINE.
RHODES: Okay. And did you sign a crime scene log?
KEMPLE: I didn't sign it, somebody wrote my name on it.
RHODES: Okay. Have you talked to anybody or did you see something in the media or read something that somehow influenced your perception of what happened that night and change anything about your recollection or is this based essentially on what you recall from that night?
KEMPLE: What I've testified to here?
RHODES: Uh-huh.
KEMPLE: What I've testified to here is without any outside um, I do have a lot of different ideas of what happened based on our debrief, a lot of gaps were filled such as what led up to Officer LEWTON firing the bean bag gun. But what I've talked to here is just what I remember from the event without any outside factors.
RHODES: Okay. When did they do the debrief? Was that some kind of a formal session at one of the precincts like in a roll call or what was?
KEMPLE: No, it was an EAP debrief down at the fire station. It was a week or so later.
RHODES: Okay. Is there anything that I because COURTNEY may have something, is there anything at this point that I didn't ask you about that you think is pertinent to the case at all or pertinent to what happened that night?
KEMPLE: Uh, I think that you know with the information that we had um - -
RHODES: Go ahead, I'm just looking at this because that's what I do.
KEMPLE: I think that we did the best that we could with the information we had. After hearing, during the debrief we got the original 911 call, which - -
RHODES: Which was released anyway to the media.
KEMPLE: Yes.
RHODES: At some point.
KEMPLE: You know, it also showed more information, you know, that Campbell had, for sure had a gun that he had actually fired a round off inside the apartment and he had already tried to pull the trigger four times. If we would have had that information and everything, we might have been a little bit more uh, on edge, I guess you could say because we get calls like this, a lot of calls like this and you know, I can't tell you how many calls I've been to like this and this is the first one that's ended like this. So uh, yeah.
RHODES: Okay. So your recollection of that night while you were posted up behind the police car was that you didn't know fully about the kinds of things that he had done the day before in terms, or previously, earlier in terms of having a gun, discharging it, that sort of thing. You don't remember getting that information?
KEMPLE: I didn't, yeah, I didn't hear about any of that. Uh, and I didn't know Campbell's full history until the debrief. I didn't look him up. I didn't watch any news. Didn't read any

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other reports or anything about it until the debrief was the first time I actually heard the majority of that stuff.

RHODES: And of course you're posted up behind the patrol car - -

KEMPLE: Yeah.

RHODES: I'm not trying to lead you into something, but clearly you stated that you were behind the patrol car and what your assignment was in terms of watching the apartment, so you didn't have access during that time to a computer to run stuff.

KEMPLE: Yeah, correct.

RHODES: On your own, you would be relying on somebody else to develop that intel.

KEMPLE: Yes.

RHODES: Okay. Investigator COURTNEY.

COURTNEY: Well, just to clear up some things because when people review this we want to make sure we don't have to call anybody back.

KEMPLE: Right.

COURTNEY: So there's some things, I just took some notes, I just want to clear up some things.

KEMPLE: Okay.

COURTNEY: And one of the things I read (indecipherable) you deployed with a shotgun.

KEMPLE: Yes, sir.

COURTNEY: And is that something you were told to do? Did somebody say hey, grab your shotgun or is that something you just did?

KEMPLE: I just did that, yes.

COURTNEY: Then at some point you put that shotgun back. Was that something?

KEMPLE: Yeah, Sergeant REYNA directed me to put the shotgun back.

COURTNEY: And then when you arrived, who was in charge of the scene? Was Sergeant REYNA already present?

KEMPLE: Yes.

And then just to get back at this uh, what you overheard about the conversation about SERT that occurred in that alcove. I think you said where you heard that conversation from?

KEMPLE: Yeah. I don't remember who was talking about it. I know that in the alcove they were talking about the SERT call out.

COURTNEY: And do you know who was in the alcove at the time?

KEMPLE: Uh, I know Sergeant REYNA was there, I don't know if Sergeant BIRKINBINE was there or not, QUACKENBUSH was there and I believe BORLAN was there.

COURTNEY: And do you remember this conversation you heard about SERT, were they talking pros and cons about calling SERT?

KEMPLE: I wasn't privy to any of that. All I know is that SERT, they were talking about SERT and I was basically out at the car watching.

COURTNEY: And I guess, the reason you know they were talking, you just heard the word SERT in a conversation? Is that how you knew that?

KEMPLE: Yeah. You know, to tell you - - I know that SERT came up, I don't know who said it, but I do know that they were talking about maybe making it a SERT call out and then after he was down, you know, we decided, the SERT thing came up again after he was down.

COURTNEY: Okay. Prior to the shooting you don't, can't attribute any specific statement about SERT to any one person.

KEMPLE: No.

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COURTNEY: And then while you were in position behind the car waiting to resolve this situation with Campbell, did you feel like you were being kept abreast of current information, you were provided with enough information as to what was going on or did you feel like you were kind of not knowing what was going on?
KEMPLE: I felt that we knew what was going on. I felt that the information that we had was sufficient for any plan, or anything that we would deal with, yes, sir.
COURTNEY: Now I think you indicated now when you responded to this call you knew you were dealing with a suicidal subject?
KEMPLE: Uh, yeah. I knew that he was suicidal. I believe Officer BURNS told me possible suicide by cop and he was in the apartment and there were three kids there, there's a gun. That's - -
COURTNEY: Okay. There was a gun. That's what I wanted to kind of question.
KEMPLE: Yes.
COURTNEY: What information did you have on weapons that Campbell might be in possession of, anything?
KEMPLE: Nothing other than a gun.
COURTNEY: Did you have any information as to where that gun might be on his person, in the apartment, in a particular location?
KEMPLE: Yeah, on his person. I would assume. I assumed on his person. I don't know where it was, don't, it was in the apartment with him, so I assumed it was on his person and I don't think anybody knew for sure where it was.
COURTNEY: And during this whole incident did you have any information that Campbell had threatened anyone with any weapons or physical harm other than himself?
KEMPLE: I don't recall, no. I don't think that I had any of that information.
COURTNEY: Any information that he had committed a crime?
KEMPLE: At the time, no. No.
COURTNEY: And when he backed up and got within I think 10 or 15 feet whatever you mentioned earlier of the patrol car, uh, were there any other options in your mind that could have been used to take Campbell into custody, i.e. taser? Is that something that was a possibility could be used or?
KEMPLE: That wasn't in my mind, no. Uh, yeah, I was running the spotlight. We had the positions filled that we were sure were necessary to be filled.
COURTNEY: Was he close enough to deploy a taser, a dart at him?
KEMPLE: Yeah, he was 10 to 15 feet, so I mean, he had baggy clothes on, you know, I could see the part of the uh, his skin, but his tote or sweatshirt was pretty heavy and baggy and then he had the baggy saggy pants and then he had on a pair of boxers. So generally with really baggy clothes a taser isn't that effective anyway, and maybe we would have got - - well, I'm not even going to speak on maybes, yeah, I don't think it would have been that effective.
COURTNEY: Okay. And then the uh, are you certified with the (indecipherable) lethal bean bag?
KEMPLE: I am.
COURTNEY: And you're aware by directive that certain warnings have to be given before it's used?
KEMPLE: Yes.
COURTNEY: Okay. Did you hear those warnings used in this case prior to it's use?
KEMPLE: I don't recall anything other than commands being given, but I don't remember a lot of any interaction verbally between Officer LEWTON and Campbell and the only thing I can attribute that to is that I was so focused with the spotlight looking for a gun that I

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audibly checked out.
COURTNEY: And that's going to be what somebody reviews this if you were right there, you know, what you heard, I mean you were within earshot.
KEMPLE: Yeah. I was within earshot. I was right next to Officer LEWTON, but I didn't hear anything for awhile just, I don't know how many seconds it was.
COURTNEY: So you didn't hear any commands as far as, well, you heard a command get your hands up.
KEMPLE: Yeah.
COURTNEY: Any other specific commands other than just get your hands up?
KEMPLE: I heard, when he started coming out we were giving him commands, but I uh, what I was doing is once he got within close enough range I was looking at him with the spotlight and like I said, I've heard the commands given so many times, I was not paying attention at all. I was just my, my primary focus and my whole job at that point, my existence was the spotlight and looking for a gun, so.
COURTNEY: And then at the time the first bean bag round is fired, did you see what position Campbell's hands were in?
KEMPLE: I believe they were probably either close to his head or somewhere right around here. I, I mean it was so quick to where I heard kind of the escalation of LEWTON'S voice, I guess that probably is what I started looking up at. But yeah, I wasn't paying attention to hands at all, so I don't know what he was doing prior to at all, I was just, that wasn't my focus at all.
RHODES: Do you remember hearing Campbell say anything?
KEMPLE: I didn't hear Campbell saying anything either. From the debrief I know that he and LEWTON exchanged words, or that Campbell did say something, but again, I was just, I was so tuned out audibly I just didn't hear it.
COURTNEY: And one other thing, not to beat the point to death, but if somebody is 10 feet, 15 feet in front of you and you're looking at his midpoint with a spotlight, certainly if somebody does something with his hands just a little ways up from your point of focus you might see that.
KEMPLE: Not necessarily. I'm just looking at the waistband, so if he brings his hands down to the waist I'm probably going to notice it, but other than that, I, that's what they're doing. They're worrying about him, they're worrying about what he's doing with his hands. I'm only worrying about what I can see with the spotlight and that may be this much of a distance, but still my focus, if I'm, I'm totally tunnel vision. I'm completely tunnel vision on the pants and waistband down to the feet. That's where I'm looking.
COURTNEY: Did Campbell, when he came out, when you first saw him did he have his hands up or what do you recall when you first saw him?
KEMPLE: When he came out he had his hands on his head.
COURTNEY: And did he have his back toward officers?
KEMPLE: Uh, yeah, I think he was walking yeah, mostly yeah mostly with his back towards us. I don't remember ever seeing the front of him.
COURTNEY: And what was his gait like walking back, his gait? Fast, slow, medium?
KEMPLE: To me it just looked slow or normal.
COURTNEY: Okay.
KEMPLE: My perception of it was, he was just coming out and he was just, it didn't look fast to me.
COURTNEY: And you don't recall him saying anything. Is it possible he said something and you just

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didn't hear it?
KEMPLE: It is possible, yes. Uh, yeah, there was a time when I didn't hear anything and I, all I was doing was focusing with that spotlight.
COURTNEY: And then how many times was Campbell hit with the bean bag do you recall?
KEMPLE: Do I know? Or from what I remember?
COURTNEY: Yeah, from what you remember.
KEMPLE: Uh, it was - - I would say probably four to five times. I think I know that he was hit six, but from my memory it was four to five rounds.
COURTNEY: Okay. And how many times was he hit with the bean bag before he took off running or how did that happen?
KEMPLE: I think that after the first round he kind of paused for a second and being that I was ducked down, I again didn't see what he was doing, uh, I could see basically from here on up and his hands started coming down after the first one and then a short time later I believe he took off running. I couldn't tell you how long, but there was a short pause, I believe.
COURTNEY: From the time that he was first hit with the bean bag gun, where around his person did he place his hands? Did he put them down to the side? Did he reach behind him or put his hands in front of him when he went back toward the apartment?
KEMPLE: Uh, some of this is going to come from the debriefing. Uh, from what I remember there's probably, I don't know, a short period of time that I didn't have any sort of visual of him I don't know, probably a little bit above his waist and down because when he took off running my position behind the police car, it would have been blocked by windshield and top of the car and so I'm standing up as he's taking off running. So uh, his hands started dropping down. I don't know if he was running, I don't know what he was doing, but uh, yeah, his hands started dropping, but I didn't see where they went.
COURTNEY: Okay, dropping to his side. You couldn't see if they were in a pocket, a waistband.
KEMPLE: Nope.
COURTNEY: Behind his back.
KEMPLE: Couldn't see it.
COURTNEY: You don't have any recollection of where.
KEMPLE: And the only thing, the only thing that I can attribute that to is that it would have been blocked by the windshield of the car based on where I was behind the car, I didn't see that. The first time I can totally remember seeing everything is when he's I don't know, maybe, after he'd been running a few steps is when I saw him and from my, from where I, from what it looked to me at the time, at that time, his hands were down and I just assumed, I didn't know if it was a running motion or what. I couldn't see the front of his hands. I could just see that they were - -
COURTNEY: So are his arms pumped like a running motion?
KEMPLE: Yeah, I couldn't (indecipherable) his hands, so.
hit, does he say anything? Yell ouch or any kind of response from him as a result of that deployment?
KEMPLE: I don't recall any, any verbal, no.
COURTNEY: Okay. That's it.
WESTERMAN: My turn? When you first arrived on the scene you were given a role to go to the back of the building?
KEMPLE: Yes.
WESTERMAN: And was that a plan created by Sergeant REYNA?

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KEMPLE: I don't remember if that was Sergeant REYNA or not, I just went there and that was - -
WESTERMAN: But somebody directed you to the back of the building.
KEMPLE: Yes and that was because Officer BOCCHINO's trainee was there by himself so I went to be with the trainee until the officer who was his coach went to be with him.
WESTERMAN: So as this was starting to develop there was already a plan on containment?
KEMPLE: Yes.
WESTERMAN: Okay. When you came back to the front of the building and you had your shotgun, Sergeant REYNA then told you the plan of action as it was developing?
KEMPLE: Yes, uh - -
WESTERMAN: What was the plan?
KEMPLE: She told me to stow my shotgun, she was going to be the long gun. Officer BOYLAN and I were going to be the custody team and Officer LEWTON was going to be the bean bag gun.
WESTERMAN: Were there qualifications as to roles as far as if he came out and ran, or if he came out and did something? Was that already set up when you got back to the front of the building? Was that conveyed to you by the Sergeant?
KEMPLE: Yeah, we were going to set up the high risk stop and I don't remember what we were going to do if he ran, but I know that if he came out we had four people there, one lethal, one less lethal, two for a custody team. We had a plan to deal with him in a high risk situation and I think at that time we were also calling for the dog because ELIAS hadn't got there and I think most likely the dog was to be there if he did run, yes.
WESTERMAN: Was there ever a time from the time you got on the scene to the time it was over that you had any questions as to what your role was?
KEMPLE: No.
WESTERMAN: From all of the things that you observed from the other officers that were there, was there ever a time where people were confused as to what their roles were?
KEMPLE: No.
WESTERMAN: Why was that? In other words, how was it that everybody knew their roles?
KEMPLE: Uh, Sergeant REYNA was directing us. She directed the four of us with her and then Officer BOYLAN and me and then LEWTON. She directed us to be the contact team, custody contact team. Other people were interviewing other people in the back and either by direction of her or us just doing this for a long time, we just, people just assumed roles or were directed to roles.
WESTERMAN: And then she dialed herself out when Officer FRASHOUR showed up with another long gun, is that right?
KEMPLE: That's correct.
WESTERMAN: You mentioned that you were on the custody team.
KEMPLE: Yes.
WESTERMAN: In your local as a custody team and the one that's more for generics and will apply to this particular scenario.
KEMPLE: Yes.
WESTERMAN: In your role as a custody team when somebody else is communicating with the suspect before he comes out, does your role change when he comes out, if he comes out to be cooperative or if he comes out saying he's not going to be cooperative? Is your role as a custody officer any different?
KEMPLE: No.
WESTERMAN: So if the person talking to him by cell phone or text message or something like says

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okay, he's coming out and he says he's got a gun, or he says he's coming out and he's going to be cooperative and in this case Mr. Campbell comes out and (indecipherable) is your role any different? Is the person who's communicating with him still in charge after he comes out?

KEMPLE: Uh - -

WESTERMAN: In other words, if I'm sitting here communicating with a person, I'm the supervisor and I've got somebody who is directing communications with somebody inside a location, and I say okay, he's coming out, I've been communicating with him, now he's coming out. Once he's outside, who's in charge of him at that point?

KEMPLE: Uh, the contact team or custody team, we're going to be the one that's going to be giving him all orders and directions.

WESTERMAN: Okay. So the transition of control goes from the person who's making the communication with him before he comes out to, in this case, Officer LEWTON who's in control. So the people who are going to communication are no longer in control of the situation because he's now out of the apartment.

KEMPLE: That's correct.

WESTERMAN: And that's what you understood at the scene at this time?

KEMPLE: Yes.

WESTERMAN: You mentioned uh, you mentioned that you weren't aware of Officer LEWTON giving the commands because you had the audible distortion that sometimes happens in these types of things.

KEMPLE: Yes, sir.

WESTERMAN: But you are a less lethal operator?

KEMPLE: I am.

WESTERMAN: Does the terms "Do this or you will be shot" constitute as a warning under less lethal?

KEMPLE: Yes, do this or you will be - -

WESTERMAN: Right. So in other words, if you're a less lethal operator and you're pointing your less lethal something and you say, "Do what I'm telling you to do or you will be shot." Is that considered a warning?

KEMPLE: Yes.

WESTERMAN: Okay. And then the last thing you mentioned the terms, we wanted him on our terms.

KEMPLE: Yes.

WESTERMAN: Okay. I need to know why.

KEMPLE: At this point regardless of what any information that they're getting for us, he's coming out, for all we know he's got a gun, so regardless if he tells them he's got a gun or not, we're under the assumption that he's still armed, he's still a threat to us, he's still a threat to anybody that's still south of us on Prescott, anybody's that's north of us on Sandy, he's still a threat. He's still somebody who's potentially armed. Somebody that we know is suicide by cop, possibly suicide by cop. We want him to do exactly what we want him to do. We're not going to go to him, he's going to come to us and he will do everything that we do because we're the ones calling the shots, not him. And so he needs to come to us. He needs to do everything we tell him to do and any deviation, you know, we have to deal with that accordingly.

WESTERMAN: That seems awfully rigid. Why would that be the rules? Why would that be what you're trained?

KEMPLE: There's no room for anything else, you know.

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WESTERMAN: And that's what you're trained?
KEMPLE: Yeah. In life or death I'm going to go home. That's all that matters.
COURTNEY: Now let me just ask one more question because this may be a focal point here, but at the point Campbell is back with his hands on his head what is the, uh, and there were commands given get your hands up, or something to that affect. Do you know what that was trying to accomplish at that point?
KEMPLE: At that point - -
COURTNEY: I guess what is the difference between hands on your head and hands up in the air like straight to the sky as opposed to behind your head?
KEMPLE: At the time I wasn't totally sure at that exact time because I'm focusing, like I said, the spotlight thing, I look up and he's got his hands here so I don't know, I don't know what all is going on prior to me looking. Uh, in the debrief I know that he started to drop his hands and that's from the other officers talking about it at the debrief which filled huge gaps for me because at the time I didn't know that he had dropped his hands because I wasn't paying attention to that. I work with Officer LEWTON, I've worked with Officer FRASHOUR. I haven't worked with Officer WILLARD until this point. But I've been on multiple, multiple calls with both Officer FRASHOUR and Officer LEWTON, I know that Officer LEWTON is a very competent bean bag operator and I know that if he does something there's a purpose. I totally trust in all the commands and that's a good, that's part of the reason why I can check out because I trust that everything that he's going to do, you know, according to policy, he's going to do exactly what needs to be done and I trust my life with Officer LEWTON and Officer FRASHOUR. So I felt comfortable enough that my primary concern doesn't have to be with the hands, doesn't have to be with listening to commands, doesn't have to be with listening to anything Campbell has to say. My only primary concern at that point is the spotlight. I'm looking for a gun. If I see a gun I'm going to say it. If I don't see a gun, which I didn't, I'm not going to say it.
COURTNEY: And obviously bring up the question to you, like you said, you have the spotlight on him, you could see his waist, you could see skin on his back, I mean obviously sometimes if you get your hands up you maybe extend the clothing and get a better look at the waistband area, but apparently that wasn't uh, that didn't need to be if you had a clear view of his waistband area and could see the skin on his back, you couldn't see anymore if he raised his hands up or.
KEMPLE: Yeah, so I guess in total answer to your question, I don't want to assume what Officer LEWTON was thinking. In hindsight, after the debrief, I know what the situation was, but at the time I knew that there was an issue that needed to be addressed by him putting his hands up and I trusted completely that Officer LEWTON did what needed to be done.
COURTNEY: But he never told you the reason.
KEMPLE: No.
COURTNEY: Or you didn't know what the reason was.
KEMPLE: No.
RHODES: Okay. Nothing more from me.
WESTERMAN: I'm good.
RHODES: We will end the interview and it's five minutes to 7:00.

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PORTLAND POLICE BUREAU
INTERNAL AFFAIRS DIVISION
Confidential Taped Statement
Sergeant Craig Morgan #38846

Interview Date: 03/03/2010
IAD #: 2010-B-0004
Interviewed: Officer Craig Andersen

MORGAN: This is Sergeant Craig Morgan. It is March 3, 2010. It's about 4:45 in the afternoon We're located in the IAD conference room on the 12th floor of the Justice Center. Present with me is Officer CRAIG ANDERSEN, his Portland Police Association rep John GRABLE, and my partner, IAD Investigator BARRY RENNA. We are here on ID Case #2010-B-0004. The associated PPB case number is 2010-8325. Officer ANDERSEN has been advised that his conduct and/or the conduct of any other bureau member present on January 29, 2010, at 12800 NE Sandy Blvd. is the subject of this investigation. Officer ANDERSEN has reviewed the information necessary to be reasonably apprised of the nature of the allegations of the complaint. Officer ANDERSEN has been informed that he is a witness in the case and that Captain ED BRUMFIELD is in charge of the investigation. I advised Officer ANDERSEN that he could have representation present during the interview and Officer RENNA is here in that capacity. Officer ANDERSEN has been provided a copy of the Advanced Notice and Waiver form and has signed it. Office ANDERSEN, under the authority of Captain BRUMFIELD, I am ordering you to answer all of my questions fully and truthfully. If you fail to respond fully and truthfully you may be disciplined up to and including dismissal. Do you understand?
ANDERSEN: Yes.
MORGAN: Okay, all right. And what we're here today to discuss is obviously the officer involved shooting you were present for back at the end of January. Just to get started, what is your current assignment, shift and days off?
ANDERSEN: Um, North, afternoon pre-relief, Sunday, Monday, Tuesday off.
MORGAN: Okay, and so is that 3:00 in the afternoon to 1:00 in the morning, the pre-relief?
ANDERSEN: Yes.
MORGAN: And you were on that shift at that time in late January?
ANDERSEN: Yes.
MORGAN: Okay. How long have you been employed by Portland Police?
ANDERSEN: Uh, a little over four years.
MORGAN: Okay, and how long have you been assigned up at North?
ANDERSEN: Uh, probably three of the four.
MORGAN: Okay.
ANDERSEN: Pretty much all of it.
MORGAN: Okay, and any prior police experience prior to Portland?
ANDERSEN: No.
MORGAN: Okay, and on the afternoon of January 29, 2010, what was your assignment on that day?
ANDERSEN: 674.
MORGAN: Okay, and were you working with a partner that day?
ANDERSEN: Yes, I was.
MORGAN: And who was that?
ANDERSEN: Officer MCALLISTER

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MORGAN: Okay, and fairly early on your shift there you responded to a call at 12800 NE Sandy. Tell me about how you got, ended up getting assigned to that call.
ANDERSEN: Um, it was after the call had been going, going on for a while. They started asking for more cars and the radio dispatched us.
MORGAN: Okay, and what did radio specifically ask you to do? Just respond to the scene…
ANDERSEN: Yeah.
MORGAN: …or were you given an assignment at that point?
ANDERSEN: No, we were just told to respond.
MORGAN: Okay, and what information did you know at that point about the call that was going on up there?
ANDERSEN: I knew that they had a suicidal subject that had made accusations of 55ing himself and just from hearing the radio chatter I knew it was kind of a, like a standoff situation. Up to that point, I knew that there was possibly a girlfriend with kids inside the apartment with him.
MORGAN: Okay, and you were gathering all that from radio transmissions?
ANDERSEN: Yeah, from earlier. From just kind of hearing it going on.
MORGAN: Okay, all right, and so you responded up there. Were you driving or were the passenger?
ANDERSEN: I was the passenger.
MORGAN: You were the passenger. Did you pull up the call on the CAD when you were enroute?
ANDERSEN: I did.
MORGAN: And what did you ascertain from reading the CAD?
ANDERSEN: As I was slogging through it, I saw that, when we were on our way, the female half had been, was removed from the house and the children were too, so they had been recovered, and I ascertained that the subject was now kind of making threats, had made some sort of threat and I looked at his history in the CAD, I knew he had a history of assault with handguns. That's about all I kind of gathered.
MORGAN: Okay, do you know, you're saying he was making a threat. What specific threat? Do you remember what was mentioned?
ANDERSEN: Um, it was right before we were dispatched. They were, the officers were text messaging him somehow and he sent a text message to them, "Don't make me get my gun, I'm not playing." That was the threat that I heard.
MORGAN: Okay, okay, and so that threat, that text message, as well as the information that the girlfriend and kids were out, were you getting all that from the CAD call or were you getting that from radio broadcasts?
ANDERSEN: Both.
MORGAN: Okay, all right. And while you were en route to the call, what was your understanding then as far as what the status of the call was at that point?
ANDERSEN: It seemed to me it was kind of at a standstill, kind of a hold up at that point, just, and they were probably trying to figure out what steps to take next.
MORGAN: Okay, and when the call had initially come out, had you interpreted that as a barricaded suspect or a hostage situation, or had you made any conclusions based on the call when you were first hearing it?
ANDERSEN: I hadn't made any conclusions.

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MORGAN: Okay, and other than the text message which you reference there, had you received any other information while you were en route to the call or once you got there that Mr. CAMPBELL had ended up threatening anybody besides himself with any harm?
ANDERSEN: No.
MORGAN: Okay, and did you have any information again either prior to going to the call or while en route or once you got there that Mr. CAMPBELL had committed a crime at all?
ANDERSEN: No.
MORGAN: Okay, and you said that you noticed I guess probably on PPDS in the CAD call that he had a weapons history, is that right?
ANDERSEN: Yes.
MORGAN: Okay, any other background information you gathered on him that affected your perception of the threat level or anything like that?
ANDERSEN: No.
MORGAN: Okay, and okay so you get to the call and tell me what happened from there.
ANDERSEN: Um, we arrive. We actually arrive on the north side of the building. We contact officer LEWTON. Officer LEWTON advises us to go to the, kind of to the apartment complex to the east and see if we can get eyes on, to the front of the door of #37.
MORGAN: Okay, and where was LEWTON at this point?
ANDERSEN: He was on the, almost, we came up to the apartment complex on the north side off Sandy Blvd., and he kind of met us almost, I don't know, almost at the street.
MORGAN: Okay, all right, and so he was away from the patrol car that they were kind of using in the custody situation?
ANDERSEN: Yes, at that time.
MORGAN: Okay, and he directs you to head to the east and so you guys go over there?
ANDERSEN: Yes.
MORGAN: And were you able to find a spot to provide a good vantage point?
ANDERSEN: Yeah.
MORGAN: Why don't you just, as best you can, obviously it's kind of hard verbally, but just kind of tell me how far you were, was your view obstructed at all, those sorts of things about the spot where you ended up.
ANDERSEN: Okay, well we ended up kind of under a carport that was lit up, so we kind of stayed back so we weren't backlighted horribly. And we were probably at least 100 feet from the area, the incident area, and we were kind of, almost directly across from the doorway that he wanted us to watch, #37, and we couldn't really see the police cars. They were, you know, were behind. The view was partially obstructed because if I remember correctly bushes and trees and then there was some cars and dumpsters and all sorts of stuff there.
MORGAN: Okay, and so the trees and cars and whatnot were obstructing your view of the other officers…
ANDERSEN: Yeah.
MORGAN: …that were on the custody team?
ANDERSEN: Yes.
MORGAN: Okay, all right. And we've got an aerial map. I think it's hopefully pretty similar to the one you used when you did your detective interview there. And can you just really quickly indicate to me roughly where you were on that. This is Sandy Blvd. here and this is…

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ANDERSEN: Okay, Sandy Blvd.
MORGAN: ...actually east. If that helps orient you at all.
ANDERSEN: And this is the?
MORGAN: That's the complex, correct.
ANDERSEN: Okay. So, by looking at this, I would say that this was probably the carport.
MORGAN: Okay.
ANDERSEN: And we would have been back in here.
MORGAN: Okay, all right.
ANDERSEN: Is my guess.
MORGAN: Yeah, I think that's about right, but I just wanted to make sure my mental picture matched up with yours so okay, very good. And when you arrived on the scene, who was your perception, who was running the call? Who was in charge of the call at that point?
ANDERSEN: Um, well LEWTON contacted us and I know before he actually sent us over to the east of the location, he advised Sergeant REYNA. So, I believe Sergeant REYNA was in charge at that point.
MORGAN: Okay, and how did you know that he, did they have a radio contact or how did you know that he ran that by her at that point?
ANDERSEN: No, because he said I'm gonna tell, ask, I'm gonna go check with Sergeant REYNA, I'll be right back.
MORGAN: Okay, very good. And as far as you know, did Sergeant REYNA remain in charge of the call the entire time that you were there?
ANDERSEN: Um, as far as I know. I know at some point that the captain was out there. I heard their transmissions over the radio, but I don't know exactly who, if he took command of the incident or not.
MORGAN: Okay, all right. And so you check in with LEWTON and he points you over in this direction. Just basically tells you to get eyes on the place?
ANDERSEN: Yes.
MORGAN: Were you privy to any sort of tactical plan as far as what the strategy was in dealing with Mr. CAMPBELL at that point?
ANDERSEN: No.
MORGAN: Okay, did you at any point become privy to any of the tactical plan as far as what the strategy was?
ANDERSEN: No.
MORGAN: Did you have any understanding of what the expectations of you would have been if he would have come out of the apartment and made a run for it in your direction?
ANDERSEN: Um, my expectations would be by bureau policy depending on what I see and what I perceive if he ran towards us.
MORGAN: Okay, but nothing specifically...
ANDERSEN: No.
MORGAN: ...discussed in that regard?
ANDERSEN: No.
MORGAN: Okay. Did you hear or did you participate in any discussions about the advisability of activating SERT and HNT for this call?
ANDERSEN: Nope.

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MORGAN: Okay, and once you guys arrived at this location here, you're obviously kind of isolated a little bit.
ANDERSEN: Yes.
MORGAN: Were you receiving any updates as far as what was progressing with the call at that point?
ANDERSEN: If I recall correctly, a little bit. I remember them talking about that they were still texting him and I think at one point somebody said it was positive texting.
MORGAN: Okay.
ANDERSEN: And that's all I remember.
MORGAN: Okay, so just one update basically?
ANDERSEN: Yeah, maybe two. It was radio discussion.
MORGAN: And do you remember who that was that broadcasted that info by chance?
ANDERSEN: Um, I don't, not for sure.
MORGAN: Okay, and were you aware that they were trying to contact him via text message and telephone at that point?
ANDERSEN: Yes.
MORGAN: Okay, and that was via the radio transmission did you get that fact?
ANDERSEN: Yes.
MORGAN: And did you have an understanding that they were asking him to come out of the apartment at all?
ANDERSEN: Yes, I assume that they were trying to get him to come out of the apartment just by the reason why we were there.
MORGAN: Okay, nothing ever specifically said to you then?
ANDERSEN: No.
MORGAN: We're asking him to come out now, nothing like that was ever said?
ANDERSEN: No.
MORGAN: Okay, and did you receive any additional info about him specifically once you arrived on scene? Either his history or his behaviors up to that point or anything like that?
ANDERSEN: No.
MORGAN: Okay. Did you have any information about any weapons that he might possess?
ANDERSEN: Um, I believe over the radio I heard them talk with the girlfriend. They put out the girlfriend said that he had a gun with him or in the apartment with him, something to that effect.
MORGAN: Okay, and so was that before you were dispatched or was that enroute or do you remember where that came from?
ANDERSEN: I don't remember exactly where that fell.
MORGAN: Okay, and any specifics on the gun? Whether it was a handgun, rifle, shotgun, anything like that?
ANDERSEN: No.
MORGAN: You don't remember. And you said by the time you were, you had arrived on the scene the girlfriend and the kids were already all out, is that right?
ANDERSEN: Yes.
MORGAN: Okay, and were you aware that Mr. CAMPBELL was about to emerge when he did exit the apartment?
ANDERSEN: No.
MORGAN: Okay, and tell me what happens at that point?

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ANDERSEN: Um…
MORGAN: Let me just cut you off real quick. Anything significant happen while you were monitoring that situation between the time you arrive at that location and the time he exits?
ANDERSEN: No.
MORGAN: Okay, so he exits and then tell me about that.
ANDERSEN: Um, we see him actually exit and he has his hands on the back of, on his head some way and he starts walking backwards and then he is picking up speed and he walks, and we can hear the officers giving him commands and he continues to walk backwards toward them but very swiftly.
MORGAN: Okay, okay.
ANDERSEN: And then you hear them get louder and, which makes me believe he's not complying to what they're asking.
MORGAN: Okay, and obviously just some specifics about kind of that little frame there. Did you remember, did you or did somebody, anybody else get on the radio and advise that he was coming out, do you remember that at all?
ANDERSEN: Um, yes.
MORGAN: Do you know who, was it you or did somebody else do it?
ANDERSEN: No, it wasn't me because he came out pretty quickly and then immediately they were giving him commands and I heard somebody say they're contacting the subject.
MORGAN: Okay, and you're not sure who that was though?
ANDERSEN: No.
MORGAN: Okay, and you indicated in your interview that you drew your handgun when he came out.
ANDERSEN: Yes.
MORGAN: Explain to me what your thought process was with that.
ANDERSEN: My thought process was if he was armed and he decided to run towards us we needed to be prepared.
MORGAN: Okay, anybody down range of you directly at the angle you were at at that point?
ANDERSEN: No.
MORGAN: Okay, what was your backstop?
ANDERSEN: Um, the building.
MORGAN: Okay, and tell me about the lighting in the parking lot. Was it well, the time of day it was darker?
ANDERSEN: It was dark out. It seemed the lighting was not great. I think there was some light from the porch lights.
MORGAN: Okay.
ANDERSEN: So, I mean, minimal.
MORGAN: Okay, all right. And did anybody, as best you can tell from where you were, officers use either their flashlights or car spotlights or anything like that to illuminate the area once he came out?
ANDERSEN: It seems like there was a spotlight. There was some kind of light eventually once he was out.
MORGAN: Okay, all right. And you said he came out hands on head. Was that as a result of a command given by the officers, or did he do that on his own or did he…
ANDERSEN: He did that on his own from what I could see because he immediately, when he came, he kind of came out his hands were on his head.

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MORGAN: Okay, and do you remember the position on the back, on the top, were the fingers interlaced, just as specific as you can.
ANDERSEN: Couldn't tell if the fingers were interlaced. It looked like they were on the back.
MORGAN: Okay.
ANDERSEN: Couldn't tell for sure.
MORGAN: All right, and is that just a factor of the distance you were from him?
ANDERSEN: Yes.
MORGAN: Okay, and again just going back to your detective interview, I think you used similar verbiage here today. You said he was walking back very quickly and as a matter of fact in the grand jury you described him as running backwards.
ANDERSEN: Yes.
MORGAN: He just, again I know it's real hard verbally to do it without a demonstration which doesn't do us a lot of good here.
ANDERSEN: Yeah.
MORGAN: But can you just articulate a little bit for me exactly that pace and what that meant to you, what your thought process was when you saw the pace?
ANDERSEN: Okay, well the pace, I mean to verbally articulate it, I mean his stride started getting wider and longer and he was just picking up speed as he was going backwards.
MORGAN: Okay, all right. And how did you interpret that?
ANDERSEN: I interpreted that as strange and it concerned me for the safety of the officers.
MORGAN: And just walk me through why do you find that strange, the pace in that situation?
ANDERSEN: Well, anytime I've ever contacted a subject that I thought may be armed, they've always, especially knowing that they probably have guns pointed at them, they've always usually listened to some degree. If anything, they go too slow, not too fast and I found that unusual.
MORGAN: Okay, all right. And what specific commands did you hear officers giving as he was going backwards?
ANDERSEN: Um, initially I thought I heard them say come back to the sound of my voice, but then as he was speeding up they started yelling at him and I'm not sure what they were yelling at that point.
MORGAN: Okay. Any other commands you heard specifically other than back up to the sound of my voice?
ANDERSEN: No.
MORGAN: Okay, and was it one officer giving commands or multiple officers or could you tell?
ANDERSEN: I couldn't tell.
MORGAN: Okay. Was there voice overlap going on?
ANDERSEN: No, it, no.
MORGAN: And how did he respond to those commands?
ANDERSEN: It didn't appear that he was listening.
MORGAN: Okay. Did it slow his stride down at all that you saw?
ANDERSEN: From what I saw, no.
MORGAN: Okay. Did you see him moving his head, turning his head to look back at officers at all?
ANDERSEN: Um, yes it seems like he would glance over his right shoulder.
MORGAN: Okay, and was that multiple times then as he was backing up?
ANDERSEN: I don't recall.
MORGAN: Okay.

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ANDERSEN: I know he did it at least once.
MORGAN: Okay, and how did you interpret that gesture?
ANDERSEN: Um, I thought it was strange. I thought maybe he was taking a glance just to see where people were.
MORGAN: Okay, and when he was glancing back over his shoulder, was that causing his hands to move in any way or were they still pretty much on the back of his head?
ANDERSEN: No, they were still pretty much on the back of his head.
MORGAN: Okay, and so other than the commands then to back up to the sound of his voice, and then you heard yelling, I'm assuming you said that when the voices started escalating that was an indication to you that he was not complying. Do you have any other reason other than hearing the officer's voices elevating to believe that he wasn't complying?
ANDERSEN: Well, and his swift movements back towards them.
MORGAN: Okay, and could you see, when did you lose sight of him as he was backing up? How long before you heard the less lethal being deployed did you lose sight of him?
ANDERSEN: Um, it was pretty quick. They, it seems like we lose sight of him and then you started hearing the, like seconds later you hear the less lethal being deployed.
MORGAN: And did you hear anything significant between the time he disappeared from view and the sound of the less lethal?
ANDERSEN: No.
MORGAN: Did you hear him yelling anything?
ANDERSEN: No.
MORGAN: Do you remember the officer specifically yelling anything at that point?
ANDERSEN: No.
MORGAN: They were yelling some sort of commands.
ANDERSEN: They were yelling something, but we, I was focused on him kind of auditory exclusion. I heard yelling but I don't, nothing specific.
MORGAN: Okay, and were you aware that the beanbag was going to be deployed prior to hearing it?
ANDERSEN: I was not aware.
MORGAN: Did it surprise you when you heard the sound of the beanbag going off?
ANDERSEN: A little bit, yes.
MORGAN: Okay, and again I'm kind of asking the same question in a couple of different ways and I apologize, but just to be perfectly clear, what was your perception as to why the less lethal was deployed?
ANDERSEN: My perception would have been he's not complying and he's possibly armed.
MORGAN: Okay, and did you see him at the time the beanbags were deployed? Did you have eyes on at that point?
ANDERSEN: No.
MORGAN: Okay. Where were his hands the last time you saw him prior to the beanbag?
ANDERSEN: Prior to the beanbag, on his head.
MORGAN: Okay, and again you heard nothing specifically related to the beanbag in the commands? You didn't hear any of the typical warnings that you might hear with the less lethal?
ANDERSEN: No.
MORGAN: Okay. It's possible that that was the commands, you just don't specifically remember it, is that right?

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ANDERSEN: Yes.
MORGAN: Okay, and how many times was the beanbag deployed?
ANDERSEN: I believe I heard three shots.
MORGAN: Okay, and did it appear to have any effect on him when you saw him?
ANDERSEN: Once he came back into my view it didn't appear to have any effect.
MORGAN: Okay, and explain to me what happens when he comes back into your view.
ANDERSEN: At that point, now it looks like he's running and his hands are dropped. I can't see his hands, but it looked like he was taking a running stride back towards his apartment.
MORGAN: And when you said his hands were dropped, were they pumping in a running motion or as near as you could tell from what you could see where they still? Were they in the front or the back as best you can, where…
ANDERSEN: I couldn't tell.
MORGAN: Okay, anything at all about the arm motion as far as whether they were still or whether they were pumping?
ANDERSEN: No.
MORGAN: Okay, and that pretty much remained true from the time he reappeared to your view until the time he dropped behind the car after the shot was fired?
ANDERSEN: Yes.
MORGAN: Okay, and then in the interview you said that after less lethal was deployed his hands dropped in front of him. Do you…
ANDERSEN: It looked like when his hands were down in front of him and then it just, then, you know, I couldn't really see his hands. I could see his arms, you know, like his upper arms.
MORGAN: Okay.
ANDERSEN: I don't know where his hands went after that.
MORGAN: And then again during that interview you described him kind of striding forward after the less lethal started going off. As best you could tell from the moment you saw him again, was it a deliberate motion back to the apartment or is it possible that he was reacting to being hit with some force from behind or could you tell if he was running immediately I guess.
ANDERSEN: It appeared to me he was running. I don't know if it was due to the force or not. It looked like he was trying to take stride.
MORGAN: Okay, and how quickly were the beanbag rounds going off would you say?
ANDERSEN: Pretty fast.
MORGAN: Okay, would you say pretty close as to fast as they could be racked in and aimed or…
ANDERSEN: Yeah.
MORGAN: Okay, all right. And then just describe from the information you had in the call and from what you perceived, from your vantage point, what was your assessment of the threat level that Mr. CAMPBELL posed to officers on scene and the community?
ANDERSEN: I thought he was a deadly threat to officers on scene, especially with the statements given, a history of assault with a handgun and his mental state.
MORGAN: Okay, and anything about his physical actions that you perceived that led you to that conclusion or was that mostly based on the info you had about him?
ANDERSEN: Based on the info.
MORGAN: Yes, okay. And do you feel like the threat level he presented increased or decreased at all over the course of the call?

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ANDERSEN: Um, I think over the course of the call after we were there it stayed about the same.
MORGAN: Okay, and how about before you arrived? Do you feel like any of those, anything had developed with the call at that point had increased or decreased the threat?
ANDERSEN: Before I arrived?
MORGAN: Yes.
ANDERSEN: I'm assuming it must have increased since they started asking for more cars.
MORGAN: Okay, but nothing based on your knowledge?
ANDERSEN: No, not on my knowledge.
MORGAN: Okay. Once he fell, were you able to, did you have eyes on him at all?
ANDERSEN: No, it's like the lethal shot went off and he was gone.
MORGAN: Okay, just disappeared from your view pretty much?
ANDERSEN: Yes.
MORGAN: Okay, and did you see the canine unit deployed at all?
ANDERSEN: No.
MORGAN: Okay. Did you hear the canine unit calling back his dog or any of that stuff after the incident?
ANDERSEN: No.
MORGAN: Okay. Did you know the canine was there?
ANDERSEN: Uh, yeah.
MORGAN: Okay, and what happened after the lethal shot was fired? What, tell me about what transpired at that point.
ANDERSEN: Um, officers were trying to get a better vantage point on it. Somebody actually came over, Officer BOYLAN came over to our location with binoculars and was trying to look at him at one point. They were giving him multiple commands nonstop. And I know they asked for SERT to come out.
MORGAN: Okay, do you know in the course of all of that, did you see any efforts to light up the area he was near?
ANDERSEN: Yes.
MORGAN: Was that flashlights or car spotlights?
ANDERSEN: It looked like car spotlights.
MORGAN: Okay, and what was your impression of why officers did not immediately approach him, where he was?
ANDERSEN: They were afraid that he, my impression was they were afraid he was still armed and had made the decision it wasn't safe to approach him at that point.
MORGAN: Okay, and were you involved in it or hear any of the discussions about whether to active SERT after the shot was fired?
ANDERSEN: No.
MORGAN: Okay. Who was in charge of the crime scene after the shot was fired from your perspective?
ANDERSEN: From my perspective? Um, before SERT arrived or?
MORGAN: Sure. We'll go with that, and if it changed let me know, but…
ANDERSEN: I was under the impression the on-scene sergeant, Sergeant REYNA and then I knew the captain was on scene.

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MORGAN: Okay, and then how did you end up notifying a supervisor or detective that you had been a witness to this?
ANDERSEN: Well, it's, we actually had a crowd behind us once SERT came and everybody starting dispersing. We got out of there and notified Sergeant REYNA.
MORGAN: Okay.
ANDERSEN: A person of command.
MORGAN: Okay, and that was your first opportunity to do so basically?
ANDERSEN: Yes.
MORGAN: Okay, and so you, other than the report that you wrote that basically says I did an interview with detectives, you never wrote any other reports on this incident?
ANDERSEN: No.
MORGAN: Okay, did you have any discussions with other officers who witnessed this event?
ANDERSEN: Um…
MORGAN: At the scene.
ANDERSEN: At the scene? Like during or…
MORGAN: I guess, yeah, during and after, immediately after, before you went and told Sergeant REYNA that you were witnesses.
ANDERSEN: Just Officer MCALLISTER and I because we were standing next to each other.
MORGAN: Okay, and just tell me real quick about anything significant said in that discussion.
ANDERSEN: Nothing significant. We just said those were, that was a lethal shot. And then we were kinda, just, I guess just still absorbing the fact that it happened.
MORGAN: Okay. As best you know, was anyone on the scene maintaining a crime scene log?
ANDERSEN: I don't know.
MORGAN: Did you sign one at all or did anyone ask for your name to put down on one that you know?
ANDERSEN: Not that I recall.
MORGAN: Okay, and obviously this has been in the news quite a bit, do you feel like either any conversations you've had after the grand jury or any of the news reports you may have seen or that you may have read about, has any of that influenced your perception of the events do you feel?
ANDERSEN: No.
MORGAN: You still feel like you have an independent memory of everything that happened that night?
ANDERSEN: Yes.
MORGAN: Okay, and that's basically it for me other than kind of the catch alls there at the end. Barry, do you have anything you want to cover?
RENNA: Yeah, a couple of things. It will be pretty quick. I don't know if it was covered or not, but earlier you were shown an overhead and you marked an x on it and since we're on tape, the people listening to the tape or read it don't understand what we were doing here, but you marked an x on what you believed was your position is that correct?
ANDERSEN: Um, he marked it actually.
MORGAN: Yeah, I actually marked it where he pointed at.
RENNA: Okay, and that is where you estimate that you were?
ANDERSEN: Yes that's my estimation.

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RENNA: All right. You said that you were a passenger in the car as you were headed towards Sandy Blvd. and you were accessing information on the CAD.
ANDERSEN: Yes.
RENNA: Did you communicate any of that to Officer MCALLISTER while you were reading it?
ANDERSEN: Yes.
RENNA: Okay, do you remember how much of it you were communicating to him?
ANDERSEN: Minimal, just the guy had had a handgun, you know, assault with a handgun in his history and things of that nature.
RENNA: Okay, what else do you remember?
ANDERSEN: I don't recall specifically.
RENNA: Okay. When you were with Officer MCALLISTER over underneath the carport, how much were you two communicating with each other?
ANDERSEN: Um, regular, I mean we were right next to each other so we knew what each other was doing.
RENNA: After Mr. CAMPBELL came out of the apartment and he was backing up towards the officers and there was officers giving him commands, I believe you described it as officer's voice became elevated?
ANDERSEN: Yes.
RENNA: Okay. Anything else that you remember? Anything else that their voices, did they change in any fashion?
ANDERSEN: Just the elevation. I mean, I don't know, you know, it seemed more aggressive because of the elevation.
RENNA: What did that mean to you?
ANDERSEN: But not specific. That he wasn't complying.
RENNA: When Mr. CAMPBELL passed in front of you and he was backing up towards the officers, you said that he went out of your sight for a short period of time.
ANDERSEN: Yes.
RENNA: Okay, how far out of your sight was he?
ANDERSEN: I, I mean, it's like he's here, he's there, we could kind of see him again and then he was gone again. I mean, it was that fast.
RENNA: Okay, and tell me again how, what it was that was preventing you from seeing him?
ANDERSEN: There was like shrubs or some kind of evergreens and dumpsters and stuff there. But I think it was more of the shrubs than anything.
RENNA: Did either you or Officer MCALLISTER try to reposition yourselves so you could see him at that point?
ANDERSEN: Yeah, we were kind of moving around a little bit, trying to get a better view, but it seemed like whatever angle we were at, it just wasn't a good spot.
RENNA: Okay. At any point during that incident were you on the radio to let other officers know what you could see?
ANDERSEN: No.
RENNA: Okay, and we started to address it. After the incident, who else did you communicate with about things that you witnessed?
ANDERSEN: Just Officer MCALLISTER and then, because we obviously, we were standing next to each other, and then we went and spoke to the officer or Sergeant REYNA.

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RENNA: Okay.
ANDERSEN: To let her know what, that we were witnesses.
RENNA: Was there an effort to separate you from any other witnesses?
ANDERSEN: Uh, yes. Once she knew, she assigned somebody to us and then we were just hanging out.
RENNA: Do you remember who that was?
ANDERSEN: Officer WILLARD. That was the person assigned to me.
RENNA: Okay.
MORGAN: John, anything? Okay. Just a couple last kind of catch alls here just to make sure we didn't miss anything. Anything about the call that we didn't cover at all?
ANDERSEN: No.
MORGAN: Okay, and any information you have that you believe would be relevant to the case or to our review at all of this incident?
ANDERSEN: Um, no.
MORGAN: Okay, and keeping in mind this is an administrative review, is there anything about the incident that caused you concern or that you want to address in order to improve future performance?
ANDERSEN: No, not at this time.
MORGAN: Okay, all right. I think that is it. If nobody else has anything, we're going to go ahead and conclude the interview. It is about 5:19 p.m.

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PORTLAND POLICE BUREAU
INTERNAL AFFAIRS DIVISION
Confidential Taped Statement
Investigator Lynn Courtney #13609

Interview Date: **March 3, 2010**
IAD #: **2010-B-0004**
Complainant: **Portland Police Bureau**

Interviewed: Officer Matthew McAllister #45405

COURTNEY: Okay, this is Lynn Courtney of the Internal Affairs Division. Today's date is March 3, 2010. The time is 4:50 p.m. I'm here in an Internal Affairs Division interview room with my partner, Investigator Jon Rhodes. We are speaking with Officer Matt McAllister DPSST# 45405. Also present is his PPA representative, Officer Dave Dobler. We're here to discuss IAD case #2010-B-0004, which is referenced by PPB case #10-8325. Officer McAllister has been advised that his conduct and /or the conduct of any bureau member present on January 29, 2010 at 12800 NE Sandy Boulevard is the subject of this investigation. Officer McAllister has reviewed information necessarily to be reasonably apprised of the nature of the allegations of the complaint. Officer McAllister has been informed that he is a witness in the case and that Captain Edward Brumfield is in charge of the investigation. I've advised Officer McAllister that he could have representation present during this interview, and Officer Dave Dobler is here in that capacity. Officer McAllister has been provided a copy of the advanced notice and waiver form and has signed it. Officer McAllister, under the authority of Captain Edward Brumfield, I'm ordering you to answer all of my questions fully and truthfully. If you fail to respond fully and truthfully, you may be disciplined up to and including dismissal. Do you understand?
MCALLISTER: I do.
COURTNEY: Okay. Just for the record, if you would, state for me your current assignment, shift and days off.
MCALLISTER: Patrol Officer, North Precinct. Days off are Sunday, Monday, Tuesday, and afternoon pre-relief.
COURTNEY: Okay. And how long have you been with PPB?
MCALLISTER: It will be five years on the tenth.
COURTNEY: Okay. And how long have you been assigned the North Precinct up there?
MCALLISTER: About two years.
COURTNEY: Two years. Okay. And do you have any prior law enforcement experience?
MCALLISTER: No.
COURTNEY: Okay. And then, on the afternoon of January 29, 2010, what was your assignment that day, district and were you working with a partner?
MCALLISTER: Yeah, my partner was Officer Anderson, and we were District 674.
COURTNEY: Okay. And at some point during that shift, you became involved in a call at 12800 NE Sandy Boulevard. Tell me how you became involved or how you got assigned to assist in that call.
MCALLISTER: We had a call, they called for a couple more cars, after the call had been going on for awhile. There had been several officers there that kind of had some containment set up, and they wanted to get some more containment. And they dispatched us.
COURTNEY: Okay. And tell me what information you had when you were dispatched to that call.
MCALLISTER: We knew that there was a suicidal subject that was supposedly armed. On the way there, we were…had been notified that there were still some children in the apartment. As we were

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arriving is when the kids came out, and so we knew the kids were out and we knew the girlfriend was out, so at that time the information that we had he was probably inside, alone.
COURTNEY: Okay. And when receiving this information, did you get any specific information as to the subject, Mr. Campbell? Were you provided his name or any background on him?
MCALLISTER: No. No personal background on hm. I think the name was in the call, but we hadn't looked at his PPDS or anything.
COURTNEY: Okay.
MCALLISTER: We knew that he was appearing suicidal. We got some information that he had sent a text saying that he had a gun, so that we knew that a gun was involved and that he was suicidal from the information that was coming from Bob Boylan.
COURTNEY: Okay. And do you remember specifically who was calling for assistance?
MCALLISTER: Officer Lewton.
COURTNEY: Lewton was the one that asked for additional cars?
MCALLISTER: Correct.
COURTNEY: And you guys assisted?
MCALLISTER: Correct.
COURTNEY: Okay. And you told me you had the information you were dealing with a suicidal subject.
MCALLISTER: Correct.
COURTNEY: Did you have any information that this subject might be barricaded or holding hostages or anything like that?
MCALLISTER: Um, on the way there, just the children, which was a possible with that. But, like I said, when we arrived it sounded like all three of the children had come out. That's all the information…we didn't talk…when we arrived on the scene, we talked to Lewton for a few seconds before we went into our positions. And we weren't talking to anybody that was directly involved in the texting or talking to the individual inside.
COURTNEY: Okay. So when you got there, the children were already out of the apartment?
MCALLISTER: Yeah, that was what we had heard. We didn't see the children, but that's what we had heard on the radio.
COURTNEY: And did your understanding of Mr. Campbell, as far as him being suicidal, did that change at all during the nature of this call, during the call, did it change from a suicidal person to a barricaded person to somebody holding hostages, or did it remain the same?
MCALLISTER: No. It remained the same the whole time we were on the scene.
COURTNEY: And at any time during this call or incident, did you have any information that Mr. Campbell threatened anyone other than himself with harm?
MCALLISTER: Not that we knew.
COURTNEY: Okay. And how about any information that Mr. Campbell had committed a crime at this point?
MCALLISTER: No.
COURTNEY: Okay. And at any time during this incident, did you have any information that he had committed a crime, or that a crime was occurring?
MCALLISTER: No.

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COURTNEY: Okay. And, I think you told me when you got the call, you didn't run him or check any background information on Campbell. During the time that you were on scene...and just give me an idea, how long were you on scene prior to Campbell coming out of his apartment?
MCALLISTER: About, approximately half an hour.
COURTNEY: Half an hour. Okay. At any time during that time, were you given any updates as far as Mr. Campbell's history or anything of that nature? Any background information of him?
MCALLISTER: No.
COURTNEY: Okay. And when you arrived on scene, who appeared to be in charge of the call?
MCALLISTER: Sergeant Reyna.
COURTNEY: Sergeant Reyna, okay. And what did you do when you first...you said you contacted Officer Lewton?
MCALLISTER: Yeah. We parked on Sandy, farther back than you can see on the picture. And we walked up to the corner of the building.
COURTNEY: Umhm.
MCALLISTER: And Lewton met us in the grassy area up there. Told us...pointed over toward this parking lot down here, let me show you on here.
COURTNEY: Okay. This is Sandy right here?
MCALLISTER: Yeah. So we meet Lewton here. He points over and asks us to try and get over in this area to get eyes on the front door. We went back to our patrol vehicle, pulled all the way around, pulled into this lot and parked here and walked up to here.
COURTNEY: Okay.
MCALLISTER: And then stood here for a few minutes, and then crossed over to here where we could see the front door.
COURTNEY: So when you arrived, you never drove down into this parking lot.
MCALLISTER: Yeah, this was all...there was officers here. And this car, I don't remember. I don't know if they pulled it up later or if it was there. I don't remember seeing that.
COURTNEY: You're talking about the car sideways in the parking lot?
MCALLISTER: Yeah.
COURTNEY: The officers were behind.
MCALLISTER: Correct.
COURTNEY: Okay.
MCALLISTER: And then we come around, and the whole time we never could see any of the officers back here.
COURTNEY: Okay.
MCALLISTER: And we never actually saw any other officers until after the shots.
COURTNEY: So it was Officer Lewton who told you to get in position over on, that would be the east side?
MCALLISTER: East side so we could see the front door.
COURTNEY: Okay. And were you able to find a position here that...
MCALLISTER: Yeah. This is a covered parking. There were actually cars parked here.
COURTNEY: Uh-huh.
MCALLISTER: And we were behind...it was a couple cars back. Right here, underneath this covered parking.

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COURTNEY: Okay. Just put a big X if you would and circle it as to where, what position you took at that location just so I know in reference. Okay. That's where you were. In this position, did it allow you to see into the alcove of Mr. Campbell's apartment?
MCALLISTER: Yeah, we could see that part of the apartment.
COURTNEY: Okay. And was that an unobstructed view, or was anything blocking your view from that point?
MCALLISTER: You could…there was trees and there is a chain-link fence, but you could pretty clearly see the front door.
COURTNEY: Now, did you just have concealment, or was there a cover there for you?
MCALLISTER: It was covered. There was two cars, one here and one here, and then we were knelt down behind this car here.
COURTNEY: Okay. And you told me you arrived, Sergeant Reyna was in charge of the scene.
MCALLISTER: Correct.
COURTNEY: And did somebody tell you that, or how did you come to that conclusion?
MCALLISTER: She was the only Sergeant on the scene and she was…she had been calling…she's the one that actually told us to come to Sandy, to come to this location.
COURTNEY: Okay. To come to the location where you where you met Officer Lewton.
MCALLISTER: Correct.
COURTNEY: Okay.
MCALLISTER: And then we never see her. She was…I think there's an alcove here. I believe she was in that alcove, but we never stopped there. We just talked to Officer Lewton.
COURTNEY: And then at any point did anyone else become in charge of the scene or was Sergeant Reyna the one.
MCALLISTER: Um, a Captain came out at some point, later, I don't remember exactly what time.
COURTNEY: But as far up until the time that Mr. Campbell came out of the apartment, did you have any sense that anyone else took over supervisory responsibilities?
MCALLISTER: There was no command given by anybody else.
COURTNEY: Okay. And was there a plan of action discussed at the scene in order to resolve this situation when you arrived? Was there talk among you?
MCALLISTER: Not with us.
COURTNEY: Not with you guys.
MCALLISTER: No.
COURTNEY: Okay. So you weren't aware of any plan of action, whether it was to call him out or…
MCALLISTER: No. No, we knew that they…they kept giving out updates as they had contact with him via text. And then the text came and we didn't know, I mean there was no plan that we're calling him out or anything like that.
COURTNEY: Okay. And what kind of updates…once you got into position, what kind of updates did you receive? Do you remember receiving?
MCALLISTER: Um, we got just text messages. They were saying, you know, kind of what they were getting on text. There was something about that they seem to be getting better or something of that sense. That was kind of right before he came out.
COURTNEY: And when you say that, do you know who was actually texting them?
MCALLISTER: No.

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COURTNEY: Okay.
MCALLISTER: I mean, later I heard that it was Quackenbush but at the time I didn't know who it was.
COURTNEY: And who was giving those updates? Do you know?
MCALLISTER: Reyna.
COURTNEY: Reyna was giving over the radio?
MCALLISTER: Correct.
COURTNEY: Okay. Did you get any updates from anybody in person? Anybody come to your position?
MCALLISTER: No.
COURTNEY: Okay. And as far as you know, were you the only two on the east side?
MCALLISTER: Yeah. There was cars all the way out here on, I don't know what street, the next street. There were cars blocking traffic, but there was nobody in them.
COURTNEY: I see.
MCALLISTER: As far as I know, this whole area, it was just us.
COURTNEY: Okay. And were you given any specific instructions if Campbell were to emerge from the apartment and would, say, leave on foot, was there any kind of instructions as to what they wanted you to do?
MCALLISTER: No, no instructions.
COURTNEY: Okay. So you were…the only instructions that you got were just to keep an eye on the front door.
MCALLISTER: Keep an eye on the front door and give updates.
COURTNEY: Okay. At any time during this incident did you hear any discussions about SERT being activated or a called to assist in this call?
MCALLISTER: No.
COURTNEY: Okay. How many updates do you think you got while you were there? As to what was going on?
MCALLISTER: Actual updates…there was quite a bit of radio stuff where people were saying where they were moving to and things like that, but updates on what's going on in there, probably, I guess it was four or five.
COURTNEY: Do you feel like you were getting the information you needed?
MCALLISTER: Yeah. I mean…yeah, we got the information that he was possibly armed and stuff like that. Um, yeah, and we felt pretty updated. We had an idea…we knew what was going on, we knew we had a guy in there that was possibly armed and that he had been holding the kids and that he was suicidal.
COURTNEY: Okay. But after you got there and the kids left, as you said, prior to you getting there, did you have any information that anybody else was in the apartment?
MCALLISTER: No.
COURTNEY: Besides Campbell?
MCALLISTER: No.
COURTNEY: Did you have any information that officers were trying to coax Campbell to come out or trying to get him to come out?

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MCALLISTER: No. It was a surprise to us when he actually came out. We didn't...there was no updates on, you know, we're telling him to come out or anything like that.
COURTNEY: Okay. Because obviously if the police are set up in the area, you're dealing with a suicidal guy, it's what you told me that you believed you were dealing with, um, was the plan, or did you hear any type of talk about maybe going up to the apartment, or were they just kind of holding position?
MCALLISTER: They were just holding position. Yeah, there was no talk about...
COURTNEY: Waiting to see what was going on?
MCALLISTER: Yeah.
COURTNEY: Okay. And specifically, what information did you have about weapons Campbell might have in his possession?
MCALLISTER: Um, a gun. That's all we had. That he had sent a text saying, don't make me get my gun. I'm serious, I think was the text. That's what came out over the air.
COURTNEY: Okay.
MCALLISTER: Um, and we had gotten some information about the girlfriend telling the dad that he had the gun.
COURTNEY: Okay. And did you have the weapon information when you first responded to the call, or was that something that you got after you arrived?
MCALLISTER: No, we knew that prior in the call.
COURTNEY: Okay. And was there any indication of where that gun might be?
MCALLISTER: No.
COURTNEY: Whether on his person in the apartment or anywhere? Any specific location?
MCALLISTER: No, not that I remember.
COURTNEY: Okay. So, I think you said you were unaware that he was coming out when he did.
MCALLISTER: Right.
COURTNEY: Did you give any update or anything when he did come out?
MCALLISTER: He comes out and he's at this alcove, and then somebody later, I didn't notice, Willard I think, said he's coming out. So he steps out of the alcove. We're going...Andersen, actually, was getting on the air, and then Willard, and then immediately he starts getting commands from somebody that behind the car apparently.
COURTNEY: So you don't have a chance and you don't see him prior to him actually stepping out?
MCALLISTER: Right.
COURTNEY: Okay.
MCALLISTER: We can't come out...like, one of us says, there he is. Craig goes to get on the air, and then he's out before they can see him, and they start giving commands, and Willard gets on the air and says he's out.
COURTNEY: Okay. And this happened in the evening. Describe for me the lighting situation here. What kind of lighting?
MCALLISTER: There's some lights along here. I don't know if there's any large lights. It's pretty dark, but you can still see fairly well. I think the alcove was lit up.
COURTNEY: All right. Okay, that was my question. Is there a light in that alcove area?
MCALLISTER: Yes.
COURTNEY: Okay. And is it totally dark outside? Or is it still...

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MCALLISTER: I believe it was dark.
COURTNEY: Okay. And when Campbell steps out, you say that Officer Willard starts giving the commands?
MCALLISTER: No, we didn't know…at the time I didn't know who was giving…I just heard some commands.
COURTNEY: Heard commands, okay. What did you first hear when he stepped out?
MCALLISTER: He's walking backwards, and the first thing I kind of remember hearing is, back up toward us, or something like that. And then he's moving fast. I mean, right when he comes out of the door, big strides backwards. He's got his hands on the back, like this…
COURTNEY: Let me back up here. When he…he's coming out of the alcove, is he walking backwards coming right out of the alcove?
MCALLISTER: Right out of the door.
COURTNEY: Right out of the door.
MCALLISTER: He just…the door opened, and he's striding backwards, like that.
COURTNEY: The whole way out the alcove?
MCALLISTER: Correct.
COURTNEY: Okay.
MCALLISTER: Yes. And they told him to come back, and real quickly, they start, slower, slower, slow down. And then…I don't hear them say stop, but he stops somewhere in this area. And then…I'll just keep going?
COURTNEY: Go ahead.
MCALLISTER: And that's when he stops in here, and then at that point…well, once he stops, we're just watching. All we can see is Campbell. We can't see any of the officers. And then we don't hear any of the commands that are given from them. Then I heard the loud, slower, slower. Then I don't even hear them say stop. You know, I think you can hear, kind of commands going on here, but I don't remember any specific what's being said at that point.
COURTNEY: And is that…why is that? Is it…
MCALLISTER: Yeah, because they're back here. All these trees are here, and they're here, and it's really close apparently. But we…our angle, all we see is Campbell. We don't see them. I don't know if they were talking quieter to him or what.
COURTNEY: Okay. Could you hear voices and just not make out what they were saying?
MCALLISTER: Correct.
COURTNEY: Okay. And when Campbell came out and started walking backwards, did he ever turn around and look where officers were positioned?
MCALLISTER: When he stopped.
COURTNEY: When he stopped.
MCALLISTER: He kind of…I mean, it's not like he's walking back obeying commands. It's like he's just kind of knew what he was thinking…he knew what he was supposed to do and he's just walking. And then when he stopped, his hands kinda_____ and you can see him look back. But…and his hands stayed, at this point, and he looks…kind of looks back.
COURTNEY: Okay. And when his hands are up on his head are his fingers interlaced, can you tell?
MCALLISTER: They didn't…it was more like this.
COURTNEY: More like just kind of on the side and fingers touching behind the head?

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MCALLISTER: Yeah.
COURTNEY: Okay. And then describe the gait that he was walking. It was kind of fast?
MCALLISTER: Yeah. It was like a stride. Like a long backwards stride.
COURTNEY: Okay. And how many officers were giving him commands?
MCALLISTER: One that I could hear.
COURTNEY: Okay. Did you ever hear…you just heard one voice, never heard any other voice as far as repeating commands or anything like that?
MCALLISTER: No. Not like…no.
COURTNEY: Okay. And I think you said you heard the command to stop.
MCALLISTER: No. I don't hear the command to stop.
COURTNEY: Oh, you don't hear commands. What did…
MCALLISTER: I see him striding, and I hear real loud, slower, slower.
COURTNEY: Slower, slower. Okay.
MCALLISTER: And then he comes to a stop.
COURTNEY: But on his own.
MCALLISTER: Correct. I don't know if he…I mean, hearing everything out here…whether he was told to stop, but I don't remember hearing that.
COURTNEY: Okay. And do you know how close he was to the police car when he stopped?
MCALLISTER: No.
COURTNEY: Okay. And, again, that's because you said earlier…
MCALLISTER: We can't see this car at all.
COURTNEY: From your position.
MCALLISTER: So I don't even…yeah, I didn't know if they were set up on an angle where they could see the alcove. I couldn't see them.
RHODES: Did you ever lose sight of Campbell?
MCALLISTER: No.
COURTNEY: Okay. And what happened when he stopped?
MCALLISTER: He stops, this command that I don't…that aren't legible and I can't hear them. I mean, I can hear them, but I can't make them out.
COURTNEY: Uh-huh.
MCALLISTER: And then a bean bag round. It was all, it was fast. To me it seems like it was bean bag round, and then just a couple more to follow. It seemed like I've, three, is kind of what I guess. He stumbles forward. His hands fall. And then he takes off running back toward the alcove. And then the shot's fired.
COURTNEY: Okay. Did Campbell appear, when you said that they told him to slow down, did he appear to follow that command?
MCALLISTER: No. He keeps striding…when he comes out, their saying backup immediately when they see him, and then it was, slow down, but he kept striding and striding and was fast. From the time that he got to here was just seconds.
COURTNEY: Okay. And did you ever hear Campbell say anything?
MCALLISTER: No, I didn't.
COURTNEY: Okay. And I guess a better question would be, did you hear him say something but can't make it out?

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MCALLISTER: No. I didn't. I never heard anything.
COURTNEY: Okay.
MCALLISTER: I see him look back, but I don't hear anything.
COURTNEY: One of the things that I want to clear up is in your detective transcription there is, you've used the word, or the term they when talking about commands that were given. They were giving him commands. They…you know.
MCALLISTER: Right.
COURTNEY: And it implies more than one.
MCALLISTER: Yeah, I remember distinct commands here, and then from here, you know. I probably used they because I don't know who.
COURTNEY: Okay.
MCALLISTER: But, I don't…you know, it's not a…a lot of times I've been on calls where three or four guys are yelling, and it wasn't like that.
COURTNEY: Right. Okay. And at the point he is…the first bean bag round goes off, what is Campbell doing at that time?
MCALLISTER: He's stopped at that point and his hands are here. *(Showed us behind his head)*
COURTNEY: Okay. And did you have any prior knowledge that a bean bag might be used?
MCALLISTER: I knew Lewton had a bean bag because I saw it when they had called for…I remember calling for AR. I remember talking to Lewton and he had a bean bag, and I knew that he was in that location. I didn't know he was the one giving the commands all the time. But I knew there was a bean bag there.
COURTNEY: Okay.
MCALLISTER: I didn't hear, you know, we'll use lethal force or less lethal force or we'll use a bean bag.
COURTNEY: So you didn't hear any warnings prior to it being used?
MCALLISTER: No.
RHODES: Okay. When you say here, because we're on tape, can you just say or describe where his hands were when the bean bag…
MCALLISTER: At the back of his head. Kind of lower toward his neck.
COURTNEY: Okay.
MCALLISTER: And they were not clasped together.
COURTNEY: Okay.
MCALLISTER: His hands were up about ear level behind his head.
COURTNEY: Okay. Did he ever have his hands down prior to the bean bag being deployed?
MCALLISTER: Not that I remember.
COURTNEY: Okay. At the time that the bean bag was deployed, were you surprised?
MCALLISTER: Yeah, I was. It was loud, too.
COURTNEY: Okay. And I think you said there were how many…how many bean bag rounds did you hear?
MCALLISTER: I remember hearing…it was like three. Like one, and then a couple more.
COURTNEY: Couple more.
MCALLISTER: Yeah, and then he kind of…the first one hits him, or looks like it hit because he kind of stumbles forward. I can't see the round going.

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COURTNEY: You don't know where it hit him at?
MCALLISTER: Right. And he stumbles forward, hands are out. And then he kind of bent over, and then just takes off at a sprint. And then there's a couple bean bag rounds, I don't remember how many bean bag rounds, but there's a couple, a few. Three to four bean bag rounds is what I remember.
COURTNEY: Okay. Just so we're clear and I'm a little…after…is he hit once with the bean bag, takes off and more bean bag rounds, or is he…
MCALLISTER: It's all kind of simultaneous.
COURTNEY: Is he hit three times?
MCALLISTER: Yeah. He's hit, and then stumbles forward, and then a bean bag rounds keep coming as he…
COURTNEY: And tell me about Mr. Campbell's hands at the time he is hit with the bean bag.
MCALLISTER: I remember them dropping forward, and them him running, but I don't remember seeing his hands or what his hands were doing at all while he was running, or right after…I remember he…the first bean bag round goes off, and his hands fall forward, and then he takes off.
COURTNEY: Fall forward in front of him?
MCALLISTER: Yeah. Comes down.
COURTNEY: Okay.
MCALLISTER: Comes down, and then when he takes off running, I'm just watching the body, and I wasn't aware of where his hands were.
COURTNEY: Okay. How about…so you don't know if he was reaching for anything or…
MCALLISTER: No, not at all.
COURTNEY: Placement of the hands anywhere around the body?
MCALLISTER: No.
RHODES: Okay. How about any more commands given at that point?
MCALLISTER: I didn't hear any more commands.
COURTNEY: Okay. And I think you said he takes off in a sprint?
MCALLISTER: Yeah. He's cooking. He's, you know, kind of still leaning forward and that's really fast. He kinds of leans forward and takes off. And then the shots fired.
COURTNEY: Okay. And as he takes off, if somebody is running a sprint, they might be pumping their arms. Was he doing that?
MCALLISTER: I don't remember, like his arms pumping.
COURTNEY: Okay.
MCALLISTER: You know, I don't.
COURTNEY: What can you tell me about Campbell's appearance? Did he…was he wearing a coat? Or do you remember specifically…can you recall just from your memory what he was wearing?
MCALLISTER: No.
COURTNEY: Okay.
MCALLISTER: I kind of remember like a jacket or something, but I don't remember. I couldn't even tell you what color.
COURTNEY: Okay. Anything distinguishable, as if he was carrying anything, had anything on him at the time?
MCALLISTER: Nothing that stood out.
COURTNEY: And then where was Campbell at the time the lethal round was fired?

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MCALLISTER: He was in this area somewhere. Kind of, like I don't know if he went…this is an actual picture right, these two cars were there or not?
COURTNEY: No, those cars weren't there. That's Google.
MCALLISTER: So there's a car…I don't exactly know where the alcove is by this picture.
COURTNEY: Right, there was a silver Volvo.
MCALLISTER: But there was a car there, and he…you know, right before it. And then he falls right in front of it.
RHODES: Isn't the Volvo on the crime scene sketch?
MCALLISTER: He's in this area when the shots fired. And then he stumbles and just falls forward.
COURTNEY: Okay.
MCALLISTER: And we're over here.
COURTNEY: At the time you hear the shots, does he take a few more steps and fall, or does he fall immediately, or…
MCALLISTER: Pretty immediately.
COURTNEY: Okay.
MCALLISTER: It might have been like another just momentum step, but it was…he fell pretty quick.
COURTNEY: And did you come to some realization to believe why that lethal round was fired?
MCALLISTER: Like what was going through my head at that time?
COURTNEY: Yeah.
MCALLISTER: No. We didn't know exactly why.
COURTNEY: Okay. And then, once he's down, what's the next thing that happened?
MCALLISTER: We're still in this position. This picture…he's actually back farther. I don't know. But we can't see it. I mean, we can kind of see that the top of his head.
COURTNEY: Okay.
MCALLISTER: Because I can remember coming over here and being able to see his feet from the other side of the parking lot.
COURTNEY: Uh-huh.
MCALLISTER: Over here, but we can't see much of the body at all. And then people in these apartments right here, people just started piling out of these apartments.
COURTNEY: Uh-huh.
MCALLISTER: So, we had already, because there was a bunch of people coming out, and there was all these cops, so we pulled crime scene tape across here and blocked off this whole area.
COURTNEY: Okay.
MCALLISTER: So then people were piling out and trying to pull in, so we moved our car up to here, and we just held that position for awhile.
COURTNEY: Now is Officer Andersen right next to you?
MCALLISTER: Right.
COURTNEY: You guys stayed together the whole time, or do you split up?
MCALLISTER: We're together the whole time, until after the shot, and then one of us went back and got the car. And we sat here for awhile after the shot.
COURTNEY: Okay. Um, so tell me about after the shot. What did you do? You held your position there?

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MCALLISTER: Correct.
COURTNEY: Okay. And then what happened then next as far as getting up to Mr. Campbell and checking on his status?
MCALLISTER: We're here. We're just trying to look at him. Boylan comes to our location, with binoculars. So Boylan comes up to here, to this fence.
COURTNEY: Uh-huh.
MCALLISTER: And he's got binoculars, and he's trying to get an eye on him. And then he leaves us, and we just held this position, kept an eye. We're always here. There was always one of us here. And then they, you know, kept giving commands the whole time somebody was over here.
COURTNEY: And could you hear what those commands were?
MCALLISTER: Yeah. They were asking them to move his feet, so that we knew if he was all right or alive. They were giving commands to move your right foot, move your arms, you know, move his head. They just kept giving commands like that.
COURTNEY: Okay.
MCALLISTER: And then they called SERT. That's when they called SERT out.
COURTNEY: Okay. Now, someone may ask or wonder, if you're hearing them give commands to move your feet here, how come your not hearing them give commands at this location.
MCALLISTER: They're yelling much louder here.
COURTNEY: Okay. And how long was he on the ground before anybody got up to check on him?
MCALLISTER: Probably about half an hour, 25 minutes.
COURTNEY: And you said SERT was activated? Obviously we know that from the report. Did anybody try to go up there and try to approach him prior to SERT coming on the scene?
MCALLISTER: No.
COURTNEY: Okay. Did anybody move up closer in the parking lot to get a better view?
MCALLISTER: I know people moved up this wall a little bit to get a look, and then Boylan came with binoculars. I remember Elias asking for binoculars.
COURTNEY: Okay. How about Elias' canine partner…
MCALLISTER: I never even saw them, the dog.
COURTNEY: Okay.
MCALLISTER: Anytime. Apparently it ran up to him, but I don't even remember seeing him.
COURTNEY: That's something you…after the fact.
MCALLISTER: Yeah.
COURTNEY: Okay. And just to be real specific, at the time the lethal round was fired, where exactly were Mr. Campbell's hands? Do you remember?
MCALLISTER: I don't remember at all exactly where his hands were at.
COURTNEY: Okay. Because by your description, he's pretty close to this car at the time.
MCALLISTER: Correct.
COURTNEY: And did that car have…cause any kind of a visual obstruction for you, where it was at?
MCALLISTER: Yeah…well, I don't know about when the shots fired but there's shrubs and trees that he's crossing past here too.
COURTNEY: Okay.

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MCALLISTER: So when…you know, it's like there's a tree here, and, you know, we're kind of at an angle where we can kind of see him, but when he takes off there's trees and shrubs, and so I don't…I remember seeing him fall here. I don't remember seeing him right before he fell.
COURTNEY: So is it a situation where you maybe could see an upper half of the body or…
MCALLISTER: _____
COURTNEY: Yeah, at that time or at any time during this thing.
MCALLISTER: Yeah, I mean, there was…there was also a car that… we knelt down behind a car. So he stumbles across, and we're looking across the car.
COURTNEY: Okay. Now, what was your own assessment in your mind as to what kind of a threat level Campbell provided?
MCALLISTER: Um, I thought it was a pretty big threat. I mean, it's about him having a gun and the police being there for so long, and in contact with him. I figured we had a pretty high threat, especially after he came out of the apartment. And that it was unannounced that he came out of the apartment. It was really surprising to us. So that's when…we both drew our guns when he came out.
COURTNEY: Uh-huh.
MCALLISTER: I mean, in our minds, if we had seen a gun or anything, we would have shot.
COURTNEY: And did the threat level change either up or down at any point during this call? Or did it remain the same?
MCALLISTER: Well, you know, things changed as the kids came out, things like that. It seemed like we were getting somewhere. But, again, we didn't have any direct contact with anybody that had been on scene.
COURTNEY: Okay. So, just to clarify, you weren't involved in any discussions about the possibility of calling SERT at any time, either before or after he was shot?
MCALLISTER: No.
COURTNEY: There was no radio traffic as to any kind of discussion?
MCALLISTER: Not until they had activated.
COURTNEY: Okay. And then, once this was over, what did you do? After they checked on him and found that he was deceased?
MCALLISTER: That's when this area had pretty much cleared out. They put crime…I think they put crime scene tape there on the inside of this. Bocchino, Officer Bocchino) came over, and then we went back to the command post.
COURTNEY: Okay. Did you contact any witnesses or interview anybody at the scene?
MCALLISTER: No.
COURTNEY: Okay. And did you notify the supervisor, let the supervisor know that you witnessed the incident?
MCALLISTER: When we got back to the command post we did.
COURTNEY: Okay. And who did you notify?
MCALLISTER: Reyna and Day, Captain Day.
COURTNEY: Okay. And what did they instruct you to do as a result?
MCALLISTER: They put myself with Officer Bren, and Anderson with…I can't remember her name, but…and so they separated us and drove us back to the precinct. Officer Bren drove me back to the precinct.

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COURTNEY: Okay. And then you were interviewed, when, the next day? Or that night, by the detectives?
MCALLISTER: Yeah.
COURTNEY: Okay. And did you write a police report on this deal, or than a one-page thing?
MCALLISTER: No.
COURTNEY: You didn't write any report?
MCALLISTER: No.
COURTNEY: Okay.
MCALLISTER: We were instructed not to. We were instructed not to, and then two weeks later they called and said you need to write something.
COURTNEY: Yeah. Okay. All right. Do you know after the shot was fired, the supervisor's responsibility for the scene change, or did Sergeant Reyna remain in charge of the scene after the fact, or did some other supervisor come there and supervisor the scene after?
MCALLISTER: I think Reyna remained in charge of the scene.
COURTNEY: Okay. Did you have any discussions with any other officers there that night about what happened?
MCALLISTER: No.
COURTNEY: Okay. And how about a crime scene log, did anybody have you sign a crime scene log?
MCALLISTER: No.
COURTNEY: Okay. Did you know if there was an officer in charge of the crime scene log at the scene?
MCALLISTER: Don't really know.
COURTNEY: Okay. And have you talked with anyone else about this case, or read or heard any news about this incident that's influenced your perception about what's happened on this deal?
MCALLISTER: No.
COURTNEY: Okay. And this is a shooting review. We review these things obviously to see if there's ways we can improve.
MCALLISTER: Right.
COURTNEY: Obviously our response to incidents. Is there any information that you believe would be relevant to this case as far as training aspects or anything of that nature?
MCALLISTER: No.
COURTNEY: Okay. Is there anything, and keep in mind, this is an administrative review, is there anything in this incident...about this incident that caused you concern or that you want to address in an effort to improve future performance?
MCALLISTER: No.
COURTNEY: Okay. Is there anything about this incident that I haven't asked you that you feel is relevant in any way?
MCALLISTER: No.
COURTNEY: That you want to make part of the record?
MCALLISTER: No.
COURTNEY: Okay. Jon?

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RHODES: You mentioned that binoculars were used. When you had an eye on the place, did you have binoculars? Or Andersen have binoculars?
MCALLISTER: No.
RHODES: And then once Boylan comes up with binoculars, and then Elias asks for binoculars, was there any…did you hear any on-air broadcast about what they were seeing with binoculars?
MCALLISTER: Yeah. Boylan was right next to us when he was looking. And he was just saying, he's not moving. I can't see him moving at all.
RHODES: Okay.
MCALLISTER: That was it. I don't remember anything over the air that I recall.
RHODES: Okay. And, of course, we'll interview those guys too. And did you hear any on-air broadcast discussions about, well, we should go up and check on him, or we could go up and check on him, or we shouldn't, and these are the reasons why? Do you remember any of that on the air?
MCALLISTER: No.
RHODES: Any discussion about that?
MCALLISTER: No.
RHODES: Okay. Not that that didn't occur.
MCALLISTER: Right.
RHODES: I think that's it. I don't have anything else.
DOBLER: When Mr. Campbell came out of the apartment complex in the alcove, that was unannounced and unexpected, correct?
MCALLISTER: Correct.
DOBLER: And then, not only that, but the manner in which he came out was rather odd, wouldn't you say?
MCALLISTER: Yes.
DOBLER: How long have you been in law enforcement?
MCALLISTER: Five years.
DOBLER: Have you ever seen or in a training scenario or a real-life law enforcement scenario, where somebody was directed by the police to come out in such a fashion?
MCALLISTER: No.
DOBLER: What would you say was really odd about the way he came out of the alcove?
MCALLISTER: His speed.
DOBLER: And you also characterized that he was coming out backwards?
MCALLISTER: Correct.
DOBLER: What was your first impression when you saw this?
MCALLISTER: My first impression, immediately when he came out backwards, when he was walking out backwards, it was odd to me. It looked odd.
DOBLER: From your experience and training, when somebody is doing something unexpected and unannounced and acting in an odd manner, does that cause you greater concern?
MCALLISTER: Yes.
DOBLER: What potentially could be going on, or things that you have to…threats that you have to be aware of?

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MCALLISTER: Well, we knew that there was a gun, from the girlfriend and from his text, that he had a gun. You know, a lot of things go through your head and you want to be safe, you're thinking that maybe he's acting like he's coming out peacefully, but he could have a gun and intending to use it.
DOBLER: In front of this large apartment complex, and I'm not sure…it looks like it's all connected. Is that correct, all these large buildings, it's like one gigantic building?
MCALLISTER: The long ones, yeah.
DOBLER: But that night, from looking at the crime scene diagram, it looks like there were a number of vehicles parked up front, and you were using what as hard cover?
MCALLISTER: Vehicles.
DOBLER: And where was he headed after the bean bags?
MCALLISTER: Towards this alcove.
DOBLER: And towards vehicles?
MCALLISTER: Correct.
DOBLER: So, the same sort of thing you were using for hard cover, he was heading for as hard cover?
MCALLISTER: Yes.
COURTNEY: Okay. I think that's it. Nothing else to add. We'll turn the tape off. It's 5:30 p.m.

10b0004INT-mccallister
Transcribed 03/10/2010 @ 10:30 p.m. Gayle Laird (0309gl01)

COPY

PORTLAND POLICE BUREAU
INTERNAL AFFAIRS DIVISION
Confidential Taped Statement
Investigator Jon F. Rhodes / DPSST #16753

Interview Date: 04/08/2010
IAD #: 2010-B-0004
Complainant: Portland Police Bureau

Interviewed: Officer Justin Burns / DPSST #47103

RHODES: Okay, we are recording this. This is JON RHODES, Internal Affairs Investigator with the Portland Police Bureau. It is April 8, 2010. It is 1640 hours. We are in the Internal Affairs Division office in one of the interview rooms and I'm gonna ask each of you beginning with the officer to state your full name and spell your last name for the purpose of the recording please go ahead.

BURNS: JUSTIN BURNS, B-U-R-N-S.

RHODES: SCOTT.

WESTERMAN: SCOTT WESTERMAN, W-E-S-T-E-R-M-A-N.

COURTNEY: And Investigator LYNN COURTNEY, C-O-U-R-T-N-E-Y.

RHODES: Okay, this is in regards to Internal Affairs Division case 2010-B-0004. The corresponding Portland Police Bureau investigation report is 2010-8325. Officer BURNS has been advised that his conduct or the conduct of any other bureau member present on January 29, 2010, in the area of 128th and NE Sandy Blvd. is the subject of this investigation. Officer BURNS has reviewed information necessary to be reasonably apprised of the nature of the allegations of the investigation. Officer BURNS has been informed that he is a witness in the case and that Captain ED BRUMFIELD is in charge of the investigation. I have advised Officer BURNS he could have representation present during the interview and Sergeant SCOTT WESTERMAN is here in that capacity. Officer BURNS has been provided a copy of the advanced notice and waiver form and has signed it presumably. Okay, and we have that. Um, Officer BURNS, under the authority of Captain BRUMFIELD, I am ordering you to answer all of our questions fully and truthfully. If you fail to respond fully and truthfully you may be disciplined up to and including dismissal. Do you understand that?

BURNS: Yes.

RHODES: Okay. Could you tell us what your current assignment is, what your shift and what your days off are, that sort of thing.

BURNS: I'm a patrol officer, evening shift, north precinct.

RHODES: And what hours do you normally work?

BURNS: Uh, 1600 to 0200.

RHODES: Okay, and how long have you been employed by the Portland Police Bureau?

BURNS: Um, it would be four years in July.

RHODES: Okay. Any prior law enforcement experience?

BURNS: No, just…

RHODES: Okay.

BURNS: … cadet stuff.

RHODES: Okay, and how long have you been assigned to north precinct?

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BURNS: Uh…
RHODES: Roughly.
BURNS: … about six months (indecipherable).
RHODES: Okay, and prior to that where did…
BURNS: I was at north, the merger, so I came over then
RHODES: Okay, very good. So, could you tell us about the day that this particular incident occurred. Again, it's on January 29th of this year, where you were assigned, what district you were working and whether or not you had a partner.
BURNS: Okay. I was working 645. I was a solo car.
RHODES: What district, what area geographically is 645?
BURNS: Uh, 645 I want to say is…
RHODES: Roughly.
BURNS: … from about 42nd to 205, I-205 and from like Killingsworth to Prescott, Fremont area.
RHODES: Okay.
BURNS: I don't work it every day so this is general.
RHODES: Okay. So, at some point during the shift you get called to 128th and Sandy Blvd. Tell us how you got that call, what information you got…
BURNS: Okay.
RHODES: …and then what your involvement in the case was from that point.
BURNS: Uh, when I started my shift I checked the calls, I'd been hearing, the initial part of this call already having taken place. And based on the nature of the call I just kind of floated that way in case they needed more resources and then I arrived there and attached myself to the call.
RHODES: Okay. But, what was the nature, what was your understanding of the nature of the call? Was it like a barricaded suspect, was there a hostage situation, suicidal subject, be a little bit more detailed in terms of what your understanding was and what you were going on.
BURNS: Uh, my understanding was that there was a welfare check…
RHODES: Uh-huh.
BURNS: … on a female and her children who were believed to be with a boyfriend or ex-boyfriend who was believed to have a gun and that the parents had called in the welfare check because they couldn't reach their daughter who was the female we were doing the welfare check on.
RHODES: Okay, and do you remember her name right off hand?
BURNS: ADRIENNA.
RHODES: Okay, and, of course, you have your report to refer to as well.
BURNS: Yes.
RHODES: Um, so once you get there, what are you given the assignment to do and who gives you that assignment, at least initially?
BURNS: Initially when I arrived I just kind of kept my eyes out as far as what was going on around while officers were still trying to get a grasp on what they were, what direction they wanted to go.
RHODES: So, you weren't the primary?
BURNS: I was not primary, no.

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RHODES: Okay.
BURNS: And so I just, I just waited there with a group of them until I was given an assignment.
RHODES: Okay, and then what was that assignment?
BURNS: Eventually, ADRIENNA JONES came outside and Officer BOYLAN asked me to stay with her…
RHODES: Okay.
BURNS: …off to the side.
RHODES: Okay, and tell me a little bit more about how that happened. Were you, did you join with BOYLAN when, was BOYLAN talking to her? At some point she comes out, she connects with BOYLAN and then how does that transition occur to when he gives her to you and then what do you know about what's going on? Do you overhear her saying anything to BOYLAN or any other officers?
BURNS: Not that I can recall. I don't think I was, I don't even know if I was close enough to hear their conversation. There might have been a brief conversation…
RHODES: Okay.
BURNS: …and then they walked over to where I was at the corner of the building.
RHODES: Who did?
BURNS: BOYLAN and her.
RHODES: Okay, ADRIENNA.
BURNS: Yeah, ADRIENNA.
RHODES: Okay.
BURNS: And he, BOYLAN, asked me to stay with ADRIENNA so I moved her over to the street.
RHODES: Okay.
BURNS: That's where my car was and I had her sit in my car and I turned off the radio and the screen so she wouldn't know what was going on or anything.
RHODES: Oh, okay. So, when you moved her from the point that BOYLAN handed her over to you to some other spot, could you see what was going on in terms of in the parking lot or were you out of view of all that?
BURNS: No, I was completely out of view.
RHODES: Okay, and then what did you know about her cell phone? At what point did you realize that she had a cell phone?
BURNS: Um, I think the point which I realized she had a cell phone was when she told me that she had gotten a text message from AARON.
RHODES: Okay.
BURNS: And that she had already texted back.
RHODES: Oh, okay.
BURNS: So, I immediately relayed that information over the radio.
RHODES: Okay. So, she, you get to her car, or your car…
BURNS: Uh-huh.
RHODES: …and she's sitting in the back?
BURNS: She's sitting in the front.
RHODES: Okay. Right front passenger seat?
BURNS: Right, yeah.

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RHODES: Okay, and you're sitting in the driver's seat?
BURNS: I am kind of standing in the doorjamb area just still surveying…
RHODES: Okay.
BURNS: …because there is nobody else out there and…
RHODES: On her side of the car or the driver's side?
BURNS: Uh, my side of the car. I'm in my doorjamb and the vehicle is facing to the east. So, it's her seat is towards the apartment.
RHODES: Okay. So, at some point, you realize that she's getting a text message and that she has returned the text message. And what's your estimate in terms of, once you get her from BOYLAN how long it is before that happens?
BURNS: Um…
RHODES: Just roughly.
BURNS: Gosh, it could have been 5 minutes.
RHODES: Okay. So…
BURNS: It seemed like some time had passed.
RHODES: Okay, and then how does she bring that to your attention or do you see her with the cell phone or does she say oh I, what happened?
BURNS: She told, she got my attention and was like hey, you know, he texted me and I might have, I probably asked her, pretty sure I asked her what, you know, what she was talking about. So, at first I didn't know and that's when she made me aware that, you know, this is what he texted me. I texted him back.
RHODES: Okay. Did she show you the text then?
BURNS: I didn't, no she just kind of told me about it.
RHODES: Okay, and then how did you relay that information to everybody else?
BURNS: Um, by radio.
RHODES: Okay, and you may have already said this, but what was the content of that text message that she mentions to you.
BURNS: It's in my report and she tells me that AARON had texted her…
RHODES: Uh-huh.
BURNS: …something to the effect of what's going on. She texted him back something similar to they want you to come outside.
RHODES: Okay.
BURNS: And so AARON responded back by asking who and then that's when she alerted me about the messages and when I realized that she had the phone.
RHODES: Okay, and then…
COURTNEY: Where did she get that information that she told him they want you to come outside? Was that something about somebody told her to tell him or?
BURNS: I don't know.
COURTNEY: Why would she say that?
BURNS: I don't know. I imagine we were doing a welfare check, we're wanting to talk to people inside. We wanted her kids…the safety of her kids.
COURTNEY: So, it's your assumption she did it on her own?
BURNS: I don't know.

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RHODES: Did she at that point, had she said anything more to you about AARON, anything about what he was like and I know that other officers had spoken to her at least briefly before she was handed over to you. Did she say anything more to you about, you know, what he was like presently or what he had been like over the previous 24, 48 hours?

BURNS: Not at this point, no.

RHODES: Okay.

BURNS: We didn't really have any conversation. Me and her just kind of hey I just want you to be comfortable. You know, if you want to sit down here, sit down, that sort of thing.

RHODES: Okay.

BURNS: And then there wasn't any dialogue until she alerted me about the text message.

RHODES: Okay. So, what happens at that point? She alerts you of the text message. You get on the radio and broadcast that. When you did that, did you ask for somebody specifically like Sergeant REYNA or did you just put it out as information?

BURNS: I just put it out to the officers on scene.

RHODES: Okay, okay, and then what happens from that point forward once you get the info about the text message out?

BURNS: Uh, she still had the phone at that point.

RHODES: Uh-huh.

BURNS: And there was another text that she received and that's when she showed me the phone and it said don't make me get my gun I'm not playing.

RHODES: Okay.

BURNS: And at that point Officer BOYLAN was walking towards me to get more information from her anyway so it's like hey this is what's going on.

RHODES: So, you told that to BOYLAN?

BURNS: Yeah.

RHODES: Okay.

BURNS: And he took the phone with him and went back to where the other officers were out of my sight.

RHODES: Okay. When BOYLAN came back and you gave him that information and then he gets the phone from ADRIENNA, how does that happen? Just, and again she's not, I don't want to give you the impression that she's suggesting that somebody stole the phone from her or something like that, but I'm just trying to understand the process of how BOYLAN ends up getting the phone. Does he say can I have the phone or how does that work?

BURNS: Well, I asked her if I could have the phone.

RHODES: Okay.

BURNS: So, she provided me with the phone and then he asked me if he could have the phone.

RHODES: Okay.

BURNS: So, I gave him the phone.

RHODES: Okay, and did you give her any sense of what was going on with her phone at that point?

BURNS: No.

RHODES: Okay.

BURNS: There was no dialogue in either direction. She didn't ask about...

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RHODES: Okay. So, what happens from that point forward? You hand the phone to BOYLAN. Does she give you any other information that's pertinent to just the events at that point forward?

BURNS: Uh, not right away. It seemed like some more time had passed and then the children came out.

RHODES: Okay.

BURNS: And then we relocated down the road, further out of view of what was going on.

RHODES: Okay.

BURNS: And then any of my dialogue with her throughout the entire call was really mainly just based on the questions I was getting from the scene and hey find out this or find out that, and so I'm relaying information, not really necessarily engaging her.

RHODES: Okay, and what's your recollection of the kind of things that somebody is asking you to get from her?

BURNS: Uh, if there's use of alcohol or alcohol abuse, drug abuse, drug use. Um, and…

RHODES: And who was asking you to get that information?

BURNS: Um, I don't remember. I noticed, I think I saw things on the call referencing it.

RHODES: Somebody, but…

BURNS: I don't know if it was a sergeant or officers on the scene.

RHODES: Okay, okay. Um, and then how, were they asking you for that information consistently in the same fashion, like asking you on the radio, either on the main net or Tac 2 or was it Nextel cell phone?

BURNS: Um, after that it was cell phone.

RHODES: Your cell phone?

BURNS: My Nextel.

RHODES: Okay, all right. And what kind of stuff do you remember then that she gave you about alcohol use or drug use or anything else pertinent about his demeanor? Whether or not he tried to commit suicide that sort of thing that you remember.

BURNS: Okay. If I could just have a moment.

RHODES: Okay, and just for the purpose of the tape, he is looking at his police report.

BURNS: At some point I was asked on the radio as far as the drug use went…

RHODES: Uh-huh.

BURNS: …or drinking…

RHODES: Right.

BURNS: …and I advised on the radio that there was…the last known drinking had been the night prior.

RHODES: Okay.

BURNS: And that there was no known drug use.

RHODES: Okay, okay. Do you remember either her, do you remember her telling you anything about him using the handgun like the night before or earlier that day or two weeks before or something?

BURNS: Yeah. After that information was relayed, then she started…

RHODES: What information was…

BURNS: …about the drug use and I called.

RHODES: Oh, okay.

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BURNS: And she began to talk to me about what had happened the night prior. And I don't know if that, I don't remember if that conversation was the result of a phone call I got to find out more information. I don't remember.

RHODES: Okay.

BURNS: But she had relayed to me that he had, AARON had, in fact, attempted suicide the night prior by using his handgun.

RHODES: Okay. Did she explain that in any more detail? Did she say that, how she knew that.

BURNS: She said that she was there.

RHODES: Okay.

BURNS: That she saw him with the gun, that he had it pointed at his head, pulled the trigger. I want to say three times but I don't remember.

RHODES: Okay.

BURNS: And that each time nothing happened as far as the firearm going off…

RHODES: Okay.

BURNS: …until he pointed it away from his head and she said that it went off basically in his ear, the sound of it went off in his ear.

RHODES: Okay.

BURNS: That he had fired in the air or something.

RHODES: Okay, and then obviously we've talked to her so she's told us at least her rendition of all of that. So, do you remember when you talked to her that night if she said that she actually witnessed that or if she was like around the corner and he was, or do you remember?

BURNS: Oh, that was my impression.

RHODES: That she saw it?

BURNS: Correct.

RHODES: Okay.

BURNS: Not that I remember whether she told me she saw it or not. It was just my impression based on the way she was telling the story.

RHODES: Okay, and what's your recollection since you spent a lot of time with her other than the detectives having spent time with her later on, what was your immediate impression in terms of her willingness to give information? Did she seem reluctant? Was she like just waiting for somebody to ask her the right question or where in that?

BURNS: She didn't seem uncooperative.

RHODES: Okay.

BURNS: She seemed like, not that she was trying to hide any information. I think she, she seemed like maybe that she wasn't really sure what information to give.

RHODES: Okay. Did she seem like she wanted the police there or did she seem like she would prefer that you all went away or what's…

BURNS: No, she didn't want us to go away.

RHODES: Okay.

BURNS: Because at some point she said she'd still have to go inside and he was gonna be in there.

RHODES: Okay.

BURNS: And that he had the gun.

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RHODES: Okay. Once she gives you the information about, you know, putting the gun to his head and, you know, firing a round, how do you get that information to the rest of the personnel that were on the scene there, one of the supervisors or one another officer? How soon after you get that do you relay it? If there was some delay, was it, you know, something going on, you couldn't get on the air or?

BURNS: Well, I believe that Sergeant REYNA had asked me to ask ADRIENNA more about what had happened the night prior.

RHODES: Okay.

BURNS: So, I think there was some general facts that they had heard about what had happened.

RHODES: Okay.

BURNS: So, I got a phone call on the Nextel to find out what the details were.

RHODES: From who?

BURNS: ADRIENNA, and so…

RHODES: No, no, no, I mean who called?

BURNS: Sergeant REYNA.

RHODES: Okay.

BURNS: To find out more information about what happened the night prior. Uh, after speaking with ADRIENNA and getting the story, then I immediately called Sergeant REYNA back as she had requested me to.

RHODES: Okay.

BURNS: And I relayed that information.

RHODES: Okay. Did ADRIENNA tell you anything more other than what you've covered already in terms of, you know, the text messages and the thing with the gun the night before and anything else about what was going on that you can remember?

BURNS: Um, I don' think so.

RHODES: Okay.

BURNS: Just information about what happened to AARON.

RHODES: Okay.

BURNS: And, oh, just the information about AARON's brother having died and the effects that that was obviously having on AARON…

RHODES: Okay.

BURNS: …as far as the actions he was showing her.

RHODES: Okay. Did they give her phone back that night, do you remember? Or were you around?

BURNS: I'm positive they, I'm pretty sure they did.

RHODES: Okay.

BURNS: Uh, well no, I can't answer that.

RHODES: Okay. Yeah, if you didn't actually see that then you didn't see that. Um, so since you guys moved, just to clarify, were you in a position to see any of the shooting that happened shortly thereafter?

BURNS: No, there was no way I could have seen it from where I was.

RHODES: Okay, and then what was, what happened in terms of what you were asked to do for the post shooting? What happens afterwards? Did you sit with ADRIENNA more until the detectives came to interview her or what did they have you do?

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BURNS: Uh, detectives, when they went to interview her, the detective asked me to sit in on the interview…

RHODES: With ADRIENNA?

BURNS: …to witness the interview with ADRIENNA.

RHODES: Oh, okay.

BURNS: To just be an extra person in the car.

RHODES: Okay. What detective was that, do you remember?

BURNS: Um, (indecipherable).

RHODES: Okay. The information that ADRIENNA gave you about him putting his, the gun to his head and shooting off a round, I don't remember that's in your report so if someone was to ask why you didn't put that in your report, what would you…

BURNS: Uh…

RHODES: …I mean granted I know the detective conducted an interview, but…

BURNS: Right, I just overlooked it.

RHODES: Okay. Is there anything else about your contact with ADRIENNA in terms of what happened once you get to the scene or anything else that happened in terms of communications since you were, you know, removed? Is there anything else that you think is pertinent to bring up in terms of how all of that occurred?

BURNS: Um, the only thing that sticks out was her explaining, ADRIENNA explaining AARON's attitude as not wanting to kill himself but to be killed by the police.

RHODES: Okay.

BURNS: Because she mentioned to me AARON saying if the police kill me then I can be with my brother in heaven, but if I kill myself I won't get to.

RHODES: Okay, so ADRIENNA is telling you this?

BURNS: Yeah.

RHODES: Okay, and again, of course, we know that she was interviewed by the detectives that night and we talked to her as well. So, but it's always nice to know whether or not we're getting consistent information from ADRIENNA in terms of what she's been telling people. Um, when you first realized that ADRIENNA had the cell phone and that she had received this text, did you give her any direction or did someone else give you some direction to continue that communication, to have her do some more texting to CAMPBELL?

BURNS: The dialogue she had with CAMPBELL was completely on her own.

RHODES: Okay.

BURNS: I asked her not to engage.

RHODES: Okay. Is it, in terms of asking you to recall what events that happened that night in terms of your involvement with ADRIENNA, has anything, have you read anything in the paper or saw something on TV that has impacted what your recollection is that you are explaining to us or is it just essentially from your own memory of what happened that night? So, you're not incorporating something you heard from somebody else into what you're telling us about your contact with ADRIENNA that night?

BURNS: No, that's completely from my memory.

RHODES: Okay. Um, with the thought in mind that this is an administrative review, is there anything that happened that night that you participated in, in terms of communications it

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sounds like for the most part or being with ADRIENNA, is there anything about your participation in the event or what you know about it that you would have recommendations for the future responses to situations like this? I mean, I know, it's perhaps difficult to speculate, but on the face of it, is there something that…

BURNS: Can you re-ask the question?

RHODES: Okay. Is there something that thinking back what happened that night that you would make a suggestion about improvements in whatever – communications or coordination or anything of that nature?

BURNS: Based on my experience of it?

RHODES: Uh-huh and I know you only have four years on but…

BURNS: Um, from my position so far away from the scene…

RHODES: Uh-huh.

BURNS: …it really seemed like the communication was there between the officers. They wanted me to find out more information and give them more information.

RHODES: Okay.

BURNS: And so I can't think of anything specific that would be like we should have done this way.

RHODES: Right.

BURNS: Partly because I was so far removed from what happened.

RHODES: Yeah and I'm not asking……

BURNS: I felt like I was…me being way over here, I felt like there was dialogue between me and those at the scene…

RHODES: Okay.

BURNS: …that seemed sufficient.

RHODES: Okay. And, you know, I know it's not really fair to ask you, armchair quarterback and I'm not doing that, it's just, you know, just what your limited involvement was, if there was anything else that in retrospect we could improve on so.

BURNS: Nothing that I can think of.

RHODES: Okay. I'll let detective, or Investigator COURTNEY interject any more questions.

COURTNEY: I just have a couple small questions. When you got there, who was the supervisor in charge of the scene?

BURNS: Uh, when I got there they had, officers on scene had requested a sergeant to respond and the Sergeant that responded was Sergeant REYNA.

COURTNEY: Okay. She was on the scene when you got there?

BURNS: Well, I think she passed me just before getting there so we in essence arrived at the same time.

COURTNEY: Okay.

BURNS: And that's when I attached myself to the call.

COURTNEY: Okay, and I know you said earlier that Officer BOYLAN gave you the assignment or something to stay with ADRIENNA. Did Sergeant REYNA give you any kind of direction or did she give you any kind of orders at the scene or did you…

BURNS: Um, no. Everything that I had, the communication with Sergeant REYNA was after I had already moved down the road and just the information I mentioned earlier about clarifying stuff.

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COURTNEY: And, of course, she knew you were with ADRIENNA?
BURNS: Correct.
COURTNEY: Okay.
BURNS: Because I asked her if I could take ADRIENNA over to the 130th location where her kids were just to get her with her kids.
COURTNEY: And now I just have a couple of questions regarding conversations you had with ADRIENNA.
BURNS: Uh-huh.
COURTNEY: Did she mention anything to you about Mr. CAMPBELL being much better today than he was yesterday? Did she make any kind of statement that he's doing better?
BURNS: I don't remember. I remember she just said that he was, he was sleeping at the time that we were there.
COURTNEY: Okay, and I know you mentioned earlier that she indicated to you that she wanted the police there.
BURNS: Yes.
COURTNEY: Did that change at all throughout the incident? Did she ever feel that things would be better or make her intention known that things would be better if the police left?
BURNS: Um, no. She was pretty consistent with, I mean, she didn't know what to do if we left because we asked, I asked her if there was maybe some place she could go for the evening and just kind of let things work themselves out and her response to that was I'm still gonna have to come home at some point and he's in my house with a gun.
COURTNEY: The reason I ask, I just, she didn't make it known or indicate that things were being made worse by having the police present on the scene?
BURNS: Um, not that I'm aware of.
COURTNEY: Okay, that's all I have.
RHODES: Speaking of the gun, did she, what do you remember her telling you about where it was and if it was in his…wherever, what do you remember?
BURNS: She said that it was in his jacket pocket that he was wearing while he slept on the couch.
RHODES: Okay, and did she tell you how she knew that? Did she actually see it in there or was that from, because that's where he always carried it? What do you remember?
BURNS: It seemed like, I don't know she told a lot of stories about going here, going there for alcohol within the last, over the last 24 to 48 hours and I don't recall if this information came from when I originally talked to her or while I was sitting in with detectives. It kind of just…information is meshing together.
RHODES: Okay.
BURNS: Um, but there were different stories about where the coat was and where she saw the gun being, but at that point in time when I was talking to her prior to the detectives arriving was he was wearing the coat that had the gun in the pocket and that was the information we had to go on.
RHODES: And was that information relayed to others at the scene?
BURNS: Um, I believe so. I believe they already knew that information.
RHODES: That's it, I don't have anything else that I can think of. SCOTT?
WESTERMAN: Yeah, when you made the comment that, where you said that the first text message that you were aware of was the one that she had already received from

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him and then she sent back to Mr. CAMPBELL, it said something to the effect that they want you come outside?

BURNS: Uh-huh.

WESTERMAN: Okay. Just want to make sure that this is really, really clear. Do you have any firsthand information, did you see, hear or understand from your observations at the scene that any member, including yourself, asked her to ask him to come outside?

BURNS: No, I have no idea where that information came from.

WESTERMAN: Okay. Um, did you give her any direction of what to tell AARON via text?

BURNS: I said not to text him.

WESTERMAN: Okay. Um, and then that information, the text messages and stuff like that were transferred to Officer BOYLAN who you subsequently learned transferred to other people and that was part of that communication?

BURNS: Once Officer BOYLAN came over to my location and I showed him the recent text message about don't make me get the gun, as he was walking away with it he immediately got on the radio and advised on the radio about that specific text.

WESTERMAN: Okay. But you specifically remember telling officers at the scene once you saw the text message to watch out for him he might be coming out?

BURNS: Correct. I advised officers at the scene that be aware he may come outside.

WESTERMAN: Okay. Um, while you were having your conversations with her, it seemed to me that she made it quite clear that she was afraid of him.

BURNS: Yes.

WESTERMAN: So, in other words, she did not want to go back into the apartment if he was there.

BURNS: Correct.

WESTERMAN: Okay. Um, and the only reason…no I'm not even going to go there. That's something that another person has come up with already, but in your mind when you were talking with her about maybe having a place, to go someplace else and things like that, those were all thoughts and ideas that were discussed with you. Do you remember having communications with anybody else about that conversation with her?

BURNS: The, that specific question, the response to the question about having somewhere else to go was directly given to Sergeant REYNA by Nextel.

WESTERMAN: Okay. So, the information that she doesn't want to go somewhere else because she's gonna have to face him eventually was given to Sergeant REYNA?

BURNS: As best as I can recall. It was in the same conversation that I alerted them about the details of the night prior.

WESTERMAN: Okay. I think that's it.

RHODES: Okay. Unless you can think of something else to mention, it's 1714 and we're gonna end the interview.

10b0004trs-burns
Transcribed 04/22/10 @ 12:30 p.m., Cathy Daley 0422cd04

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PORTLAND POLICE BUREAU
INTERNAL AFFAIRS DIVISION
Confidential Taped Statement
Investigator Lynn Courtney DPSST #13609

Interview Date: 05/13/2010
IAD #: 2010-B-0004
Complainant: Portland Police Bureau

Interviewed: Sergeant Jan Ellertson DPSST #23680

COURTNEY: Okay. This is Lynn Courtney with the Internal Affairs Division. Today's date is May the 13, 2010. The time is 4:11 p.m. I'm here in the Internal Affairs Division interview room speaking with SERGEANT JAN ELLERTSON of North Precinct, DPSST #23680. Also present is her PPA Representative, SERGEANT DOUG JUSTUS. And also present in this interview is my IAD partner, Sergeant CRAIG MORGAN. We're here discussing IAD Case #2010-B-0004 which is referenced by PPD Case #10-8325. SERGEANT ELLERTSON has been advised that her conduct and/or the conduct of any other bureau member present on January 29, 2010 at 12800 NE Sandy Boulevard is the subject of this investigation. SERGEANT ELLERTSON has reviewed information necessary to be reasonably apprised of the nature of the allegations of the complaint. SERGEANT ELLERTSON has been informed that she is a witness in the case, and that Captain EDWARD BRUMFIELD is in charge of the investigation. I have advised SERGEANT ELLERTSON that she could have representation present during the interview and SERGEANT DOUG JUSTUS is here in that capacity. SERGEANT ELLERTSON has been provided a copy of the Advanced Notice and Waiver Form and has signed it. SERGEANT ELLERTSON, under the authority of Captain EDWARD BRUMFIELD, I am ordering you to answer all of my questions fully and truthfully. If you fail to respond fully and truthfully, you may be disciplined up to and including dismissal. Do you understand?
ELLERTSON: Yes.
COURTNEY: Okay. If you would for me, just to start off, explain your current assignment, shift and days off.
ELLERTSON: I'm North, afternoon shift. I have Monday, Tuesday, Wednesdays off, and I work pre-relief, which, our shift, we have two different shifts of 3 p.m. start times and 4 p.m. I come in at 1400 hours, get both of the reliefs ready, and then I go home at midnight.
COURTNEY: Oh, okay.
ELLERTSON: Yeah.
COURTNEY: And was that your assignment on January the 29 of this year?
ELLERTSON: Yes, it was. I was pre-relief.
COURTNEY: Okay. And how long have you been employed by PPB?
ELLERTSON: Um, I'm in my 21st and a half year.
COURTNEY: And how long have you been a sergeant?
ELLERTSON: Four-and-a-half years.
COURTNEY: And how long have you been at North Precinct as a sergeant?
ELLERTSON: Um, since October 1st of last year.
COURTNEY: Okay. And as a sergeant at North Precinct on the afternoon relief, are you responsible, or are you assigned a certain geographical area within the precinct? Is that your detail?
ELLERTSON: We usually do.
COURTNEY: Okay.

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ELLERTSON: We usually do at the beginning of the shift. We separate out who is going to work where.
COURTNEY: And which area do you, do you have responsibility for?
ELLERTSON: Usually I'm in the center or towards the east, um, if Sergeant GORGONE or Sergeant REYNA are there, they work, like to work the St. Johns area because they are very familiar with that.
COURTNEY: Okay. And this incident under review here today involves a January 29, 2010, officer-involved shooting of AARON CAMPBELL. Um, were you working pre-relief that day?
ELLERTSON: Yes, I was.
COURTNEY: Okay. And how did you first become aware of the, the call out there at the Sandy Terrace Apartments?
ELLERTSON: Um, I was, I had told the other sergeants that I was going to be a few minutes because I needed to call a couple complainants back on complaints that I had had on my desk. I wanted to clear those up. But usually we go and have a cup of coffee, decide where we're going to work and meet with the Lieutenant and get all that together, because that's only usually one day a week that I meet, that I'm working the same shift as the Lieutenant. Um, so…
COURTNEY: And was this after the late relief roll call?
ELLERTSON: Yes, it was.
COURTNEY: The 4 p.m. roll call?
ELLERTSON: Yes, it was. Yeah, I think it was between 4:30 and 5; I was making those phone calls.

COURTNEY: Okay. And as you were making those calls, did you hear any request over the A, um, radio for a sergeant to come up on the air?
ELLERTSON: (phone ringing in the background. Okay. I'll just turn that off.) Um, I'm not sure. You showed me this call, and I'm not sure if this is the timeframe you're asking, was when this…it may have been referenced to this CAD.
COURTNEY: (papers rattling) Um, at some point you were on the phone returning calls to a complainant and, um…
ELLERTSON: If this, if this is the timeframe, then yes I did, and I said I was on the phone, and it was Sergeant WHEELWRIGHT, the one that took it over, according to this.
COURTNEY: Okay. And did you ever, um, call dispatch back or find out what they were trying to get you for after Sergeant WHEELWRIGHT spoke up for that call?
ELLERTSON: No. No, because he knew what I was doing. We try and cover for each other and take on those responsibilities.
COURTNEY: Okay. And then, as far as the Sandy Terrace call, what did you first hear about that call? What was the first, kind of, information you remember hearing about that incident?
ELLERTSON: After I got done with my complaints, I was heading down to get a cup of coffee, um, and meet with the Lieutenant and the Captain, BOB DAY, and CHRIS WHEELWRIGHT, um, because Sergeant BIRKINBINE was coming in a little bit late that day, and I remember hearing, um, them ask about maybe some AR's, those kind of things. So it sounded like the call was building up a little bit…
COURTNEY: Uh-huh.
ELLERTSON: …but not…
COURTNEY: Okay.
ELLERTSON: …not anything more than a regular call, but…
COURTNEY: Okay.

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ELLERTSON: So we knew something was going on. And I was paying attention to it because it was also on the east side, and that's usually the area that I would cover, and LIANI had taken that while I was dealing with some other stuff.
COURTNEY: Okay. So, um, I take it then you met the Lieutenant and Captain at a coffee shop.
ELLERTSON: Yes.
COURTNEY: And as you're doing that, are you still monitoring what's going on?
ELLERTSON: Oh, absolutely, yeah.
COURTNEY: Okay. And then, um, what happens next in respect to that call? Do you have any conversations with anyone at the scene?
ELLERTSON: Yeah, at...no, just...not, um...at the time, we meet at 15th and Fremont and the Sergeant, or excuse me, the Lieutenant and the Captain are already there. They're seated. I come in. CHRIS WHEELWRIGHT had gone into the restroom, I believe, and we mentioned that, you know, this is sort of picking up, it sounds like it's picking up a little bit.
COURTNEY: Uh-huh.
ELLERTSON: And I, and I had already bought coffee and sat down, and, um, and when CHRIS came back out, he said, yeah, I just tried to call LIANI. And I said I just put a phone call into her and asked her if she needed anything, and she said no. So there was a little bit of a lull there because I had called and...
COURTNEY: Okay.
ELLERTSON: Because that's what we usually do. We just go phone each other.
COURTNEY: So, when you made that call to Sergeant, um, REYNA, was that something you were directed to do by the Captain, or, or the Lieutenant? Or did you just...
ELLERTSON: No, no, we just do that. It's...yeah, because there's four of us working, or three of us working, we'll just...as it started to pick up a little bit, you know, do you need an extra body out there to help out. Because, you know, number one, geographically she might not know that area as well as somebody else, and, you know, just...it, it always is better oftentimes to have two of us on there, so that's why we just, I just called and to ask, and she said everything...you know, no, at that time.
COURTNEY: Okay. Any other, um, information that she related to you over the phone regarding the call?
ELLERTSON: No. It was, it was a quick...no. I got it.
COURTNEY: No. Okay. And then, um, as you continued to monitor the call, um, what ultimately, um, happens? Does it...do things, in your opinion, start to escalate? De-escalate?
ELLERTSON: I don't recall exactly what happened? All I know is that as we're hearing the conversations on the radio, whatever the radio, um, whatever the updates were, um, Captain (I keep wanting to say Sergeant DAY)
COURTNEY: Yeah.
ELLERTSON: Captain DAY, Captain DAY and Lieutenant Rodriguez, we were talking, and they, and, and Captain DAY said, well, you know, if it turns into something, you're going to have to take me back because if it's going to be a cold night, I'm going to need my jacket, kind of thing. We were just sort of playing light of it a little bit.
COURTNEY: Uh-huh.
ELLERTSON: But at the same time, listening to what was going on, and we all decided to go. And, um, and I can't remember exactly what happened to make us decide, let's just get going. Let's go out there.

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COURTNEY: Right.
ELLERTSON: And…
COURTNEY: And that was my next question. What caused you to…
ELLERTSON: You know, it's been so long, I can't tell you exactly what it was, but something. And so, CHRIS WHEELWRIGHT got up, and he said, I'll just run out there. And I said, okay, I'll watch your precinct. Because we had a Jefferson basketball game that was going on, and it was going to be sort of who's who amongst the gangsters there. And DON LIVINGSTON was there also, with his HEAT team on it. So I knew we had one other sergeant there.
COURTNEY: Right.
ELLERTSON: So he was going out there. Now, what I didn't know, and I don't know if WHEELWRIGHT knew this either, was that BIRKINBINE had come in. He was going to be a couple hours late. Well, he only ended up being, I don't know if it was a half hour late, whatever. But he got on. As soon as he logged on, he saw what was going on, so he went out there.
COURTNEY: Uh-huh.
ELLERTSON: So when CHRIS went out there,
COURTNEY: Right.
ELLERTSON: That's, that's why we had three people end up showing up out there.
COURTNEY: And did you ever receive respond to the scene out there?
ELLERTSON: No.
COURTNEY: Okay.
ELLERTSON: I took care of the precinct and the other, the other, other stuff going on.
COURTNEY: Nobody asked you…nobody asked you to respond out there.
ELLERTSON: No, no.
COURTNEY: Okay.
ELLERTSON: I just told CHRIS, just keep me informed because that…we, we usually do a very good job of talking to each other about what do you need, do you need anybody else.
COURTNEY: Uh-huh. And, how long have you worked around Sergeant REYNA?
ELLERTSON: Um, for…um, how many months have I been there? Eight months now.
COURTNEY: Okay. Have you worked around her previously in other situations?
ELLERTSON: When she was a, when she was an officer at North Precinct, or Northeast, back in the 90's.
COURTNEY: Uh-huh.
ELLERTSON: We were there together.
COURTNEY: And what was your opinion as far as, um, her ability to handle that situation? Um, did you feel confident she…
ELLERTSON: Yes.
COURTNEY: …had the resources and that she was…
ELLERTSON: It sounded like everything was going just like our normal calls. There was nothing that made us think that there was anything…
COURTNEY: Okay.
ELLERTSON: Except that we all, you know, give each other phone calls to say, hey, can we come and help out.
COURTNEY: Okay.
ELLERTSON: That was the only thing that was different.

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COURTNEY: Okay. Craig?
MORGAN: Just one clarification thing. I think, correct me if I'm wrong, I think you said that the first time that you really became aware of the call was driving to coffee, and you heard some updates about it. Um, get us an AR-15. The initial dispatch when officers were sent on a suicidal male, check on the female, check on the female and see if she has the children with her. That initial info. Do you remember copying that on the radio.
ELLERTSON: I do not remember that, no.
MORGAN: Okay.
ELLERTSON: I think…
MORGAN: (indecipherable, talking over each other)
ELLERTSON: I'm pretty sure I was on the phone at that time because I went, I went directly to the phones before leaving the office. I said, let me just get these done and out of the way, so we don't have to…
MORGAN: Uh-huh.
ELLERTSON: And it was…
COURTNEY: Right.
ELLERTSON: BOB DAY hadn't been there very long, and we wanted to go. And I went to the Academy with BOB, so I wanted to go and sit with him for a minute…
COURTNEY: Right.
ELLERTSON: …and welcome him, and, you know, I…I don't even know how long he had been there. Maybe a month, and so…
MORGAN: Okay. I just wanted to clarify…
ELLERTSON: Yeah.
MORGAN: …you hadn't heard those initial…
ELLERTSON: No, huh-uh.
MORGAN: the initial dispatch info. Okay, so…
ELLERTSON: And then I started getting the up, you know, then we started talking a little bit about what was going on.
COURTNEY: Okay. Anything else?
JUSTUS: No.
COURTNEY: Anything else?
ELLERTSON: No. That's it.
COURTNEY: Okay. Turning the tape off. It is 4:22 p.m.

10b0004int-ellertson
Transcribed 05/17/2010 / 4:00 p.m. Gayle Laird (0517gl06)

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TRAINING OBJECTIVES

1. The incident commander's responsibility is to develop the mission. It is the responsibility of secondary supervisors to know the mission and support the mission.

2. No independent action by secondary supervisors without advisement of the incident commander unless there is an immediate safety issue.

3. Higher ranking supervisors should not pull the incident commander out of their physical location unless there is a clear and articulable need to do so.

Submitted by Sgt Reyna
3/30/10

COPY

3-24-10

DATE: February 16, 2010

TO: Assistant Chief Brian Martinek
Operations Branch
(Through Channels)

DRAFT

Bureau of Police
Portland, Oregon
INTER-OFFICE MEMORANDUM

FROM: Sergeant Liani Reyna
North Precinct, Afternoon Relief

SUBJ: Officer Involved Shooting/ SERT-HNT Callout

INITIALS AND DATE:
Sergeant: LMR 3/4/2010 3/4/2010
Lieutenant: OR 03/08/2010
Commander:
Training Captain:
Assistant Chief:

Officers involved:

Officer Ronald Frashour # 40927	AR-15 Operator (Lethal Force Used)
Officer Ryan Lewton # 34674	Less Lethal Operator (Bean Bag Used)
Officer Jeff Elias # 29338	K-9 Handler (Dog used)
Officer John Boylan # 41756	Primary Officer/ Custody team
Officer James Quackenbush # 36875	Communications
Officer Tyrone Willard # 47105	Custody Team
Officer David Kemple # 39589	Custody Team
Officer Justin Burns # 47103	VI Handler
Sergeant John Birkinbine # 29351	Assistant to Incident Commander/ Negotiations
Sergeant Liani Reyna # 28925	Incident Commander
Lieutenant Derek Rodrigues # 37149	Responded to Scene
Captain Robert Day # 23474	Assumed Incident Command/ Activated SERT

Case Number:
10-8352

Date and time occurred:
January 29, 2010 4:22 p.m.

Location of occurrence:
Sandy Terrace Apartments
12800 NE Sandy Boulevard # 37

Injury sustained:
Suspect Deceased

Narrative:
On Friday January 29, 2010 at 4:22 pm North Precinct Officers John Boylan and James Quackenbush were dispatched to a welfare check at the Sandy Terrace Apartments located at 12800 NE Sandy Boulevard Apartment 37. The call came from family members who were concerned about the welfare of a female whose boyfriend tried to kill himself earlier, was armed with a gun, and possibly wanted to commit suicide by cop. The family members conveyed concern they had not been able to contact the female half who also had 3 children. While en route to the call, Dispatch updated responding officers the male half was distraught over the recent death of his brother. Dispatch updated officers the male half was flagged resists arrests and domestic violence. Dispatch included the male half's PPDS record which showed prior arrests for attempted murder with a handgun. Officers Bocchino and Gryphon attached themselves to the call after this last update. Officer Ryan

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.Lewton also responded and assisted Officer Boylan with containment of the apartment. Officer Lewton requested for a supervisor to respond. I acknowledged and started toward the call location from North Precinct.

While I was in route, Officers worked to contain the location and attempted to have BOEC request the female half's cell phone be pinged. Dispatch was working with the cell phone company to ascertain the female's location. I arrived at the location and saw Officer Boylan speaking with female's father. Officer Boylan reported to me the male half was anti-police and had a history of attempted murder. Shortly thereafter, the female half emerged from the apartment. The female's eyes appeared wider than normal as she spoke with us about her boyfriend. The female half appeared hesitant to speak with us and informed us police presence would escalate her boyfriend. I was very concerned about the safety and welfare of the three children. The female half told me her children were between the ages of 2-5 years old, and they did not have clothes on at this time since the family had been sleeping. Two of the children belonged to the male half.

My primary concern at this point was the lives and safety of the three children and of the male half. According to PPDS and witness statements, the male half had a violent history; he reportedly attempted suicide the night before, he had access to a gun, and he was emotionally distressed over the loss of a family member. All these elements elevated the threat level of this individual. I assumed incident command at this time. Myself, Officer Lewton, Officer Quackenbush and Officer Boylan created a tactical plan to contain an outer perimeter, to establish a custody team, and to employ Officer Quackenbush to make telephone contact. Part of our plan was the use of an AR-15 to provide long cover front and back. We also requested the use of a canine unit to prevent escape and as a less lethal option. I also instructed Officer Lewton to retrieve his less lethal shotgun. Officer Burns was assigned to the female half to provide intelligence. Nothing at this time indicated the children were being held hostage. Officer Boylan reported in his detective interview his understanding of the mission was to attempt contact with the male half, and if he came outside we were going to take him into custody. If the male half did not want to come out, but expressed he did not want to hurt himself, then the plan was to leave.

I initially deployed with my AR-15 on the custody team once we had all resources in place, I ordered the first tactical maneuver which was to attempt telephone contact with the male half. I was told by Officer Quackenbush the male half hung up the phone. During additional attempts to contact the male half, we were informed via radio broadcast he sent a text message stating, "Don't make me get my gun, I aint playing." This statement further elevated my concerns about this man's mindset to harm himself. Officer Frashour arrived with his AR-15 and was directed to my location with the custody team. I briefed Officer Frashour on the situation up to that point. I moved to the alcove with Officer Boylan and Officer Quackenbush to discuss the next strategy. Sergeant John Birkinbine arrived an hour after the call began, and joined us in the alcove.

Sergeant Birkinbine, who I know to be a trained hostage negotiator, then attached himself to Officer Quackenbush. According to Sergeant Birkinbine's detective interview he offered himself as a sounding board to Officer Quackenbush in case the call turned into a SERT and HNT response. According to Officer Quackenbush's detective interview, Officer Quackenbush made telephone contact with the male half and expressed his concern about his welfare and expressed sorrow for his loss. Officer Quackenbush went as far as to share a personal experience to build rapport with the male half. The male half told Officer Quackenbush he just wanted to be left alone. Officer Quackenbush told the male half he was concerned about the welfare of the children at which point the phone went dead and immediately after, the kids came out. The children were secured by officers, and I directed officers to have the children removed from the apartment complex a safe distance away. Sergeant Birkinbine reported in his interview with Detectives he heard Officer Quackenbush inform the male half "we are not here to arrest you." Sergeant Birkinbine also reported to Detectives he overheard the conversation between Officer Quackenbush and the male half that the police were not going to be able to leave until the police knew the children were safe. Sergeant Birkinbine reported to Detectives the male half hung up the phone and immediately afterward the children emerged. Sergeant Birkinbine told Detectives it was obvious the children were instructed to look for and go straight to the police. While Sergeant Birkinbine worked with Officer Quackenbush at one end of the alcove, I worked with Officer Boylan at the entrance of the alcove. Officer Burns was with the female away from the scene. I asked Officer Boylan to contact Officer

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Burns and gather more information from the female. I was actively engaged with Officer Boylan and was monitoring the custody team.

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After the children left the scene we discussed our next strategy. I instructed Officer Quackenbush to text message the male half and have him assure us he would not harm himself. Officer Quackenbush did so and told me the male half responded, "never" indicating he did not want to harm himself and even joked about our ability to use text messaging. I broadcast over the radio we were having positive communication. I told the officers in the alcove we were almost done. At or around this point in time, Captain Robert Day and Lieutenant Derek Rodrigues arrived on scene. I asked Officer Quackenbush to text the male half and have him promise us he would not harm himself and then my plan was to pull back the custody team and break down the perimeter. Officer Quackenbush reported in his detective interview, he sent the text, "Can you promise me you won't hurt yourself?" I waited for a response from the male half before issuing an order to the custody team to pull back.

While waiting for a response from the male, Captain Robert Day ordered me over the radio to come to his location. Sergeant Birkinbine heard the direction and told me, "You better get going." At approximately 17:58 hours I left the alcove and reported to Captain Day's location. I took a telephone call from Officer Burns updating me about the male half pointing a gun to his head the night before and pulling the trigger 4 times. The gun did not go off so the male half pointed the gun in the air and the gun fired. This information was reported from the female half to Officer Burns. Despite this new information, I still felt it would be a prudent course of action to leave. I began to brief Captain Day and I informed him of our decision, and included this new information. Lieutenant Rodrigues gave his opinion that we should stay on the call, and Captain Day weighed the two options. According to Officer Quackenbushes' interview with detectices, while I was briefing Captain Day, the male returned Officer Quackenbush's text message and asked Officer Quackenbush why he was not calling him on the phone. Sergeant Birkinbine instructed Officer Quackenbush to make phone contact with the male half and ask him to come outside to talk. Officer Boylan, Officer Frashour, and Officer Lewton, all reported to detectives the male half emerged from the apartment without warning. At approximately 18:07 hours I was still briefing Captain Day and Lieutenant Rodrigues when I heard officers report the male was coming out.

According to Officer Lewton's interview with detectives, Officer Lewton began issuing the male commands. Officer Lewton stated the male was non-compliant and issued him a verbal warning to the effect of, "do exactly as we say or you will be shot." The male responded with, "Go ahead and shoot me." Officer Lewton ordered the male to put his hands up and when the male did not do as instructed, Officer Lewton fired his bean bag gun. Officer Lewton reported the first round was fired to gain compliance and when the round struck, the male dropped his hands. Officer Lewton reported the male then made a move to run and did not make a move to go down to the ground. Officer Lewton fired his bean bag gun again and reported the second round had "zero effect." Officer Lewton lost sight of the male's hands and fired more bean bag rounds at the male's buttocks. Officer Lewton remembered firing 6 rounds of bean bags which did not achieve the desired result of compliance.

In Officer Elias' interview with detectives, Officer Elias described the situation as volatile. Officer Elias heard the warning issued to the male to put his hands up or he would be shot. Officer Elias heard the male respond, "Fucking shoot me." The male did not put his hands up and was shot with the bean bag gun. Instead of going down, Officer Elias saw the male running away at which point he ordered his dog to grab the guy. Officer Elias stated he sent the dog with the purpose of preventing the male from gaining a tactical advantage or going back to the car or the apartment where he could shoot at the police.

uring Officer Frashour's interview with detectives, Officer Frashour said, "I saw the subject come out and he came out walking, but very quickly and very determined." Officer Frashour remained focused on the male and said he heard commands being issued, but could not remember specifically what was being said. Officer Frashour described activating the light on his AR-15 and hearing Officer Elias' dog barking. Officer Frashour reported the male's tone of voice as being aggressive and hostile. Officer Frashour reported seeing the bean bag

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rounds hit the male causing him to stutter step forward. Officer Frashour reported all of a sudden the male reached his left hand straight down the middle of his back into the middle of his waistband. Officer Frashour reported he thought the male was pulling out a gun. Officer Frashour further believed the male was moving to hard cover and would shoot at police. Officer Frashour shot the male one time with his AR-15. Officer Frashour saw the male go down and broadcast over the radio, "lethal force, shots fired."

According to Sergeant Birkinbine's interview with detectives, Sergeant Birkinbine heard the commands being issued by the custody team, he heard the bean bag rounds being fired, and he heard the lethal round fired. After seeing the male go down, Sergeant Birkinbine left the alcove and went to the custody team. Sergeant Birkinbine broadcast for medical to stage. Officer Elias, Officer Lewton, and Sergeant Birkinbine discussed the possibility of approaching the male. Officer Elias expressed concern about not seeing the male's hands, but was willing to approach the male and take him into custody. Officer Lewton recommended activating SERT. Sergeant Birkinbine ultimately recommended activating SERT.

I was standing next to Captain Day when Sergeant Birkinbine called him on the telephone and discussed the activation of SERT. I ordered the closing of NE Sandy Boulevard at the direction of Captain Day. I was present when Captain Day assumed incident command and activated SERT. I assisted Captain Day with coordinating resources, and with the command post briefings. SERT responded, took the male into custody, and SERT medics declared the male deceased. Lt. Rodrigues coordinated the crime scene and post shooting procedures.

DRAFT

Attachments:

CAD Printout

Noted Lt. D. Rodrigues, #37149 03/08/10
Refer to attached memo by this officer.

COPY

DATE: February 12, 2010

TO: Commander James C. Ferraris
North Precinct

DRAFT

FROM: Captain Robert Day
North Precinct

Bureau of Police
Portland, Oregon
INTER-OFFICE MEMORANDUM

SUBJ: Officer Involved Shooting NE 128th and Sandy

On January 29, 2010 at about 1620 hours I was leaving North precinct with Lt. Rodrigues. I was working late with the intent of meeting with the afternoon relief supervisors. I was wearing civilian clothing Lt. Rodriquez and I were going to the Starbucks coffee shop at NE 15th and Fremont. We were to meet Sergeants Reyna, Wheelright and Ellertson. I took my handheld radio with me. As we left I heard a call about a possible suicidal boyfriend, it was unknown if he was present or not, somewhere on NE Sandy Blvd. I rode with Lt Rodrigues to the coffee shop. I heard some radio traffic that the information was second hand and they were not sure if anyone was in the target apartment. We arrived at Starbucks, Sgt Wheelright and Sgt Ellertson arrived in that order a few minutes later. Sgt. Reyna did not arrive at Starbucks; I assumed she had gone to the call.

At about 1645 I heard officers request a sergeant to the scene. That was when Sgt. Reyna said she was going out there. I also heard an officer ask BOEC to "ping" the cell phone. I know from my experience that efforts to identify a cell phone location are dependant upon several factors including the cell carrier, recent activity, and if the phone is on. I also know that a cell phone ping can take 15-30 minutes to receive information back. I was assuming that the officers were waiting for that information before taking any action because they still did not know what or who they were dealing with. Around 1700 hours BOEC broadcasted the cell tower information was in the area on NE 143rd and Airport Way, but not specific. Sgt. Ellertson called Sgt Reyna sometime during our conversation and asked if she needed any help on the NE Sandy call. When she hung up Sgt Ellertson said Sgt. Reyna told her she was fine and did not need anything. At about 1722 hours I heard Sgt Reyna say they would be setting up for a loud hail. Lt. Rodrigues and I agreed he would return me to the precinct and he would then go out to the scene. Prior to this BOEC had maintained normal radio traffic and there was no indication that this incident had escalated.

During our return to the precinct I heard, I heard Mr. Campbell was texting his girlfriend asking "...what's going on... don't make me get my gun I am not playing" and I heard the children were out and secure. Assistant Chief Martinek called me just as I arrived at North Precinct at 1735 hours. He asked if I was on scene or was I aware of the call. . I went to my office, picked up my uniform coat because it was cold and raining, and as I was leaving AS1 Karen Coughlin approached me with a question. I told her to walk with me as I was exiting the precinct and could not stay to talk. She walked a short ways with me and then I went to the parking lot.

At 1742 hours I asked over the air for a safe route into the location. An officer broadcast to go Marine drive then NE 122nd to Sandy. Once I confirmed the address I drove code 3 via NE Killingsworth, to NE Columbia to NE Sandy. As I was responding I heard a request for drug or alcohol information on Mr. Campbell. I know this to be a common question we ask to help determine what impact drugs may have on a person in crisis. I took this to mean officers were communicating pertinent information and thinking about things that are covered in Crisis Intervention Training like contributing factors to the crisis.

I was on scene at 1751 hours. I saw several police cars, a couple of officers in the back of the apartment but I did not see the contact team in front of the apartments. I walked up a sidewalk eastbound near the complex, stopping short of the driveway. I could see some cars and an apparent custody team in the parking lot. I was not wearing a bullet proof vest and chose to stay around the corner out of sight from the apartment entrance.

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I heard Lt Rodrigues request Sgt. Reyna call him as he was delayed. I could see some people gathering near the driveway which left the rear part of the custody team vulnerable. I asked for additional cars to handle these people. Lt. Rodrigues arrived at 1758 hours. During this time I heard Sgt. Reyna broadcast that there was positive communication going on. I requested Sgt. Reyna and the officer doing the texting to meet me around the corner. Only Sgt. Reyna came and Lt. Rodrigues joined us at about the same time.

Sgt. Reyna told me that everyone was out of the apartment, no crime had been committed, the girlfriend and kids were secure and her initial recommendation was that we could possibly leave. During this briefing she received a phone call from the officer who was with the girlfriend. It was during her phone call I called and briefed Commander Ferraris. This was at about 1804 hours according to my Nextel. Sgt. Reyna told me the call she had just received confirmed that Mr. Campbell did have a gun the night before and had dry fired it towards his head then shot a live round into the air.

Lt. Rodrigues told me that he had concerns about walking away from this call. He felt there was enough risk to the community and the girlfriend that we should stay and try to resolve this situation. It was also during this part of our conversation that we heard the blinds were opening and he was looking out.

I asked Sgt. Reyna if any officers had actually talked to Mr. Campbell not just text. I have participated in text negotiations before I knew that the message being sent is only words and does not necessarily reflect the subjects true mental state, attitude or level of cooperation. I also said again I wanted the officer talking to Campbell to be near us. Before she could answer my questions or give any more direction, it was broadcasted that Mr. Campbell was coming out; that was at 1807 hours.

I listened to comments over the radio, but I could not hear commands by the custody team. I assumed Sgt. Birkinbine was in charge of the custody element. I heard the less lethal shotgun fire and I knew it was not lethal rounds. Sgt. Birkinbine confirmed it was less lethal. I heard five (5) quick shots in a row then a loud boom and then another lesser round similar to the first. I assumed the louder sound was a lethal fired shot. This was confirmed via radio at 1808 hours. Sgt. Birkinbine gave clear commands for medical to stage. Family members arrived at the parking lot entrance minutes after the shots were fired. Sgt. Reyna asked for more cars to help with the scene and I asked for extra cars to help with the family. According to my Nextel I called Commander Ferraris and told him to respond immediately for an officer involved shooting. I assumed command of the scene a few minutes later, it is not reflected in the call but I assume it was around 1810-1812 hours.

I asked Sgt. Birkinbine over the air if he could effect custody. He did not respond. I asked for him again but then I saw he was on the phone looking at me and I knew he was calling me; this was at about 1813 hours. I could see the police cars but for safety reasons I did not go around the corner and observe the entire scene. He told me they could not safely take Mr. Campbell into custody. He told me Mr. Campbell was lying in a dark area, his hands were concealed and he did not know if he was armed. I challenged him to really consider all his options. He told me this was not something we would "typically do"; he said if I ordered him he would do it but he was not comfortable with the attempt. I told him I would activate SERT.

I gave Sgt. Reyna directions to create a staging area, 1816 hours, I called Commander Ferraris and told him I was activating SERT and requested SERT at 1818 hours. It was also during this time that Officer Frashour was removed from the scene, his rifle was secured in a police car by Lt. Rodrigues and he was partnered with another officer in a different car. There were two patrol cars in the driveway complex we knew needed to be moved so that SERT could approach immediately with armor. We had those cars moved and then I walked with Sgt Reyna about a block west in anticipation of SERT and establishing a larger command post.

Sgt. Wheelright was on scene and I asked him to help with security. Sgt. Resch, Frashour's direct supervisor was also on scene from East Precinct but I am not sure what role she took. I knew Officer Frashour was from East and I assumed she was there to check on him.

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When Commander Ferraris arrived I told him my mission was for SERT to immediately take Mr. Campbell into custody and clear the apartment. He agreed with that plan and told me I still had command of the incident but he was available if I needed his input.

CIC Benson arrived about the same time. SERT had enough personnel to complete the mission. CIC Benson agreed with the direction and SERT took five (5) operators, and a medic, and took Mr. Campbell into custody; he was pronounced dead at the scene. The apartment was cleared and the scene turned back over to North Precinct at 1858.

I told Lt. Rodrigues over the air he was to begin preparing the crime scene for detectives and no officers could leave until Sgt. Reyna briefed them. I went back to the parking lot and saw that a crime scene log was established. An inner and outer perimeter was identified; we made sure all witness officers had been partnered up. It was at this time we learned that Officer Lewton, Less Lethal operator, had been left with the custody team and probably should have been removed sooner.

Afternoon detectives and homicide was there and I turned the investigation over to Commander Crebs of the Detective Division.

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DRAFT

DATE: February 15, 2010

TO: Commander James C. Ferraris
North Precinct
(Through Channels)

FROM: Lieutenant Derek Rodrigues
North Precinct, Afternoon Relief

Bureau of Police
Portland, Oregon
INTER-OFFICE MEMORANDUM

DRAFT

DRAFT

SUBJ: Officer Involved Shooting - Sandy Terrace Apartments

On January 29, 2010, at 1622 hours, I heard, via my portable radio, officers being dispatched to a welfare check at the Sandy Terrace Apartments. Officers were sent to check on one Angie Jones and her three (3) children as a result of her boyfriend, Aaron Campbell, possibly being suicidal after the death of his brother earlier that day. Sergeant Liani Reyna, along with several other Afternoon Relief officers, responded to the scene.

At about this time I was driving an unmarked Bureau car, with Captain Day in the passenger seat, to a Starbucks located at NE 15th and Freemont for a sit down coffee meet along with Afternoon Relief Sergeants Chris Wheelwright and Jan Ellertson who arrived there a few minutes later. It is my estimation that I arrived at the Starbucks at about 1630 hours.

While sitting with Captain Day, Sergeant Wheelwright and Sergeant Ellertson, I continued monitoring the status of the call to include my evaluation of how Sergeant Reyna was supervising the scene. Prior to actually arriving on the scene, I was aware of the following information as it relates to this incident:

- Sergeant Reyna was the lead supervisor on scene.
- Responding officers set up an inner perimeter around the apartment complex.
- Sergeant John Birkinbine arrived on scene to assist.
- Officers were attempting to locate the girlfriend, as such, a request to "ping" the girlfriend's cell phone was made and as a result, the phone was present and moving somewhere in the area.
- The girlfriend came out of the apartment in question and appeared to be fine.
- Three (3) small children exited the apartment.
- Cell phone/text communication was had between Officer Quackenbush, and Mr. Campbell

At some point, either just prior too or after Ms. Jones and her children exited the apartment, Captain Day told me that if this incident turned out to be a SERT call out, I would need to drop him off at North Precinct first. After information came over the radio that Mr. Campbell responded to his girlfriend's request for him to come outside by telling her (via text message) he was not playing and "don't make me get my gun" I headed to the call (this was at about 1730 hours). After dropping off Captain Day at North Precinct and logging onto my MDC, I proceeded to the scene (1740 hours per CAD printout). As I drove code to the location (still North on MLK at about Dekum), I heard Captain Day ask over the radio for a safe route in, at which point an officer responded by saying Marine Drive and 122nd Avenue which was the route I chose to take. This delayed my arrival as I should have taken Columbia which was the route taken by Captain Day who arrived on scene seven (7) minutes before I did.

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While in route, I telephoned Sergeant Reyna to let her know I was responding, and to get a status check of the situation. Sergeant Reyna advised me that things seemed to be going good in that Officer Quakenbush was in communication with Mr. Campbell via cell phone, and received a text from him (Campbell) commenting something to the affect about it being cool that that the police could text also. My conversation with Sergeant Reyna was very brief and concluded after she told me she had to go.

After arriving on scene (1758 hours per the CAD printout), I observed Captain Day standing alone along the Southwest side of the apartment complex, which was about thirty (30) to forty (40) feet out of site from the custody team. While with Captain Day, he advised me that citizens were beginning to walk up and about the area near where we were situated and needed to be redirected. After redirecting these citizens out of the area, and stopping the driver of a vehicle wanting to enter the driveway of this incident which was already blocked off by a patrol car, I returned to Captain Day's location, and then telephoned Sergeant Reyna once more to get another status check. While on the phone with her, Captain Day told me to have Sergeant Reyna make her way to our location so she could apprise us in person.

Once at our location, I asked Sergeant Reyna what the status of the situation was to include if there were any criminal charges had on Mr. Campbell. Sergeant Reyna advised that there were no criminal charges and that this was a situation in which she felt we should walk away from. However, before she could expound further, she received a call on her cell phone. It was at about this time I recalled telling Captain Day that based on the information we had at the time, I felt that as a matter of public safety, we could not walk away and at a minimum, we could possibly leave a couple of officers in the area to monitor the apartment should Mr. Campbell decide to leave at a later time. Just as I asked Captain Day what his thoughts were, Sergeant Reyna concluded her phone call and said something to the affect that things have just changed in that she just received information that Mr. Campbell had attempted to shoot himself the day prior by pointing a gun to his head and pulling the trigger like "Russian Roulette."

Almost immediately, information came out over the radio that Mr. Campbell was exiting the apartment. I could then hear an officer giving loud verbal commands for Mr. Campbell to keep is hands up which was followed a few seconds later by several loud shots. I heard over the radio that the bean bag was deployed, shots fired, and then that the subject was down.

Post Shooting:

Several minutes after the shooting, I observed Officer Ronald Frashour #40927, walking out of the custody area. I met with Officer Frashour and asked if he used lethal force during this incident, and he responded, "Yes." I asked him if it was the weapon he had slung over his shoulder (AR-15), he said "yes." I then had him place the weapon in the trunk of one of the patrol vehicles parked along NE Sandy, and after securing it, advised him to not discuss what occurred with anyone other than his attorney, union representative, or immediate supervisor. I then partnered him with an uninvolved officer and assigned them to one of the patrol vehicles.

COPY

Post Shooting: (continued)
As Captain Day made notifications (refer to Commander Day's memorandum), and we awaited the arrival of the SERT Team, I stood by and monitored the custody team officers. This included me asking Sergeant Birkinbine if he felt his custody team needing to be replaced, at which he responded to me that they were fine, and wished to remain at their positions. I also notified the North Precinct desk clerk to page out CRT Officer Marci Jackson to respond to the scene.

Once members of the SERT Team concluded the custody of Mr. Campbell, Captain Day deemed the area to be secure (1858 hours) and instructed me to coordinate the crime scene. Once Sergeant Wheelwright arrived at my location, I assigned him as the lead supervisor of the inner perimeter responsible for making any needed personnel assignments including establishing an outer perimeter staging area.

Although there was an initial delay in cordoning off the inner perimeter due to the number of witness officers, six (6) total, having to be partnered with uninvolved officers who had not yet arrived, this did not in anyway compromise the integrity of the crime scene in that the first arriving officer (from East Precinct), immediately upon his arrival established a Crime Scene Log and documented all personnel who had been inside, and who were about to enter the inner perimeter.

I remained at the crime scene for the duration of the detective's investigation, clearing at 0111 hours.

COPY

DATE: March 9, 2010

TO: Assistant Chief John Eckhart
Investigations Branch
(Through Channels)

FROM: Sergeant Terry Kruger
Special Emergency Reaction Team

SUBJ: After Action Report – SERT Call-Out

Bureau of Police
Portland, Oregon
INTER-OFFICE MEMORANDUM

Initials
Lieutenant: 3/9/10
Commander: 3-10-10
Incident Cmdr _____
A/C: _____

DATE AND TIME OCCURRED: January 29, 2010 / 1819 hours

LOCATION OF OCCURRENCE: 12800 NE Sandy Blvd. #37

OFFICERS INVOLVED: See Below Listed Personnel

NARRATIVE:

On January 29, 2010 at 1819 hours, North Precinct activated SERT to approach a subject who was shot by police and was now down in front of a vehicle. The subject was reported to be suicidal and believed to be armed. Because of the subject's location, uniform officers were unable to approach the subject safely. While en route to the location, North Precinct Captain Day (the on scene Commander), came up on the SERT radio net and gave SERT the mission to approach the downed subject as soon as possible. While still enroute I broadcast for the first five SERT Officers that arrive with access to a shield, to go forward and approach the subject if safe to do so. As it turned out, I was the fifth SERT Operator to arrive. I observed that the SERT armored BEAR truck had also arrived. I immediately boarded the BEAR truck with four SERT Operators and one SERT Fire Medic and drove to the downed subject's location. Using a ballistic shield, I and the four Operators approached the downed subject. I could see that the downed subject had his right hand underneath his body out of view in the waistband area. I gave verbal commands to the subject to bring his hand into view. There was no response from the subject. With the protection of the shield team I approached the subject and pulled his hand out from underneath his body. I instructed SERT Officer J. Harris to handcuff the downed subject and I frisked the subject for weapons. I then ordered the SERT Medic forward to check the welfare of the subject. After examination, Medic Bregman determined that the subject was deceased. I informed Command and was given the mission to clear apartment #37 for any additional persons. I ordered two additional SERT Operators to my location and sent the clear team inside. No additional persons were found inside.

Upon clearing apartment #37, a citizen emerged from out of the apartment complex and attempted to run inside apartment #37. The subject was stopped by SERT Officers and escorted out of the crime scene, where he was handed off to Uniform. The crime scene was then secured by the SERT Operators until relieved by Uniform Officers.

COPY

CONCLUSION:

This incident required immediate action and the main mission for this incident was approved prior to SERT arrival. The SERT Operators involved responded quickly and safely. The SERT armored BEAR truck had been driven to the scene by TOD Officer Hubert and SERT continued to utilize Hubert for the mission.

The below listed overtime rate reflects a full team SERT activation. The first six SERT Officers listed on the PERSONNEL table below were the only SERT Officers utilized to perform missions during this activation; the remaining personnel arrived on scene after deployment of the mission team, or were canceled en route.

COSTS: About $5457.92

1 Sergeant @ $57.72 (OT rate) x 4 hours = $230.88

26 Officers @ $50.26 (OT rate) x 4 hours = $5227.045

PERSONNEL		
COMMAND STAFF	**SERT OFFICERS**	**SERT CANINE**
Capt. D. Benson (CIC)	G. Barbour	S. Gore
Capt. Day (North)	J. Harris	J. Dorn
Lt. R. Alexander (SERT)	C. Daul	
Lt. McGranahan (SERT)	C Gradwahl	
Sgt. T. Kruger	K. VanBlokland	
	M. Mudrick	**SERT INTEL**
		C. Kent
	XXXXXXXXXXXXX	N. Nelson
	J. Darby	
	N. Frankus	
	T. Forsyth	
	K. Frazier	**SERT MEDICS**
	L. Harris	S. Bregman
	J. Howery	
	J. Hurley	
	P. Mahuna	
	P. McConnell	
	P. Meyer	
	S. Reasor	
	A. Shearer	

COPY

M. Smith	
M. Stradley	
D. Wilcox	
L. Wingfield	
J. Churella	
R. Corno	

ATTACHMENT(S): CAD printout for SERT, Incident PPB#10-01291387

COPY

/1833 ASSTER 9820 #15398 BRUMFIELD, EDWARD R
/1832 ASSTER 4980 #43481 CHAPMAN, MICHAEL A
/1831 ASSTER 3550 [SANDY TERRACE APTS #37 12800 NE SANDY] #11928 UNSWORTH, MICHAEL F
/1831 ASSTER 9650
/1831 ASSTER SERT2
/1831 ASSTER SERT1 #OFFICER NAME UNKNOWN
/1830 ASSTER SERT74
/1830 SUPP (SV1) SUBJ OF ISSUE IS AARON CAMPBELL 090784, BM 26, 507, MED, THIS STEMS FROM BROTHER DYING AND HIS DISTRESS OVER THAT
/1830 ASSTOS SERT35
/1830 ASSTER K95 [DELAYED] #29094 DORN, JEFFREY P
/1830 ASSTER K91 #27836 GORE, SHAWN A
/1830 MISC ,SUBJ SHOT, WENT DOWN, NO MOVEMENT, CANT GET CLEAR VIEW OF HANDS
/1829 SUPP (SV1) ADVISE ON YOUR NET, COMMAND POST EAST OF FIRE TRUCKS ON SANDY
/1829 ASSTER 9960 #23999 UEHARA, CHRIS T
/1829 CBLINK 9601 ,ADVICE ON SERT CHANNEL...COMMAND POST EAST OF FIRE TRUCKS ON SANDY
/1829 ASSTER 9651 #28648 ALEXANDER, RONALD B
/1828 ASSTER 4596 #OFFICER NAME UNKNOWN
/1828 ASSTER 4990
/1828 MISC ,SERT VAN AND BOTH PIECES OF ARMOR PICKED UP
/1828 ASSTER SERT44
/1828 ASSTER 1555 #29986 COLLINS, STEVEN A
/1828 ASSTER SERT25 #32384 DARBY, JAMES P
/1827 CHGLOC 4576 [GETTING HNT VAN]
/1827 SUPP (SV1) ****SAFE ROUTE IN****FROM THE WEST ON SANDY BLVD, COMMAND POST IS AT 125/SANDY
/1827 ASSTER 4576
/1827 ASSTER SERT12
/1827 ASSTER SERT73 #12686 KENT, CATHERINE A #41048 PRICE, JEREMY D
/1827 MISC ,COME IN FROM WEST ON SANDY
/1826 CHGLOC SERT31 [HAS VAN AND BEAR TRUCK]
/1826 ASSTER SERT31
/1826 ASSTER 3815E #28653 SIMPSON, PETER B
/1825 ASSTER 4525
/1825 ASSTER SERT36
/1825 ASSTER SERT42
/1825 ASSTER SERT11
/1825 ASSTER 6576
/1825 ASSTER SERT32
/1825 ASSTER SERT33 #18761 MUDRICK, MAURY J #27242 SHEARER, ANDREW T #24189 WILCOX, DENNIS N
/1825 DISPER SERT26 #26660 VANBLOKLAND, KELLY C
/1825 CONTRL GRP: TB --> TD
/1824 CONTRL GRP: NO --> TB
/1823 CROSS #PP1001291387
/1823 CPYTXT ,CK ON ANGIE JONES, 23 FB... HAS 3 KIDS.. SUICIDAL BOYF TRIED TO 55 HIMSELF EARLIER.... UNK IF HE IS THERE OR NOT, ...NOW NOT HEARING FROM ANGIE BOYF IS ARMED W/GUN... T/WELCK COMPL: SHERRY STEWART, [162/STARK], (503 847 0697)Loc Ph:503 367 0365
/1823 COPY ,FOR SERT ACTIVATION

COPY

/1908 ONSCNE SERT51
/1908 ASSTER SERT51
/1907 ASSTOS SERT34 #34584 HARRIS, JASON A
/1906 ONSCNE SERT2
/1902 MISC ,GOT FAMILIY MEMBER OUT OF LOC, NEED UNIFORM TO COME TAKE OVER CRIME
ENE
/1901 MISC ,STANDING DOWN AND RETURNING VAN
/1900 CLEAR K91
/1900 SUPP (SV3) TXT: NEED UNIFORM UP TO CRIME SCENE FOR FAM MEMBERS, LOC: SA
NDY TERRACE APTS #37
/1900 SUPP (SV3) TXT: FAMILY MEMBERS SHOWING UP AT CRIME SCENE, ALL SERT FOLK
S NOT INVOLVED CAN BE CLEAR, LOC: SANDY TERRACE APTS #37
/1859 MISC ,ANY SERT UNITS NOT ARRIVED CAN STAND DOWN
/1859 OK 9802
/1859 ASSTER SERT14 #OFFICER NAME UNKNOWN
/1857 ONSCNE SERT1
/1857 NEWLOC 9651 [COMMAND POST APT CLEAR]
/1857 SUPP (SV3) TXT: APT CLEAR, LOC: SANDY TERRACE APTS #37
/1856 ONSCNE SERT25
/1855 ASSTOS SERT43
/1855 MISC ,MAKING ENTRY TO THE APT NOW
/1854 SUPP (SV3) TXT: SERT CLEARING THE APT NOW, LOC: SANDY TERRACE APTS #37
/1854 CBLINK 9603 ,CAN YOU REPAGE AFTDET TO CALL 9603'S CELL TO COORDINATE RESPO
NSE?
/1854 MISC ,CLEARING THE APT NOW
/1854 SUPP (SV3) TXT: SUSP IS 10/79 PER SERT, LOC: SANDY TERRACE APTS #37
/1853 ASSTOS SERT22 #26712 CORNO, RUSSELL J
/1853 ONSCNE SERT73
/1852 ONSCNE 3550
/1851 ONSCNE SERT26
/ 1 MISC ,HAVE 6 PEOPLE READY, SEND 2 UP
/1850 MISC ,CLEAR THE APT
/1850 ONSCNE 9820
/1849 ONSCNE SERT11
/1848 ASSTOS 9751 #10949 MCGRANAHAN, THOMAS T
/1846 MISC ,HAVE ENOUFH
/1846 ONSCNE 1555
/1846 MISC ,PULLING FORWARD
/1845 ASSTOS SERT16 #OFFICER NAME UNKNOWN
/1845 ASSTOS SERT41
/1844 MISC ,HNT OLLENBROOK ARRIVED
/1843 ONSCNE 4990
/1843 ONSCNE 9960
/1842 ASSTER SERT13
/1842 ONSCNE SERT33
/1842 ONSCNE SERT32
/1840 CHGLOC K95 [ENRT]
/1839 MISC K95 ,ENRT
/1839 ASSTOS SERT23
/1838 MISC ,HNT PERSONNELL COME UP AHEAD OF FIRE TRUCK NEAR SERT VAN TO SET UP
/1838 ONSCNE 3815E
/1838 ONSCNE 4525
/1838 ONSCNE 4596
/1838 NEWLOC SERT31 [VAN AND BEAR TRUCK ON SCENE]
/1838 ONSCNE SERT31
/1 ASSTER 1556 #25882 GULSVIG, DERIK R
/1837 MISC ,SOUND AROUND TO SEE WHERE BIG SHIELD CAN GO
/1836 SUPP (SV3) TXT: SERT COPIES HASTY RESCUE, VAN AND ARMOUR IS AT 110TH/SA
NDY, WILL BE THERE SHORTLY, LOC: SANDY TERRACE APTS #37
/1834 ASSTER 9802 #21850 BURKE, GEORGE A

COPY

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21:02 Closed

#PP1583 2/ASSIST TD/652/598B1/5101A /        (P)    **
SANDY TERRACE APTS #37  at 12800 NE SANDY BV #37 ,POR <4700>
btwn NE 125 PL <12500> & NE 131 PL <13100>
 2102 CLOSE SERT26
 2102 CLEAR 9960
/2102 CLEAR 9820
/2102 CLEAR 9802
/2102 CLEAR 9650
/2102 CLEAR 6576
/2102 CLEAR 4990
/2102 CLEAR 4980
/2102 CLEAR 4596
/2102 CLEAR 4576
/2102 CLEAR 4525
/2102 CLEAR SERT74
/2102 CLEAR SERT73
/2102 CLEAR SERT51
/2102 CLEAR SERT47
/2102 CLEAR SERT44
/2102 CLEAR SERT43
/2102 CLEAR SERT42
/2102 CLEAR SERT41
/2102 CLEAR SERT36
/2102 CLEAR SERT35
/2102 CLEAR SERT34
/2102 CLEAR SERT33
/2102 CLEAR SERT32
/2102 CLEAR SERT31
/  02 CLEAR SERT26
/. .02 CLEAR SERT25
/2102 CLEAR SERT23
/2102 CLEAR SERT22
/2102 CLEAR SERT16
/2102 CLEAR SERT14
/2102 CLEAR SERT13
/2102 CLEAR SERT12
/2102 CLEAR SERT11
/2102 CLEAR SERT2
/2102 CLEAR SERT1 DSP: Z1 ,PER 9601
/2101 SUPP (SV1    ) PER 9601, CLEAR THE SERT CHANNEL
/2016 CLEAR 9651
/2007 PREMPT 1556
/2007 PREMPT 1555
/2006 PREMPT 3550
/2006 CLEAR 9751
/1957 CLEAR 3815E
/1929 SUPP (DP7    ) PER EMS260, SERT EMS UNITS CLEARING THE SCENE, EMS253 WILL S
TILL BE AVAIL IF NEEDED BY CELL PHONE OR PAGER
/1922 CBLINK 574AP ,PLS GET TRIMET BUS FOR FAMILY WARMING SHELTER AT 131/SANDY-7
6 STATION
/1916 MISC ,SERT STAYING UNTIL DIX RELEASING
/1916 MISC ,5 SERT/HNT STILL NOT RELIEVED INSIDE
/1914 ONSCNE 1556
/1  CLEAR K95
/1  MISC K95 ,MADE IT TO 122/STARK...TURNING AROUND
/1909 ASSTER SERT47
/1908 ONSCNE SERT42
/1908 REMINQ K95 LIC,K95 ,958DJQ , , ,
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COPY

DATE: February 1, 2010

TO: Assistant Chief John Eckhart
Investigations Branch
(Through HNT Channels)

FROM: Sergeant Dave Meyer TDD
Hostage Negotiation Team

SUBJ: HNT # 10-02, After Action Report / Call Out

Bureau of Police
Portland, Oregon
INTER-OFFICE MEMORANDUM

2-5-10 Mark Wolfe 12573 Acting CMD 2 / TOD

DATE/TIME: January 29, 2010, 1818
LOCATION: 12800 NE Sandy Blvd. #37, Port.
CIC: Capt. Benson

NARRATIVE: SERT/HNT were called out to assist North Precinct uniform officers in taking a subject into custody that was involved in an officer involved shooting. HNT served no negotiation role. HNT members did assist homicide detail by locating and maintaining witnesses and persons with knowledge about the incident, so they could be delivered to homicide detectives once they arrived.

CRITIQUE: None

HNT PERSONNEL:

~~Lt.~~ CAPT Day	Lt. Burke
Sgt. Meyer	Sgt. Simpson
Det. Andrew	Det. Beniga
Det. McCausland	Sgt. Kruger
Ofc. Ollenbrook	Ofc. Lovell
Ofc. Watts	Ofc. Shropshire

OT COSTS: $2052.80

2/2/10 To CAPT Leloff - Noted R Day 23474 I was serving as the IC until CIC arrived - no HNT role needed.

COPY

CHRONOLOGICAL RECORD

IAD #	2010-B-0004

Date Complaint Received:	2/16/10	Complainant:	PPB	Investigator Assigned:	Sgt. Morgan

Date	Time	Action
2/16/10	1230	Met with Captain Brumfield, who assigned me to investigate this officer involved shooting. Investigators Renna, Courtney and Rhodes will assist. Obtained copy of detective case file.
2/18/10	1400	Met with Detective and Training Division members for review of OIS.
2/19/10	0800	Obtained copy of grand jury transcripts.
2/23/10	1600	Completed initial review of case file and grand jury transcripts.
2/24/10	1100	Met with Captain Brumfield to discuss case status.
2/24/10	1400	Interview notices sent to Officers ANDERSEN, MCALLISTER, BOYLAN, KEMPLE, and WILLARD.
2/24/10	1500	Began preparing witness chart.
2/26/10	1200	Completed witness chart.
?/26/10	1430	Left voicemail for witness PANNELL.
2/26/10	1500	Spoke to witness CROSSLEY. He was at work. Advised to call back later in afternoon.
2/26/10	1700	Left voicemail for witness CROSSLEY.
3/2/10	0800	Met with Captain Brumfield to discuss case status.
3/2/10	0930	Spoke to TOD about obtaining copies of SERT/HNT after action reports.
3/2/10	1530	Interviewed witness PANNELL via telephone.
3/2/10	1600	Spoke to witness CROSSLEY. Said he was busy and asked to call back in five minutes. No answer on call back. Left voicemail.
3/3/10	1300	Interview notice sent to Officer QUACKENBUSH.
3/3/10	1630	Interviewed Officer ANDERSEN.
3/4/10	1300	Edited PANNELL interview transcript.
3/4/10	1500	Informed Officer QUACKENBUSH will be unavailable for scheduled interview due to In Service training. New interview notice will be sent.
3/4/10	1530	Interviewed Officer BOYLAN.
3/5/10	0930	Interview notice sent to Sergeant BIRKINBINE.
3/5/10	1000	Met with Captain Brumfield to discuss case status.
3/5/10	1500	Left voicemail for witness CROSSLEY.

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3/5/10	1630	Interviewed Officer WILLARD.
3/9/10	0700	Received voicemail from Sergeant BIRKINBINE informing me he will be on 192.502 (2) starting on the date of his scheduled interview, and that he will be unavailable until April 9 at the earliest. The scheduled leave was not noted on the UDARs or in his personnel info on the intranet. I spoke to Sergeant BIRKINBINE later and told him we would pay overtime if he could meet with us prior to 192.502(2) or next week. He said he has too much to do prior to 192.502(2) and that he will be 192.502(2)
3/9/10	1300	Interview notices sent to Officers QUACKENBUSH and ELIAS.
3/10/10	1500	Left voicemail for witness CROSSLEY.
3/16/10	1100	Left message for witness CROSSLEY.
3/16/10	1200	Interview notices sent to Sergeant REYNA and Officer LEWTON.
3/17/10	0700	Received voicemail from Sergeant REYNA informing me she will be on vacation on the date of her scheduled interview. New interview notice sent for March 30.
3/17/10	1130	Edited Officer ANDERSEN interview transcript.
3/18-3/19		Vacation
3/23/10	1200	Interview notices sent to Officer FRASHOUR and Sergeant BIRKINBINE.
3/23/10	1300	Met with Training Division staff to discuss case status.
3/24/10	1200	Edited Officer WILLARD interview transcript.
3/24/10	1600	Received draft copies of Sergeant REYNA's After Action report and memos from Commander DAY and Lieutenant RODRIGUES.
3/25/10	1000	Interview notices sent to Commander DAY and Lieutenant RODRIGUES.
3/25/10	1530	Interviewed Officer LEWTON.
3/30/10	0900	Met with Captain Brumfield to discuss case status.
3/30/10	1000	Interview notice sent to Officer BURNS.
3/30/10	1630	Interviewed Sergeant REYNA.
3/31/10	1000	Interviewed Commander DAY.
4/1/10	1000	Interviewed Officer FRASHOUR.
/1/10	1400	Met with Training Division staff to discuss case status.
4/6/10	1100	Edited Officer LEWTON interview transcript.
4/9/10	1100	Received voicemail from Sergeant BIRKINBINE indicating he will still be on 192.502(2) through this weekend. New interview notice sent for April 23.

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4/9/10	1200	Edited Sergeant REYNA interview transcript.
4/13-4/20		192.502(2)
4/23	1630	Interviewed Sergeant BIRKINBINE.
4/27	1200	Met with Captain Brumfield and Training Division staff to discuss case status.
4/27	1400	Interview notice sent to Sergeant ELLERTSON.
4/29	1500	Informed that Sergeant ELLERTSON will be out of town on date of originally scheduled interview. New interview notice sent for first available date, 5/13.
5/13	1600	Interviewed Sergeant ELLERTSON.
5/21		Investigative Summary Report completed and submitted to Captain Brumfield for review.
6/3	1200	Scene diagram completed.
6/4		Final edits completed and case submitted for review.

COPY

CHRONOLOGICAL RECORD

IAD #	2010-B-0004

Date Complaint Received:	02-16-10	Complainant:	Portland Police Bureau	Investigator Assigned:	Renna

Date	Time	Action
02-16-10		Met with Capt. Brumfield who advised that Sgt. Morgan had been assigned PPB case #10-8352 (Aaron Campbell shooting) and requested that I assist along with Inv. Courtney and Inv. Rhodes-obtained copy of Detective case file.
02-18-10		Met with Det. personnel and Training personnel re: pending investigation of case.
02-19-10		Sgt. Morgan obtained copy of Grand Jury testimony re: shooting
02-22-10		Prepare witness chart (including addresses and phone numbers)
02-24-10		Morgan/Courtney/Rhodes and I meet with Capt. Brumfield and Lt. Schober re: case status
02-24-10		Interview notice sent by Sgt. Morgan to Officer Craig Anderson for 03-03-10 @ 1630 hours
02-24-10		Interview notice sent by Sgt. Morgan to Officer John Boylan for 03-04-10 @ 1530 hours
02-24-10		Interview notice sent by Sgt. Morgan to Officer Tyrone Willard for 03-05-10 @ 1630 hours
02-24-10		Interview notices sent by Inv. Courtney to Officer Kemple and Officer McAllister
03-03-10		Interview of Officer Craig Andersen #46055 by Sgt. Morgan and I-Officer Grable from PPA present
03-04-10		Interview of Officer John (Bob) Boylan #41756 by Sgt. Morgan and I-Scott Westerman from PPA present
03-05-10		Recording of interview with Officer Andersen sent for transcription
03-05-10		Recording of interview with Officer Boylan sent for transcription
03-17-10		Attempt contact with Nicole Fivecoats-spoke with mother Wendy who requested I try to contact her daughter on 03-18-10 around noon.
03-17-10		Telephone interview with Diosdado Aguas.
03-17-10		Transcription of interview with Officer Andersen returned from transcriber.
03-17-10		Recording of interview with Diosdado Aguas sent for transcription.
03-18-10		Attempt telephone contact with Nicole Fivecoats on mothers cellular telephone-no answer-left message requesting call back.
03-22-10		Edit interview transcription of Officer Boylan
03-23-10		Continue edit of interview of Officer Boylan
03-23-10		Meet with Morgan and Lt. King and Lt. Virtue of Training re: investigation
03-25-10		Interview of Officer Ryan Lewton #34674 by Sgt. Morgan and I-Officer

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		David Dobler from PPA present
03-30-10		Interview of Sergeant Liani Reyna #28925 by Sgt. Morgan and I-Officer David Dobler from PPA present
03-31-10		Interview of Commander Robert Day #23474 by Sgt. Morgan and I-Commander Dave Benson from PPCOA present
03-31-10		Recording of interview with Commander Day sent for transcription
04-01-10	1400	Meet with Morgan, Courtney and Lt. King and Lt. Virtue of Training re: investigation
04-01-10	1554	Sent dss recordings of interviews of Sgt. Reyna, Commander Day, Officer Lewton, Lt. Rodrigues and Officer Frashour via e-mail, to Lt. King of Training to review ahead of transcripts returning.

COPY

CHRONOLOGICAL RECORD

IAD #	2010-B-0004

Date Complaint Received:	02/16/10	Complainant:	PPB	Investigator Assigned:	L.R. Courtney #13609 etal

Date	Time	Action
02/16/10		Meet with Capt. Brumfield who assigned me to assist with this Officer Involved Use of Deadly Force Case. Obtain Incomplete copy of Detective Case file to start reviewing. Meeting scheduled with Dets, Training Staff and IAD representatives for Thurs. 2/18/10 at 2:00pm.
02/18/10	1400	Meet with Detective and Training Division members for review of OIS.
02/24/10		Meet with Capt. Brumfield. Identify witnesses to be interviewed. Go over concerns and line of questioning in preparation for interviews. Divide list of witnesses up between investigators for contact and interview.
03/01/10		Contact Det. Slater. No taped interviews done of witnesses Boyer and Montgomery. Slater believed Boyer had no phone number. Interview witness Robert Montgomery. Montgomery will have Boyer call me.
03/02/10		Meet with Capt. Brumfield re: interview questions for officers. Obtain phone # for witness Boyer (192.502(2)) from Adriana Jones. Called number twice, no answer. Obtain AR-15 lesson plan and power point presentation from Training Division Officer Paul Meyer.
03/03/10		Interview witness Kenny Boyer. Obtain copy of Officer Frashour's AR-15 Training Division Certification Test. Inv. Rhodes and I interview Officer Matt McAllister.
03/04/10		Inv. Rhodes and I interview Officer Dave Kimple.
03/05/10		Met with Capt. Brumfield to discuss case status.
03/10/10- 03/15/10		On vacation
03/16/10		Prepare for up coming interviews
03/17/10		Investigator Rhodes and I interview Officer James Quackenbush.
03/18/10		Interview Officer Jeff Elias.
03/25/10		Speak with Lt. Derek Rodrigues, schedule his interview for Tues. 03/30/10 at 1400 hours.
03/30/10		Investigator Rhodes and I interview Lt. Rodrigues.
04/01/10		Scheduled interview with SERT Sgt. Terry Kruger cancelled. Sgt. Morgan notified Sgt. Kruger via email. Meet with Training division staff on progress of investigation.
04/08/10		Investigator Rhodes and I interview Officer Justin Burns.
04/27/10		Meet with Capt. Brumfield and Training Division Lt.'s King and Virtue. Interview notice sent to Sgt. Jan Ellertson.

COPY

04/29/10		Sgt. Ellertson called to say she is out of town the first part of next week on assessment interviews and will be taking the rest of week off for adjusted days off. She has M/T/W off so next available interview date was set for May 13, 2010. New interview notice confirming date was mailed to Sgt. Ellertson.
05/05/10		Interview witness William Snow.
05/13/10		Interview Sgt. Jan Ellertson.

COPY

CHRONOLOGICAL RECORD

IAD #	2010-B-0004

Date Complaint Received:	2/16/10	Complainant:	PPB	Investigator Assigned:	J.RHODES #16753

Date	Time	Action
02-16-2010	1245	Met with Capt. Brumfield, Lt. Schober, Sgt. C. Morgan, Inv. B. Renna and Inv. L. Courtney re: Officer Involved Use of Deadly Force case assignment.
02-16-2010	1500	Received an incomplete version of the Detective Division Investigative case file of 10-8325 to begin review of reports in preparation of meeting with Det. Div. investigators and Training Div on Thur. 02-2010 @ 1400 hours.
02-18-2010	1400	Meet with Homicide Detail and Training Div. personnel regarding the continuing investigative process.
02-18-2010 to present		Continue to review investigative case file material.
02-24-2010	1100	Meet with members of IAD working on this case to discuss interviews to schedule.
03-01-2010		Prepare questions for interview of Ofc. Kemple scheduled for Mar.4 @1630hrs.
03-02-2010	1000	Obtained final; version case book from Detectives, delivered to the 4 IAD Investigators.
03-02-2010	1100	Made copies of photos provided by Detectives investigation, including scene, autopsy and Ofcs/weapons; delivered copies to 4 IAD investigators and returned originals to Det. Kammerer.
03-02-2010	1400	Interview Adrienne Jones by phone; recorded; submitted for transcription. Adrienne is the mother of 2 of Aaron Campbell's children and a witness in this case.
03-03-2010		Prepare for interviews of Officer McAllister and Officer Kemple.
03-03-2010	1630	Interview Ofc. McAllister, lead Inv. Courtney.
03-04-1020	1630	Interview Ofc. Kemple at hrs. Recording submitted for transcription.
03-0 -2010		Interview Courtney Jones by phone; recorded and submitted for transcription.
03-12-2010	0900	Begin to edit transcription report of Adrienne Jones interview.
03-11-2010		Begin to review Officer Quackenbusch statements to Detectives and testimony to the Grand Jury in preparation for his interview scheduled for 03-17-10.
03-16-2010	1400	Completed questions for Ofc. Quackenbush interview for 3/17; provided Morgan, Virtue and King copies of for input.
03-17/18-2010		Continue to edit transcription report of my interview of Adrienne Jones.
03-18-2010	1430	Left a message for 192.502(2) regarding her client Adrienne Jones, just as a courtesy as I told Ms Jones I would speak with her.
03-19-2010		Adrienne Jones and Courtney Jones interview transcriptions complete and given to Sgt. Morgan for case file.

COPY

03-19-2010		Received copy of crime scene video from Forensic Evidence Division; made copies for each of the investigators, including FED copy to Sgt. Morgan.
03-29-2010		I submitted a request to have the call to 911 by Sherry Stewart, the aunt of Adrienne Jones transcribed.
03-30-2010		Met with team to discuss progress of the investigation. Submitted request to Patrick Jones of BOEC for recordings of TAC2 and SHE1 if available for the time frame of this incident.
03-30-2010	1400	Participated in the interview of Lt. Rodriguez.
		Spoke with 192.502(2) re her client Adrienne Jones. 192.50 has offered Jones some services but Adrienne has been difficult to contact and has not come 192.502(2) 192.502(2) 192.502(2) 192.502
04-06-2010		Completed edit of transcription report of Ofc. Quackenbush and provided copy to Sgt Morgan. The transcription edit took 4+ hours due to the extremely poor quality of the transcription.
04-06-2010		Edited transcription of 911 call by Sherry Stewart and delivered copy to Sgt. Morgan. Most notably the call to 911 contains the information Stewart gives to the call taker regarding Campbell firing the handgun previously, which does not get dispatched. Refer to the transcription report for details.
04-05-2010		Receive BOEC CD of SHE 1 and North TAC 2 recording; to review.
04-07-2010	0700	Review SHE 1 recording;
04-09-2010	1200	Review TAC net, nothing pertinent to investigation other than very brief discussion of ping cell phone; trying to figure out target apt location, request of officer to use tazer lt to point out, denied. Capt Day to Birkinbine re getting a bus for people; Birkinbine saying Reyna on her way over; Lt Rodriguez to north desk to get # for Marci Jackson, CRT.; post shooting Then just post shooting, traffic control, residents of complex, etc.
05-03-2010		Ofc Burns interview transcription edited, copy to Morgan for case file. Ofc. Burns provides info regarding his contact with Adrienna Jones, info obtained.
05-04-2010		Further review of dispatch net to have transcribed. Turned in CD from BOEC of talk net to Det. Div. to transcribe first 8 minutes to document information regarding F/A discharge the previous day by Campbell was not dispatched. Asked Det. Div. to transcribe the entire dispatch net leading up to the shooting through SERT Medics determining condition.
05-05-2010	1000	Interview of civilian witness Jenna Peterson by phone regarding her observations of the shooting event. Interview recorded and submitted for transcription.
05-13-2010		Continue to edit the transcription of the police talk net as Det. Div. transcribe.

COPY

Lewton
copied 3/25/10

[illegible] north out I.D.
on it.

CN/10008290

4204 NE Halsey

1612/1614/1616

#1387
Welcheck / Sandy Terrace
12800 NE Sandy #37
Campbell, Aaron

090784

Jones, Adrianna

#37

Mom Dayton

Marva Davis - Mom
Adrianna Jones - Dayton

most Recent phone numbers

B Kirby Inside

Names and dates of birth of children

CN/10008409
1622/1638/1646

COPY

Quackenbush
copied 3/17/10

DATE: 1-29-10 SHIFT: AP DIST: 664AP
PARTNER/DPSST: Mele/50232
SHOP # 7-31 VEHICLE DAMAGE?
SHOTGUN # TASER # 40 IDIS #
LESS LETHAL # RADAR/LIDAR #
WEATHER: Overcast
SERGEANTS: Ellertson

Roll call videos

Evidence
Patrol tactics
Language speakers

P/C - YNZ974/Torres, Nicolas
M/H 11-9-73

cell phone numbers
home

9-17-84

Aaron M. Campbell
names of children

Supposedly gun in coat pocket

ended up talking to mom's GF's cell phone

"Aaron we need to know if you intend on hurting yourself"
"Never wow u guys text too U get kud as"
Thanks aaron. I appreciate your help. I am truly sorry about your brother. Can you promise me u wont hurt urself - jim
"Ur textin me and not calling me thats real wierd jimmy"

COPY

Willard

copied 3/5/10

FRI

Date 012910 Shift A Dist 946

Partner/DPSO: Frashour / 40927 Sgt Axthelm

Shop# 7-52 Veh Chk# Veh Dmg

Tz# SE 22 Shotgun# Beanbag#

Weather:

9910 NE Glisan

614 EKP

"Shoot, just Fucking shoot me!"

Lewton yelling stop, hands up.

COPY

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DATE: February 24, 2010

TO: Commander James Ferraris
North Precinct

FROM: Captain Edward R. Brumfield
Internal Affairs Division

RE: **INTERVIEW NOTICE: Officer Craig Andersen #46055**
Where: Internal Affairs Division, Room 1201
When: Wednesday, March 3, 2010 at 1630 hours
To be Interviewed By: Sergeant Craig Morgan

PPB Case #: 10-8325
IAD Case #: 2010-B-0004
Complainant: Aaron CAMPBELL
Location: 12800 NE Sandy Blvd.
Date/Time: January 29, 2010 at 1622 hours

As you know, this officer-involved shooting has been investigated by the Detective Division, and the involved officer(s) have been cleared by the Multnomah County Grand Jury. As part of our standard administrative review of all officer-involved shootings, the Training Division and the Internal Affairs Division will now review the incident. **There is no allegation of misconduct against the involved officers.** This officer is considered to be a witness to the incident; however, all actions during the incident will be reviewed for policy violations and adherence to training guidelines. There will be a Use of Force Board review of this case in the near future, at which the involved officer(s) will also have an opportunity to present information.

TO THE CONCERNED OFFICER:

Upon receipt of this memorandum you are required to telephone Sergeant Craig Morgan or leave a message at 503-823-0973 to confirm your availability for this interview. If unavailable, please state the reason why and what your availability will be for the following two weeks. Overtime is not authorized.

Presentation of your duty notebook for the date of this incident is required at the time of the interview. Copies are not acceptable.

If Union representation is desired, it is your responsibility to have a representative available at the time of the interview. This memorandum serves as the 48-hour advance notice of this interview as required by the Union contract.

If you anticipate that it will require more than 15 minutes to review and discuss this case with your Union representative, please arrive earlier than the scheduled time so the interview is not delayed.

c: Officer Andersen #46055

2010B0004ntc-andersen

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DATE: April 9, 2010

TO: Commander James Ferraris
North Precinct

FROM: Captain Edward R. Brumfield
Internal Affairs Division

RE: **INTERVIEW NOTICE: Sergeant John Birkinbine #29351**
Where: Internal Affairs Division, Room 1201
When: Friday, April 23, 2010 at 1630 hours
To be Interviewed By: Sergeant Craig Morgan

PPB Case #: 10-8325
IAD Case #: 2010-B-0004
Complainant: Aaron CAMPBELL
Location: 12800 NE Sandy Blvd.
Date/Time: January 29, 2010 at 1622 hours

As you know, this officer-involved shooting has been investigated by the Detective Division, and the involved officer(s) have been cleared by the Multnomah County Grand Jury. As part of our standard administrative review of all officer-involved shootings, the Training Division and the Internal Affairs Division will now review the incident. **There is no allegation of misconduct against the involved officers.** This officer is considered to be a witness to the incident; however, all actions during the incident will be reviewed for policy violations and adherence to training guidelines. There will be a Use of Force Board review of this case in the near future, at which the involved officer(s) will also have an opportunity to present information.

TO THE CONCERNED OFFICER:

Upon receipt of this memorandum you are required to telephone Sergeant Craig Morgan or leave a message at 503-823-0973 to confirm your availability for this interview. If unavailable, please state the reason why and what your availability will be for the following two weeks. Overtime is not authorized.

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c: Sergeant Birkinbine #29351

2010B0004ntc-birkinbine

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DATE: February 24, 2010

TO: Commander James Ferraris
North Precinct

FROM: Captain Edward R. Brumfield
Internal Affairs Division

RE: **INTERVIEW NOTICE: Officer John Boylan #41756**
Where: Internal Affairs Division, Room 1201
When: Thursday, March 4, 2010 at 1530 hours
To be Interviewed By: Sergeant Craig Morgan

PPB Case #: 10-8325
IAD Case #: 2010-B-0004
Complainant: Aaron CAMPBELL
Location: 12800 NE Sandy Blvd.
Date/Time: January 29, 2010 at 1622 hours

As you know, this officer-involved shooting has been investigated by the Detective Division, and the involved officer(s) have been cleared by the Multnomah County Grand Jury. As part of our standard administrative review of all officer-involved shootings, the Training Division and the Internal Affairs Division will now review the incident. **There is no allegation of misconduct against the involved officers.** This officer is considered to be a witness to the incident; however, all actions during the incident will be reviewed for policy violations and adherence to training guidelines. There will be a Use of Force Board review of this case in the near future, at which the involved officer(s) will also have an opportunity to present information.

TO THE CONCERNED OFFICER:

Upon receipt of this memorandum you are required to telephone Sergeant Craig Morgan or leave a message at 503-823-0973 to confirm your availability for this interview. If unavailable, please state the reason why and what your availability will be for the following two weeks. Overtime is not authorized.

Presentation of your duty notebook for the date of this incident is required at the time of the interview. Copies are not acceptable.

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If you anticipate that it will require more than 15 minutes to review and discuss this case with your Union representative, please arrive earlier than the scheduled time so the interview is not delayed.

c: Officer Boylan #41756

2010B0004ntc-boylan

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DATE: March 30, 2010

TO: Commander James Ferraris
North Precinct

FROM: Captain Edward R. Brumfield
Internal Affairs Division

RE: **INTERVIEW NOTICE: Officer Justin Burns #47103**
Where: Internal Affairs Division, Room 1201
When: Thursday, April 8, 2010 at 1630 hours
To be Interviewed By: Investigator Lynn Courtney

PPB Case #: 10-8325
IAD Case #: 2010-B-0004
Complainant: Aaron CAMPBELL
Location: 12800 NE Sandy Blvd.
Date/Time: January 29, 2010 at 1622 hours

As you know, this officer-involved shooting has been investigated by the Detective Division, and the involved officer(s) have been cleared by the Multnomah County Grand Jury. As part of our standard administrative review of all officer-involved shootings, the Training Division and the Internal Affairs Division will now review the incident. **There is no allegation of misconduct against the involved officers.** This officer is considered to be a witness to the incident; however, all actions during the incident will be reviewed for policy violations and adherence to training guidelines. There will be a Use of Force Board review of this case in the near future, at which the involved officer(s) will also have an opportunity to present information.

TO THE CONCERNED OFFICER:

Upon receipt of this memorandum you are required to telephone Investigator Lynn Courtney or leave a message at 503-823-0998 to confirm your availability for this interview. If unavailable, please state the reason why and what your availability will be for the following two weeks. Overtime is not authorized.

Presentation of your duty notebook for the date of this incident is required at the time of the interview. Copies are not acceptable.

If Union representation is desired, it is your responsibility to have a representative available at the time of the interview. This memorandum serves as the 48-hour advance notice of this interview as required by the Union contract.

If you anticipate that it will require more than 15 minutes to review and discuss this case with your Union representative, please arrive earlier than the scheduled time so the interview is not delayed.

c: Officer Burns #47103

2010B0004ntc-burns

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DATE: March 25, 2010

TO: Commander Robert Day
Training Division

FROM: Captain Edward R. Brumfield
Internal Affairs Division

RE: **INTERVIEW NOTICE: Commander Robert Day #23474**
Where: Internal Affairs Division, Room 1201
When: Wednesday, March 31, 2010 at 1000 hours
To be Interviewed By: Sergeant Craig Morgan

PPB Case #: 10-8325
IAD Case #: 2010-B-0004
Complainant: Aaron CAMPBELL
Location: 12800 NE Sandy Blvd.
Date/Time: January 29, 2010 at 1622 hours

As you know, this officer-involved shooting has been investigated by the Detective Division, and the involved officer(s) have been cleared by the Multnomah County Grand Jury. As part of our standard administrative review of all officer-involved shootings, the Training Division and the Internal Affairs Division will now review the incident. **There is no allegation of misconduct against the involved officers.** This officer is considered to be a witness to the incident; however, all actions during the incident will be reviewed for policy violations and adherence to training guidelines. There will be a Use of Force Board review of this case in the near future, at which the involved officer(s) will also have an opportunity to present information.

TO THE CONCERNED OFFICER:

Upon receipt of this memorandum you are required to telephone Sergeant Craig Morgan or leave a message at 503-823-0973 to confirm your availability for this interview. If unavailable, please state the reason why and what your availability will be for the following two weeks. Overtime is not authorized.

If you maintain a notebook, please present it for the date of this incident is required at the time of the interview. Copies are not acceptable.

If Union representation is desired, it is your responsibility to have a representative available at the time of the interview. This memorandum serves as the 48-hour advance notice of this interview as required by the Union contract.

If you anticipate that it will require more than 15 minutes to review and discuss this case with your Union representative, please arrive earlier than the scheduled time so the interview is not delayed.

2010B0004ntc-day

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DATE: March 9, 2010

TO: Captain Eric Hendricks
Traffic Division

FROM: Captain Edward R. Brumfield
Internal Affairs Division

RE: **INTERVIEW NOTICE: Officer Jeffrey Elias #29338**
Where: Internal Affairs Division, Room 1201
When: Thursday, March 18, 2010 at 1630 hours
To be Interviewed By: Investigator Lynn Courtney

PPB Case #: 10-8325
IAD Case #: 2010-B-0004
Complainant: Aaron CAMPBELL
Location: 12800 NE Sandy Blvd.
Date/Time: January 29, 2010 at 1622 hours

As you know, this officer-involved shooting has been investigated by the Detective Division, and the involved officer(s) have been cleared by the Multnomah County Grand Jury. As part of our standard administrative review of all officer-involved shootings, the Training Division and the Internal Affairs Division will now review the incident. **There is no allegation of misconduct against the involved officers.** This officer is considered to be a witness to the incident; however, all actions during the incident will be reviewed for policy violations and adherence to training guidelines. There will be a Use of Force Board review of this case in the near future, at which the involved officer(s) will also have an opportunity to present information.

TO THE CONCERNED OFFICER:

Upon receipt of this memorandum you are required to telephone Investigator Lynn Courtney or leave a message at 503-823-0998 to confirm your availability for this interview. If unavailable, please state the reason why and what your availability will be for the following two weeks. Overtime is not authorized.

Presentation of your duty notebook for the date of this incident is required at the time of the interview. Copies are not acceptable.

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If you anticipate that it will require more than 15 minutes to review and discuss this case with your Union representative, please arrive earlier than the scheduled time so the interview is not delayed.

c: Officer Elias #29338

2010B0004ntc-elias

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DATE: April 29, 2010

TO: Commander James Ferraris
North Precinct

FROM: Captain Edward R. Brumfield
Internal Affairs Division

RE: **INTERVIEW NOTICE: Sergeant Jan Ellertson #23680**
Where: Internal Affairs Division, Room 1201
When: Thursday, May 13, 2010 at 1600 hours
To be Interviewed By: Investigator Lynn Courtney

PPB Case #: 10-8325
IAD Case #: 2010-B-0004
Complainant: Aaron CAMPBELL
Location: 12800 NE Sandy Blvd.
Date/Time: January 29, 2010 at 1622 hours

As you know, this officer-involved shooting has been investigated by the Detective Division, and the involved officer(s) have been cleared by the Multnomah County Grand Jury. As part of our standard administrative review of all officer-involved shootings, the Training Division and the Internal Affairs Division will now review the incident. **There is no allegation of misconduct against the involved officers.** This officer is considered to be a witness to the incident; however, all actions during the incident will be reviewed for policy violations and adherence to training guidelines. There will be a Use of Force Board review of this case in the near future, at which the involved officer(s) will also have an opportunity to present information.

TO THE CONCERNED OFFICER:

Upon receipt of this memorandum you are required to telephone Investigator Lynn Courtney or leave a message at 503-823-0998 to confirm your availability for this interview. If unavailable, please state the reason why and what your availability will be for the following two weeks. Overtime is not authorized.

Presentation of your duty notebook for the date of this incident is required at the time of the interview. Copies are not acceptable.

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c: Sergeant Ellertson #23680

2010B0004ntc-ellertson2

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DATE: March 23, 2010

TO: Commander Mike Reese
East Precinct

FROM: Captain Edward R. Brumfield
Internal Affairs Division

RE: **INTERVIEW NOTICE: Officer Ronald Frashour #40927**
Where: Internal Affairs Division, Room 1201
When: Thursday, April 1, 2010 at 1000 hours
To be Interviewed By: Sergeant Craig Morgan

PPB Case #: 10-8325
IAD Case #: 2010-B-0004
Complainant: Aaron CAMPBELL
Location: 12800 NE Sandy Blvd.
Date/Time: January 29, 2010 at 1622 hours

As you know, this officer-involved shooting has been investigated by the Detective Division, and the involved officer(s) have been cleared by the Multnomah County Grand Jury. As part of our standard administrative review of all officer-involved shootings, the Training Division and the Internal Affairs Division will now review the incident. **Although Officer Frashour is the involved member, there is no allegation of misconduct against him.** However, all actions during the incident will be reviewed for policy violations and adherence to training guidelines. There will be a Use of Force Board review of this case in the near future, at which the involved officer(s) will also have an opportunity to present information.

TO THE CONCERNED OFFICER:

Upon receipt of this memorandum you are required to telephone Sergeant Craig Morgan or leave a message at 503-823-0973 to confirm your availability for this interview. If unavailable, please state the reason why and what your availability will be for the following two weeks. Overtime is not authorized.

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c: Officer Frashour #40927

2010B0004ntc-frashour

COPY

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DATE: February 24, 2010

TO: Commander James Ferraris
North Precinct

FROM: Captain Edward R. Brumfield
Internal Affairs Division

RE: **INTERVIEW NOTICE: Officer David Kemple #39589**
Where: Internal Affairs Division, Room 1201
When: Thursday, March 4, 2010 at 1630 hours
To be Interviewed By: Investigator Lynn Courtney

PPB Case #: 10-8325
IAD Case #: 2010-B-0004
Complainant: Aaron CAMPBELL
Location: 12800 NE Sandy Blvd.
Date/Time: January 29, 2010 at 1622 hours

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TO THE CONCERNED OFFICER:

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c: Officer Kemple #39589

2010B0004ntc-kemple

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DATE: March 16, 2010

TO: Commander James Ferraris
North Precinct

FROM: Captain Edward R. Brumfield
Internal Affairs Division

RE: **INTERVIEW NOTICE: Officer Ryan Lewton #34674**
Where: Internal Affairs Division, Room 1201
When: Thursday, March 25, 2010 at 1530 hours
To be Interviewed By: Sergeant Craig Morgan

PPB Case #: 10-8325
IAD Case #: 2010-B-0004
Complainant: Aaron CAMPBELL
Location: 12800 NE Sandy Blvd.
Date/Time: January 29, 2010 at 1622 hours

As you know, this officer-involved shooting has been investigated by the Detective Division, and the involved officer(s) have been cleared by the Multnomah County Grand Jury. As part of our standard administrative review of all officer-involved shootings, the Training Division and the Internal Affairs Division will now review the incident. **There is no allegation of misconduct against the involved officers.** This officer is considered to be a witness to the incident; however, all actions during the incident will be reviewed for policy violations and adherence to training guidelines. There will be a Use of Force Board review of this case in the near future, at which the involved officer(s) will also have an opportunity to present information.

TO THE CONCERNED OFFICER:

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c: Officer Lewton #34674

2010B0004ntc-lewton

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Rosanne M. Sizer, Chief of Police
1111 S.W. 2nd Avenue • Portland, OR 97204 • Phone: 503-823-0000 • Fax: 503-823-0342

Integrity • Compassion • Accountability • Respect • Excellence • Service

DATE: February 24, 2010

TO: Commander James Ferraris
North Precinct

FROM: Captain Edward R. Brumfield
Internal Affairs Division

RE: **INTERVIEW NOTICE: Officer Matthew McAllister #45405**
Where: Internal Affairs Division, Room 1201
When: Wednesday, March 3, 2010 at 1630 hours
To be Interviewed By: Investigator Lynn Courtney

PPB Case #: 10-8325
IAD Case #: 2010-B-0004
Complainant: Aaron CAMPBELL
Location: 12800 NE Sandy Blvd.
Date/Time: January 29, 2010 at 1622 hours

As you know, this officer-involved shooting has been investigated by the Detective Division, and the involved officer(s) have been cleared by the Multnomah County Grand Jury. As part of our standard administrative review of all officer-involved shootings, the Training Division and the Internal Affairs Division will now review the incident. **There is no allegation of misconduct against the involved officers.** This officer is considered to be a witness to the incident; however, all actions during the incident will be reviewed for policy violations and adherence to training guidelines. There will be a Use of Force Board review of this case in the near future, at which the involved officer(s) will also have an opportunity to present information.

TO THE CONCERNED OFFICER:

Upon receipt of this memorandum you are required to telephone Investigator Lynn Courtney or leave a message at 503-823-0998 to confirm your availability for this interview. If unavailable, please state the reason why and what your availability will be for the following two weeks. Overtime is not authorized.

Presentation of your duty notebook for the date of this incident is required at the time of the interview. Copies are not acceptable.

If Union representation is desired, it is your responsibility to have a representative available at the time of the interview. This memorandum serves as the 48-hour advance notice of this interview as required by the Union contract.

If you anticipate that it will require more than 15 minutes to review and discuss this case with your Union representative, please arrive earlier than the scheduled time so the interview is not delayed.

c: Officer McAllister #45405

2010B0004ntc-mcallister

COPY

CITY OF PORTLAND, OREGON

Bureau of Police
Dan Saltzman, Police Commissioner
Rosanne M. Sizer, Chief of Police
1111 S.W. 2nd Avenue • Portland, OR 97204 • Phone: 503-823-0000 • Fax: 503-823-0342

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DATE: March 9, 2010

TO: Commander James Ferraris
North Precinct

FROM: Captain Edward R. Brumfield
Internal Affairs Division

RE: **INTERVIEW NOTICE: Officer James Quackenbush #36875**
Where: Internal Affairs Division, Room 1201
When: Wednesday, March 17, 2010 at 1530 hours
To be Interviewed By: Investigator Lynn Courtney

PPB Case #: 10-8325
IAD Case #: 2010-B-0004
Complainant: Aaron CAMPBELL
Location: 12800 NE Sandy Blvd.
Date/Time: January 29, 2010 at 1622 hours

As you know, this officer-involved shooting has been investigated by the Detective Division, and the involved officer(s) have been cleared by the Multnomah County Grand Jury. As part of our standard administrative review of all officer-involved shootings, the Training Division and the Internal Affairs Division will now review the incident. **There is no allegation of misconduct against the involved officers.** This officer is considered to be a witness to the incident; however, all actions during the incident will be reviewed for policy violations and adherence to training guidelines. There will be a Use of Force Board review of this case in the near future, at which the involved officer(s) will also have an opportunity to present information.

TO THE CONCERNED OFFICER:

Upon receipt of this memorandum you are required to telephone Investigator Lynn Courtney or leave a message at 503-823-0998 to confirm your availability for this interview. If unavailable, please state the reason why and what your availability will be for the following two weeks. Overtime is not authorized.

Presentation of your duty notebook for the date of this incident is required at the time of the interview. Copies are not acceptable.

If Union representation is desired, it is your responsibility to have a representative available at the time of the interview. This memorandum serves as the 48-hour advance notice of this interview as required by the Union contract.

If you anticipate that it will require more than 15 minutes to review and discuss this case with your Union representative, please arrive earlier than the scheduled time so the interview is not delayed.

c: Officer Quackenbush #36875

2010B0004ntc-quackenbush

COPY

CITY OF PORTLAND, OREGON

Bureau of Police
Dan Saltzman, Police Commissioner
Rosanne M. Sizer, Chief of Police
1111 S.W. 2nd Avenue • Portland, OR 97204 • Phone: 503-823-0000 • Fax: 503-823-0342

Integrity • Compassion • Accountability • Respect • Excellence • Service

DATE: March 17, 2010

TO: Commander James Ferraris
North Precinct

FROM: Captain Edward R. Brumfield
Internal Affairs Division

RE: **INTERVIEW NOTICE: Sergeant Liani Reyna #28925**
Where: Internal Affairs Division, Room 1201
When: Tuesday, March 30, 2010 at 1630 hours
To be Interviewed By: Sergeant Craig Morgan

PPB Case #: 10-8325
IAD Case #: 2010-B-0004
Complainant: Aaron CAMPBELL
Location: 12800 NE Sandy Blvd.
Date/Time: January 29, 2010 at 1622 hours

As you know, this officer-involved shooting has been investigated by the Detective Division, and the involved officer(s) have been cleared by the Multnomah County Grand Jury. As part of our standard administrative review of all officer-involved shootings, the Training Division and the Internal Affairs Division will now review the incident. **There is no allegation of misconduct against the involved officers.** This officer is considered to be a witness to the incident; however, all actions during the incident will be reviewed for policy violations and adherence to training guidelines. There will be a Use of Force Board review of this case in the near future, at which the involved officer(s) will also have an opportunity to present information.

TO THE CONCERNED OFFICER:

Upon receipt of this memorandum you are required to telephone Sergeant Craig Morgan or leave a message at 503-823-0973 to confirm your availability for this interview. If unavailable, please state the reason why and what your availability will be for the following two weeks. Overtime is not authorized.

Presentation of your duty notebook for the date of this incident is required at the time of the interview. Copies are not acceptable.

If Union representation is desired, it is your responsibility to have a representative available at the time of the interview. This memorandum serves as the 48-hour advance notice of this interview as required by the Union contract.

If you anticipate that it will require more than 15 minutes to review and discuss this case with your Union representative, please arrive earlier than the scheduled time so the interview is not delayed.

c: Sergeant Reyna #28925

2010B0004ntc-reyna

COPY

CITY OF PORTLAND, OREGON

Bureau of Police
Dan Saltzman, Police Commissioner
Rosanne M. Sizer, Chief of Police
1111 S.W. 2nd Avenue • Portland, OR 97204 • Phone: 503-823-0000 • Fax: 503-823-0342

Integrity • Compassion • Accountability • Respect • Excellence • Service

DATE: March 25, 2010

TO: Commander James Ferraris
North Precinct

FROM: Captain Edward R. Brumfield
Internal Affairs Division

RE: **INTERVIEW NOTICE: Lieutenant Derek Rodrigues #37149**
Where: Internal Affairs Division, Room 1201
When: Wednesday, March 31, 2010 at 1400 hours
To be Interviewed By: Investigator Lynn Courtney

PPB Case #: 10-8325
IAD Case #: 2010-B-0004
Complainant: Aaron CAMPBELL
Location: 12800 NE Sandy Blvd.
Date/Time: January 29, 2010 at 1622 hours

As you know, this officer-involved shooting has been investigated by the Detective Division, and the involved officer(s) have been cleared by the Multnomah County Grand Jury. As part of our standard administrative review of all officer-involved shootings, the Training Division and the Internal Affairs Division will now review the incident. **There is no allegation of misconduct against the involved officers.** This officer is considered to be a witness to the incident; however, all actions during the incident will be reviewed for policy violations and adherence to training guidelines. There will be a Use of Force Board review of this case in the near future, at which the involved officer(s) will also have an opportunity to present information.

TO THE CONCERNED OFFICER:

Upon receipt of this memorandum you are required to telephone Investigator Lynn Courtney or leave a message at 503-823-0998 to confirm your availability for this interview. If unavailable, please state the reason why and what your availability will be for the following two weeks. Overtime is not authorized.

If you maintain a notebook, please present it for the date of this incident is required at the time of the interview. Copies are not acceptable.

If Union representation is desired, it is your responsibility to have a representative available at the time of the interview. This memorandum serves as the 48-hour advance notice of this interview as required by the Union contract.

If you anticipate that it will require more than 15 minutes to review and discuss this case with your Union representative, please arrive earlier than the scheduled time so the interview is not delayed.

c: Lieutenant Rodrigues #37149

2010B0004ntc-rodrigues

COPY

CITY OF PORTLAND, OREGON

Bureau of Police
Dan Saltzman, Police Commissioner
Rosanne M. Sizer, Chief of Police
1111 S.W. 2nd Avenue • Portland, OR 97204 • Phone: 503-823-0000 • Fax: 503-823-0342

Integrity • Compassion • Accountability • Respect • Excellence • Service

DATE: February 24, 2010

TO: Commander Mike Reese
East Precinct

FROM: Captain Edward R. Brumfield
Internal Affairs Division

RE: **INTERVIEW NOTICE: Officer Tyrone Willard #47105**
Where: Internal Affairs Division, Room 1201
When: Friday, March 5, 2010 at 1630 hours
To be Interviewed By: Sergeant Craig Morgan

PPB Case #: 10-8325
IAD Case #: 2010-B-0004
Complainant: Aaron CAMPBELL
Location: 12800 NE Sandy Blvd.
Date/Time: January 29, 2010 at 1622 hours

As you know, this officer-involved shooting has been investigated by the Detective Division, and the involved officer(s) have been cleared by the Multnomah County Grand Jury. As part of our standard administrative review of all officer-involved shootings, the Training Division and the Internal Affairs Division will now review the incident. **There is no allegation of misconduct against the involved officers.** This officer is considered to be a witness to the incident; however, all actions during the incident will be reviewed for policy violations and adherence to training guidelines. There will be a Use of Force Board review of this case in the near future, at which the involved officer(s) will also have an opportunity to present information.

TO THE CONCERNED OFFICER:

Upon receipt of this memorandum you are required to telephone Sergeant Craig Morgan or leave a message at 503-823-0973 to confirm your availability for this interview. If unavailable, please state the reason why and what your availability will be for the following two weeks. Overtime is not authorized.

Presentation of your duty notebook for the date of this incident is required at the time of the interview. Copies are not acceptable.

If Union representation is desired, it is your responsibility to have a representative available at the time of the interview. This memorandum serves as the 48-hour advance notice of this interview as required by the Union contract.

If you anticipate that it will require more than 15 minutes to review and discuss this case with your Union representative, please arrive earlier than the scheduled time so the interview is not delayed.

c: Officer Willard #47105

2010B0004ntc-willard

COPY

INTERNAL AFFAIRS DIVISION ADVANCE NOTICE FORM

I have read, understand, and have been provided a copy of Article 61, Section 2 of the Portland Police Officer's Bill of Rights or Article 29, Section 1 of the Portland Police Commanding Officer's Bill of Rights.

I have been informed of the nature of the investigation and provided with a reasonable amount of information apprising me of the allegations contained in the complaint.

I have been advised of my status, whether witness or suspect, and realize that a witness status does not eliminate the possibility of disciplinary action being brought against me. I am fully aware that if this investigation finds I have violated Bureau rules or regulations, I may be subject to disciplinary action.

I HAVE READ THE ABOVE AND SIGN THIS FORM FREELY WITHOUT ANY THREATS OR PROMISES HAVING BEEN MADE TO ME.

	#23680
Witness	Signature
	5-13-10 1410
	Date – Time

I understand that I am permitted forty-eight hours (48), from this notice, before any interview or report is required. That I may consult an attorney and/or Association representative and facilities will be provided for my private consultation with them.

WAIVER

I hereby freely and voluntarily waive the forty-eight hour (48) Advance Notice requirement listed above. I do so, without threats or promises of any kind having been made to me, and with the clear understanding that this waiver does not extend to any other right afforded me.

	Signature
Witness	Date – Time

03/2002

COPY

INTERNAL AFFAIRS DIVISION ADVANCE NOTICE FORM

I have read, understand, and have been provided a copy of Article 61, Section 2 of the Portland Police Officer's Bill of Rights or Article 29, Section 1 of the Portland Police Commanding Officer's Bill of Rights.

I have been informed of the nature of the investigation and provided with a reasonable amount of information apprising me of the allegations contained in the complaint.

I have been advised of my status, whether witness or suspect, and realize that a witness status does not eliminate the possibility of disciplinary action being brought against me. I am fully aware that if this investigation finds I have violated Bureau rules or regulations, I may be subject to disciplinary action.

I HAVE READ THE ABOVE AND SIGN THIS FORM FREELY WITHOUT ANY THREATS OR PROMISES HAVING BEEN MADE TO ME.

	Signature
Witness	04 23 10 Date – Time

I understand that I am permitted forty-eight hours (48), from this notice, before any interview or report is required. That I may consult an attorney and/or Association representative and facilities will be provided for my private consultation with them.

WAIVER

I hereby freely and voluntarily waive the forty-eight hour (48) Advance Notice requirement listed above. I do so, without threats or promises of any kind having been made to me, and with the clear understanding that this waiver does not extend to any other right afforded me.

	Signature
Witness	Date – Time

COPY

INTERNAL AFFAIRS DIVISION ADVANCE NOTICE FORM

I have read, understand, and have been provided a copy of Article 61, Section 2 of the Portland Police Officer's Bill of Rights or Article 29, Section 1 of the Portland Police Commanding Officer's Bill of Rights.

I have been informed of the nature of the investigation and provided with a reasonable amount of information apprising me of the allegations contained in the complaint.

I have been advised of my status, whether witness or suspect, and realize that a witness status does not eliminate the possibility of disciplinary action being brought against me. I am fully aware that if this investigation finds I have violated Bureau rules or regulations, I may be subject to disciplinary action.

I HAVE READ THE ABOVE AND SIGN THIS FORM FREELY WITHOUT ANY THREATS OR PROMISES HAVING BEEN MADE TO ME.

Signature

Witness

04/08/10 1635

Date – Time

I understand that I am permitted forty-eight hours (48), from this notice, before any interview or report is required. That I may consult an attorney and/or Association representative and facilities will be provided for my private consultation with them.

WAIVER

I hereby freely and voluntarily waive the forty-eight hour (48) Advance Notice requirement listed above. I do so, without threats or promises of any kind having been made to me, and with the clear understanding that this waiver does not extend to any other right afforded me.

Signature

Witness

Date – Time

03/2002

OFC. JUSTIN [illegible]

COPY

INTERNAL AFFAIRS DIVISION ADVANCE NOTICE FORM

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I have been informed of the nature of the investigation and provided with a reasonable amount of information apprising me of the allegations contained in the complaint.

I have been advised of my status, whether witness or suspect, and realize that a witness status does not eliminate the possibility of disciplinary action being brought against me. I am fully aware that if this investigation finds I have violated Bureau rules or regulations, I may be subject to disciplinary action.

I HAVE READ THE ABOVE AND SIGN THIS FORM FREELY WITHOUT ANY THREATS OR PROMISES HAVING BEEN MADE TO ME.

	Signature
Witness	04-01-10 Date – Time

I understand that I am permitted forty-eight hours (48), from this notice, before any interview or report is required. That I may consult an attorney and/or Association representative and facilities will be provided for my private consultation with them.

WAIVER

I hereby freely and voluntarily waive the forty-eight hour (48) Advance Notice requirement listed above. I do so, without threats or promises of any kind having been made to me, and with the clear understanding that this waiver does not extend to any other right afforded me.

	Signature
Witness	Date – Time

03/2002

COPY

INTERNAL AFFAIRS DIVISION ADVANCE NOTICE FORM

I have read, understand, and have been provided a copy of Article 61, Section 2 of the Portland Police Officer's Bill of Rights or Article 29, Section 1 of the Portland Police Commanding Officer's Bill of Rights.

I have been informed of the nature of the investigation and provided with a reasonable amount of information apprising me of the allegations contained in the complaint.

I have been advised of my status, whether witness or suspect, and realize that a witness status does not eliminate the possibility of disciplinary action being brought against me. I am fully aware that if this investigation finds I have violated Bureau rules or regulations, I may be subject to disciplinary action.

I HAVE READ THE ABOVE AND SIGN THIS FORM FREELY WITHOUT ANY THREATS OR PROMISES HAVING BEEN MADE TO ME.

	23474
Witness	Signature
	3.31.10 0940
	Date – Time

I understand that I am permitted forty-eight hours (48), from this notice, before any interview or report is required. That I may consult an attorney and/or Association representative and facilities will be provided for my private consultation with them.

WAIVER

I hereby freely and voluntarily waive the forty-eight hour (48) Advance Notice requirement listed above. I do so, without threats or promises of any kind having been made to me, and with the clear understanding that this waiver does not extend to any other right afforded me.

	Signature
Witness	Date – Time

COPY

INTERNAL AFFAIRS DIVISION ADVANCE NOTICE FORM

I have read, understand, and have been provided a copy of Article 61, Section 2 of the Portland Police Officer's Bill of Rights or Article 29, Section 1 of the Portland Police Commanding Officer's Bill of Rights.

I have been informed of the nature of the investigation and provided with a reasonable amount of information apprising me of the allegations contained in the complaint.

Per Sgt. C. Morgan involved officer

I have been advised of my status, whether witness or suspect, and realize that a witness status does not eliminate the possibility of disciplinary action being brought against me. I am fully aware that if this investigation finds I have violated Bureau rules or regulations, I may be subject to disciplinary action.

I HAVE READ THE ABOVE AND SIGN THIS FORM FREELY WITHOUT ANY THREATS OR PROMISES HAVING BEEN MADE TO ME.

[signature]
Signature

[signature] Sec. Treas
Witness

03-31-2010 1640 hrs.
Date – Time

I understand that I am permitted forty-eight hours (48), from this notice, before any interview or report is required. That I may consult an attorney and/or Association representative and facilities will be provided for my private consultation with them.

WAIVER

I hereby freely and voluntarily waive the forty-eight hour (48) Advance Notice requirement listed above. I do so, without threats or promises of any kind having been made to me, and with the clear understanding that this waiver does not extend to any other right afforded me.

Signature

Witness

Date – Time

03/2002

COPY

INTERNAL AFFAIRS DIVISION ADVANCE NOTICE FORM

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I have been informed of the nature of the investigation and provided with a reasonable amount of information apprising me of the allegations contained in the complaint.

I have been advised of my status, whether witness or suspect, and realize that a witness status does not eliminate the possibility of disciplinary action being brought against me. I am fully aware that if this investigation finds I have violated Bureau rules or regulations, I may be subject to disciplinary action.

I HAVE READ THE ABOVE AND SIGN THIS FORM FREELY WITHOUT ANY THREATS OR PROMISES HAVING BEEN MADE TO ME.

Signature

Witness

3.30.10 1554

Date – Time

I understand that I am permitted forty-eight hours (48), from this notice, before any interview or report is required. That I may consult an attorney and/or Association representative and facilities will be provided for my private consultation with them.

WAIVER

I hereby freely and voluntarily waive the forty-eight hour (48) Advance Notice requirement listed above. I do so, without threats or promises of any kind having been made to me, and with the clear understanding that this waiver does not extend to any other right afforded me.

Signature

Witness

Date – Time

03/2002

LT. DEREK RODRIGUES COPY

INTERNAL AFFAIRS DIVISION ADVANCE NOTICE FORM

I have read, understand, and have been provided a copy of Article 61, Section 2 of the Portland Police Officer's Bill of Rights or Article 29, Section 1 of the Portland Police Commanding Officer's Bill of Rights.

I have been informed of the nature of the investigation and provided with a reasonable amount of information apprising me of the allegations contained in the complaint.

I have been advised of my status, whether witness or suspect, and realize that a witness status does not eliminate the possibility of disciplinary action being brought against me. I am fully aware that if this investigation finds I have violated Bureau rules or regulations, I may be subject to disciplinary action.

I HAVE READ THE ABOVE AND SIGN THIS FORM FREELY WITHOUT ANY THREATS OR PROMISES HAVING BEEN MADE TO ME.

Signature

Witness

03-25-2010
Date – Time

I understand that I am permitted forty-eight hours (48), from this notice, before any interview or report is required. That I may consult an attorney and/or Association representative and facilities will be provided for my private consultation with them.

WAIVER

I hereby freely and voluntarily waive the forty-eight hour (48) Advance Notice requirement listed above. I do so, without threats or promises of any kind having been made to me, and with the clear understanding that this waiver does not extend to any other right afforded me.

Signature

Witness

Date – Time

03/2002

COPY

INTERNAL AFFAIRS DIVISION ADVANCE NOTICE FORM

I have read, understand, and have been provided a copy of Article 61, Section 2 of the Portland Police Officer's Bill of Rights or Article 29, Section 1 of the Portland Police Commanding Officer's Bill of Rights.

I have been informed of the nature of the investigation and provided with a reasonable amount of information apprising me of the allegations contained in the complaint.

I have been advised of my status, whether witness or suspect, and realize that a witness status does not eliminate the possibility of disciplinary action being brought against me. I am fully aware that if this investigation finds I have violated Bureau rules or regulations, I may be subject to disciplinary action.

I HAVE READ THE ABOVE AND SIGN THIS FORM FREELY WITHOUT ANY THREATS OR PROMISES HAVING BEEN MADE TO ME.

Jeffrey Elias
Signature

DAP Sgt. Thomas
Witness

03-18-2010
Date – Time

I understand that I am permitted forty-eight hours (48), from this notice, before any interview or report is required. That I may consult an attorney and/or Association representative and facilities will be provided for my private consultation with them.

WAIVER

I hereby freely and voluntarily waive the forty-eight hour (48) Advance Notice requirement listed above. I do so, without threats or promises of any kind having been made to me, and with the clear understanding that this waiver does not extend to any other right afforded me.

Signature

Witness

Date – Time

03/2002

COPY

INTERNAL AFFAIRS DIVISION ADVANCE NOTICE FORM

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I have been informed of the nature of the investigation and provided with a reasonable amount of information apprising me of the allegations contained in the complaint.

I have been advised of my status, whether witness or suspect, and realize that a witness status does not eliminate the possibility of disciplinary action being brought against me. I am fully aware that if this investigation finds I have violated Bureau rules or regulations, I may be subject to disciplinary action.

I HAVE READ THE ABOVE AND SIGN THIS FORM FREELY WITHOUT ANY THREATS OR PROMISES HAVING BEEN MADE TO ME.

Signature

Witness

03170 / 1550
Date – Time

I understand that I am permitted forty-eight hours (48), from this notice, before any interview or report is required. That I may consult an attorney and/or Association representative and facilities will be provided for my private consultation with them.

WAIVER

I hereby freely and voluntarily waive the forty-eight hour (48) Advance Notice requirement listed above. I do so, without threats or promises of any kind having been made to me, and with the clear understanding that this waiver does not extend to any other right afforded me.

Signature

Witness

Date – Time

03/2002

Ofc. James Quackenbush

COPY

INTERNAL AFFAIRS DIVISION ADVANCE NOTICE FORM

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I have been informed of the nature of the investigation and provided with a reasonable amount of information apprising me of the allegations contained in the complaint.

I have been advised of my status, whether witness or suspect, and realize that a witness status does not eliminate the possibility of disciplinary action being brought against me. I am fully aware that if this investigation finds I have violated Bureau rules or regulations, I may be subject to disciplinary action.

I HAVE READ THE ABOVE AND SIGN THIS FORM FREELY WITHOUT ANY THREATS OR PROMISES HAVING BEEN MADE TO ME.

Tyrone Willard
Signature

Sec. Treas [illegible]
Witness

03/05/10 - 1630
Date – Time

I understand that I am permitted forty-eight hours (48), from this notice, before any interview or report is required. That I may consult an attorney and/or Association representative and facilities will be provided for my private consultation with them.

WAIVER

I hereby freely and voluntarily waive the forty-eight hour (48) Advance Notice requirement listed above. I do so, without threats or promises of any kind having been made to me, and with the clear understanding that this waiver does not extend to any other right afforded me.

Signature

Witness

Date – Time

03/2002

COPY

INTERNAL AFFAIRS DIVISION ADVANCE NOTICE FORM

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I have been informed of the nature of the investigation and provided with a reasonable amount of information apprising me of the allegations contained in the complaint.

I have been advised of my status, whether witness or suspect, and realize that a witness status does not eliminate the possibility of disciplinary action being brought against me. I am fully aware that if this investigation finds I have violated Bureau rules or regulations, I may be subject to disciplinary action.

I HAVE READ THE ABOVE AND SIGN THIS FORM FREELY WITHOUT ANY THREATS OR PROMISES HAVING BEEN MADE TO ME.

	Signature
Witness	3/4/10 1600 Date – Time

I understand that I am permitted forty-eight hours (48), from this notice, before any interview or report is required. That I may consult an attorney and/or Association representative and facilities will be provided for my private consultation with them.

WAIVER

I hereby freely and voluntarily waive the forty-eight hour (48) Advance Notice requirement listed above. I do so, without threats or promises of any kind having been made to me, and with the clear understanding that this waiver does not extend to any other right afforded me.

	Signature
Witness	Date – Time

COPY

INTERNAL AFFAIRS DIVISION ADVANCE NOTICE FORM

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I have been advised of my status, whether witness or suspect, and realize that a witness status does not eliminate the possibility of disciplinary action being brought against me. I am fully aware that if this investigation finds I have violated Bureau rules or regulations, I may be subject to disciplinary action.

I HAVE READ THE ABOVE AND SIGN THIS FORM FREELY WITHOUT ANY THREATS OR PROMISES HAVING BEEN MADE TO ME.

	Signature
Witness	3-4-10 1753 Date – Time

I understand that I am permitted forty-eight hours (48), from this notice, before any interview or report is required. That I may consult an attorney and/or Association representative and facilities will be provided for my private consultation with them.

WAIVER

I hereby freely and voluntarily waive the forty-eight hour (48) Advance Notice requirement listed above. I do so, without threats or promises of any kind having been made to me, and with the clear understanding that this waiver does not extend to any other right afforded me.

	Signature
Witness	Date – Time

03/2002

COPY

INTERNAL AFFAIRS DIVISION ADVANCE NOTICE FORM

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I have been informed of the nature of the investigation and provided with a reasonable amount of information apprising me of the allegations contained in the complaint.

I have been advised of my status, whether witness or suspect, and realize that a witness status does not eliminate the possibility of disciplinary action being brought against me. I am fully aware that if this investigation finds I have violated Bureau rules or regulations, I may be subject to disciplinary action.

I HAVE READ THE ABOVE AND SIGN THIS FORM FREELY WITHOUT ANY THREATS OR PROMISES HAVING BEEN MADE TO ME.

Signature

Witness

3-3-10 1630

Date – Time

I understand that I am permitted forty-eight hours (48), from this notice, before any interview or report is required. That I may consult an attorney and/or Association representative and facilities will be provided for my private consultation with them.

WAIVER

I hereby freely and voluntarily waive the forty-eight hour (48) Advance Notice requirement listed above. I do so, without threats or promises of any kind having been made to me, and with the clear understanding that this waiver does not extend to any other right afforded me.

Signature

Witness

Date – Time

03/2002

COPY

INTERNAL AFFAIRS DIVISION ADVANCE NOTICE FORM

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I have been advised of my status, whether witness or suspect, and realize that a witness status does not eliminate the possibility of disciplinary action being brought against me. I am fully aware that if this investigation finds I have violated Bureau rules or regulations, I may be subject to disciplinary action.

I HAVE READ THE ABOVE AND SIGN THIS FORM FREELY WITHOUT ANY THREATS OR PROMISES HAVING BEEN MADE TO ME.

Signature

J. Smith #24187 — Witness

03-03-10 / 1644 — Date – Time

I understand that I am permitted forty-eight hours (48), from this notice, before any interview or report is required. That I may consult an attorney and/or Association representative and facilities will be provided for my private consultation with them.

WAIVER

I hereby freely and voluntarily waive the forty-eight hour (48) Advance Notice requirement listed above. I do so, without threats or promises of any kind having been made to me, and with the clear understanding that this waiver does not extend to any other right afforded me.

Signature

Witness

Date – Time

03/2002

COPY

PORTLAND POLICE BUREAU
Internal Affairs Division Worksheet

UPDATED 9/8/2010

IAD# **2010-B-0004** PPB # 10-8352 DATE RECEIVED February 1, 2010

Assign as IAD To: Morgan RECEIVED BY Captain Ed Brumfield

Assign as SERVICE IMPROVEMENT OPPORTUNITY To:

COMPLAINANT INFORMATION

COMPLAINANT	PPB	DOB	SEX	RACE
ADDRESS		DAYTIME PHONE		
CITY / STATE / ZIP		BUSINESS PHONE		
LOCATION / OCCURRED	12800 NE Sandy Blvd. – North Precinct			
DATE / TIME OCCURRED	1/29/10 – 1622 hours			

CO-COMPLAINANT / WITNESS INFORMATION

COMPLAINANT / WITNESS	DOB	SEX	RACE
ADDRESS	DAYTIME PHONE		
CITY / STATE / ZIP	BUSINESS PHONE		

NARRATIVE

Members Involved:
Officer Ronald Frashour #40927 - East Precinct
Officer Ryan Lewton #34674 - North Precinct
Sergeant Liani Reyna #28925 – North Precinct
Sergeant John Birkinbine #29351 – North Precinct

Deceased:
Aaron Marcell Campbell

IAD CASE CLOSURE INFORMATION

DATE CLOSED / INITIALED For IAD Captain's Use: ERR 9-9-10 9/14/10 EAE

ALLEGATION CORRESPONDS TO ALLEGATIONS / ISSUES TO BE INVESTIGATED

Allegation Number	Officer / DPSST #	Allegation Category	Finding Category
1	Officer Ronald Frashour #40927	1	D
2	Officer Ryan Lewton #34674	1	D
3	Officer Ronald Frashour #40927	3	D
3	Officer Ryan Lewton #34674	3	D
3	Sgt. Liani Reyna #28925	3	D
3	Sgt. John Birkinbine #29351	3	D
3	PPB	6	OP

ALLEGATION CATEGORIES

#1	Force
#2	Control Techniques
#3	Conduct
#4	Disparate Treatment
#5	Courtesy
#6	Procedure

SHOOTINGS ONLY

JP	Justified – In Policy
JV	Justified – Policy Violation
JT	Justified – Tactical Improvement
NJ	Not Justified

OP - Out of Policy

FINDING / DISPOSITION CATEGORIES

Adm	Admin Complaint
B	Exonerated
B-d	Exonerated w/debriefing
C	Unproven
C-d	Unproven w/debriefing
D	Sustained
E	Declined
E-d	Declined w/debriefing
M	Miscellaneous
S	Suspended
SIO	Service Improvement Opp

Incident Overview:
This is an internal review of an officer involved use of deadly force. On January 29, 2010, officers responded to a 911 call for a welfare check on a female, her three small children, and her possibly suicidal boyfriend at 12800 NE Sandy Blvd. #37. The male, Aaron Campbell, eventually came out of the apartment. A less lethal shotgun was deployed by Officer Lewton. Moments later, Officer Frashour fired his AR-15 rifle once, striking Campbell in the back. Campbell was pronounced dead at the scene.

Allegations:
1. Was the use of deadly physical force by Officer Frashour within Bureau policy and training guidelines? (Force)
2. Was the use of less lethal force by Officer Lewton within Bureau policy and training guidelines? (Force)
3. Was the response by PPB personnel tactically sound and within Bureau policy and training guidelines? [Officers Frashour & Lewton and Sgts Reyna & Birkinbine] (Conduct)
3. Was the response by PPB personnel tactically sound and within Bureau policy and training guidelines? [Bureau] (Procedure)

Investigator Comments:
Exhibits:

IPR/IAD CHECKLIST

IPR Case Number: 2010-B-0004

DATE/INITIAL	IPR SECTION ONLY
	COMPLAINT RECEIVED | **IS CO WILLING TO MEDIATE?** ☐ Yes ☐ No ☐ Maybe ☐ Not Asked
	SIGNATURE LETTER MAILED: | **DATE RECEIVED:**
	INTAKE PROCESS COMPLETED – Case Submitted to IPR Director
	DIRECTOR'S CASE DECISION Action: ☐ Resolved at Intake ☐ Decline ☐ Refer to IAD ☐ IAD w/ IPR ☐ IPR ☐ Mediation ☐ Referral ☐ PPB Unsworn | **DIRECTOR'S COMMENTS**
	Letters: ☐ Acknowledgement ☐ Declination ☐ No Letter
	File Copies to IAD

IF DISMISSED BY IPR DIRECTOR OR DECLINED BY IAD CAPTAIN:

IPR		IAD
☐	Other Remedy	☐
☐	Filing Delay	☐
☐	No Misconduct	☐
☐	False Claim	☐
☐	Trivial or De Minimis	☐
☐	Limited Resources	☐
☐	Complainant Withdrew	☐
☐	Complainant Unavailable	☐
☐	UTI Officer	☐
☐	Ofc No Longer Employed	☐
☐	Other Jurisdiction	☐
☐	Previously Adjudicated	☐
☐	Other Judicial Review	☐
☐	Not Credible or Reliable	☐
	Invest. Unwarranted	☐

DATE/INITIAL	IAD SECTION ONLY
2-19-10 EB	**CASE DECISION – ASSIGN or DECLINE**
	Assign To: Morgan | Assign As: ☐ Addtl Intake ☒ IAD ☐ S.I.O. ☐ Referral
	Letters: ☐ Acknowledgement ☐ Declination ☒ No Letter
6-4-10 CM	**IAD INVESTIGATION COMPLETED** – Case Submitted to Captain
7-6-10 CMR	Copy of Summary Investigative Report to IPR
7-16-10 CMR	To RU Manager – For Case Review / Recommended Finding North
8/2/10 - CMR	**CASE RETURNED FROM PRECINCT/DIVISION** (Through Channels)
7/30/10	**DATE OF RU MANAGER FINDING** (As Reflected on Finding Memo) North (Ferraris)
8/3/10-CAE	**CASE TO REVIEW LEVEL** (Sustained or Controverted Only)
9/14/10-CAE	**CASE CLOSED** ~~(Disposition Letter Sent to IPR)~~ / **RESOLVED** (Administrative or Service Improvement Opp.)
8/26/10-CAE	**DATE OF REVIEW LEVEL MEETING** (If Sustained)

DATE/INITIAL	IPR CASE REVIEW SECTION
	DATE CASE RECEIVED FROM IAD
	DIRECTOR'S REVIEW DECISION
	IF NOT SUSTAINED: Letter to complainant with notice of appeal. Notice given to member through IAD.
	IF SUSTAINED: Letter to complainant.
	CLOSING LETTER TO IAD
	FINDINGS APPEALED? ☐ **Yes** ☐ **No**
	IF APPEALED: ☐ **Appeal Accepted** ☐ **Appeal Not Accepted** *IF ACCEPTED*, ATTACH APPEALS CHECKLIST

DATE: August 30, 2010

TO: Captain Edward Brumfield
Professional Standards Division

FROM: Christopher Paillé
Professional Standards Unit

Bureau of Police
Portland, Oregon

INTER-OFFICE MEMORANDUM

SUBJ: Performance Review Board Findings

The Use of Force Review Board met on Thursday, August 26, 2010, to review the following case:

Involved Member: Officer Ronald Frashour #40927
Officer Ryan Lewton #34674

Deceased: Aaron Campbell

IAD Case Number: **2010-B-0004, PPB Case #10-8352**

Allegation #1 *Was the use of deadly force by Officer Frashour within Bureau policy and training guidelines?*

Out of Policy
Finding: Sustained
Violation of Directive 315.30 – Unsatisfactory Performance
Violation of Directive 1010.10 – Deadly Physical Force

Allegation #2 *Was the use of less lethal force by Officer Lewton within Bureau policy and training guidelines?*

Out of Policy
Finding: Sustained
Violation of Directive 315.30 – Unsatisfactory Performance
Violation of Directive 1010.20 –Physical Force

Allegation #3 *Was the response by PPB personnel tactically sound and within Bureau Policy and training guidelines?*

Sgt. Liani Reyna
Out of Policy
Finding: Sustained
Violation of Directive 315.30 - Unsatisfactory Performance

Sgt. John Birkinbine
Out of Policy
Finding: Sustained
Violation of Directive 315.30 - Unsatisfactory Performance

PORTLAND POLICE BUREAU
INTERNAL AFFAIRS DIVISION
Confidential Radio Taped Statement
Investigator Jon Rhodes, #16753

Interview Date: January 29, 2010
IAD #: 2010-B-0004
Complainant: PPB

Interviewed: BOEC Talk Net, North Dispatch (1622 – 1645)

646: Go ahead.

Dispatcher: Welfare check at the Sandy Terrace Apartments number 37, it's at 12800 NE Sandy. Checking on an ANGIE JONES, uh, female, lives here with three kids. I get, evidently a suicidal boyfriend tried to kill himself earlier and we don't know if he is there or not, but there's a report that he may be there with a gun.

646: Copy, 78th and Prescott.

Dispatcher: Any eastside afternoon cars that can clear for that.

664: 664, I can go to that.

Dispatcher: 664, I'll show you en route.

646: Yeah 646, where this information coming from?

Dispatcher: 646, looks like it might be a friend of the female that you're checking on, she's calling from 162 and Stark, giving us this info. I guess this guy, uh, wants a suicide by police. Again we don't know if he actually armed today and the dad is en route, dark gray Ford pickup, no ETA.

646: 10-4.

1602: 1602 Traffic.

Dispatcher: Go ahead, 1602.

1602: Yellow three on my last out with 248 Edward Boy Henry, I-5 northbound, uh, I guess we'll just put myself at 307.

Dispatcher: Northbound on five, 307.

664: 664, could you try to locate her in PPDS and get a phone number for us?

Dispatcher: Yeah we're trying.

COPY

?: 10-4, could, uh, car _____ the ally picket, lot over here, on, uh, south side of Alberta, is out doing, checking that lot.

Dispatcher: 564, 74 are you free to do that?

?: 4 can.

Dispatcher: 1626.

?: 550.

Dispatcher: 550

550: Yeah I just got into there and didn't see what they were on. What, what do the people look like there, there looking for.

?: We're working on that.

550: Just coming through, two male blacks ran into the church over there on the other corner and into the wooden doors. All dressed down in blue and like blue sweatshirt top.

?: One is black, he's going to be six feet tall, all in black with goatee, if you have a guy that matches that, grab him.

550: Yeah, he went into that church down about two blocks away from where you guys are at.

?: Copy.

Dispatcher: 646.

646 Go ahead.

Dispatcher: We can't find any info for ANGIE in PPDS, we did find the male half and ran him, he is clear. He's got an RO against him he is flagged for DV and resist, and is on DVRT case load. His associated vehicle listed in PPDS is an '88 Dodge Lancer, Willy Nora Roger 271.

646 Copy, thank you.

Dispatcher: 1629.

?: 1614 is 10-11.

COPY

63 **Dispatcher:** 1614, 1630.

64 **646:** Yah 646 on scene, just standing by for cover.

65 **Dispatcher:** 1630.

66 **664:** 664, 102 and Knott.

67 **Dispatcher:** And it looks like 614 also picked up the cover, East doesn't really have anybody.

68 **646:** 646, just go ahead and send me this guy's PPDS please.

69 **Dispatcher:** Alright just put it in the call.

70 **1602:** 1602, yellow three and 84 again.

71 **Dispatcher:** Go ahead.

72 **1602:** Will be, uh, I-5 northbound, um, about exit, um, yeah it's right by Janzen Beach Center
73 here, 487 Charles Lincoln Boy.

74 **Dispatcher:** Copy.

75 **594:** 594.

76 **Dispatcher:** Go ahead.

77 **594:** Yeah just for the cars in the area, the other two were, uh, one was a female white
78 wearing a gray sweatshirt and blue jeans, long brown hair and then third was male white
79 or male Hispanic, maybe five ten, thin, blue jeans, unknown top.

80 **?:** Copy

81 **664:** 664 arriving.

82 **Dispatcher:** 1632 and do you guys want a dog to start, for the Sandy call.

83 **K97:** K97, I'll monitor and I'll monitor the call. K97 did that go through?

84 **Dispatcher:** I got that your monitoring, 646…

5 **K97:** …I'll monitor, if they need me, just have them call me.

86 **691:** 691.

87 **Dispatcher:** 691.

COPY

88	**691:**	Afternoon sergeant, tac two please.
89	**691:**	91, did I get a yea or a nay.
90	**Dispatcher:**	Sounds like they switched over.
91	**1602:**	1602 yellow three.
92	**Dispatcher:**	1602, 1636.
93	**664:**	664.
94	**Dispatcher:**	Go head.
95 96	**664:**	I have eyes on 37, it's going to be a lower apartment facing, uh, east, approximately half way through the, uh, length of the complex.
97	**Dispatcher:**	1637.
98	**614:**	614 arriving.
99	**Dispatcher:**	1637.
100	**664:**	And I don't see either car associated with them in PPDS in the lot.
101	**Dispatcher:**	Copy.
102	**?:**	646, uh, we have the dad here of the, of the girl and he's tried to call her, no answer.
103	**Dispatcher:**	One…
104	**?:**	…I've got a call (cuts out) sergeant started out there.
105 106	**Dispatcher:**	For you in 564, 1654 N Alberta Street, our complainant is missing three boys, one of which is, is, is his own.
107	**564:**	Okay, um, from Ainsworth, _____ area
108	**?:**	Copies and I'll go check with Beech School.
109	**Dispatcher:**	1643.
110	**580:**	580, 10-79.
111	**Dispatcher:**	580, good night, 1644.

COPY

646: 646.

Dispatcher: 646.

646: Please run, I just ran, uh, I'm trying to verify who this female is, can you run variations of that name, ADRIANNA JONES, uh, dad does not know her date of birth. So we can verify who she is.

Dispatcher: Copy.

?: 646, tac two.

646: Hold on a second, to dispatch he said she's around 22, 23 years old. And I'll go talk to you now.

Dispatcher: Copy.

? 94 preempt for motors assist at MLK and Fremont on slated Chevy Suburban, gold.

Dispatcher: MLK and Fremont, 1644.

4503: 4503 is 10-8

Dispatcher: 4503, 1645.

?: _____ _____ _____ is a non-injury accident.

Dispatcher: Copy.

Transcribed Verbatim With Punctuation Added 050610 1431 hrs S. Thoman SDT

COPY

PORTLAND POLICE BUREAU
INTERNAL AFFAIRS DIVISION
Confidential Radio Taped Statement
Investigator Jon Rhodes, #16753

Interview Date: January 29, 2010
IAD #: 2010-B-0004
Complainant: PPB

Interviewed: BOEC Talk Net, North Dispatch (1645 – 1730)

695: 695, is 675 still going to St. Johns?

Dispatcher: 674 is.

674: Yes we're still in en route.

695: 695, I'm just leaving the precinct I'm closer to than 33rd and Broadway.

Dispatcher: Okay then I'll put you on it.

674: 6534, cancel them I'll go primary and keep 20's coming.

Dispatcher: 674, 695, 10-8

695: 695, copy.

612: 612, one, 10-79

Dispatcher: 646, what is his cell carrier?

657: 657.

Dispatcher: Go ahead.

657: Could you make sure you start a sergeant out this way?

Dispatcher: Sergeant to start for Sandy call.

3607: 3607, what's the call?

Dispatcher: Uh, it's a welfare check on a female and three kids, suicidal boyfriend may or may not be there, were trying to find out if the female actually there. Several units are scene, Sandy Terrace, 128 and Sandy.

3607: From North Precinct.

Dispatcher: That was 3607. For either 646 or the others, I need the cell carrier.

?: Yeah, we don't know, the father saying he, it's unknown.

COPY

Dispatcher: Copy.

695: 695, can I have 550 on tac two please.

Dispatcher: 550 tac two

550: 550, you calling me?

Dispatcher: Tac two, 695.

550: Copy.

Dispatcher: ODOT to North.

ODOT: ODOT.

Dispatcher: Anybody northbound five, Slough Bridge on this unknown description vehicle, right shoulder.

ODOT: I'm sorry we don't right now.

Dispatcher: 1650.

3733: 3733, where is that?

Dispatcher: Northbound the Slough Bridge, right shoulder.

3733: I'll take care of it.

Dispatcher: Thank you.

?: 664 tac two.

Dispatcher: 664 tac two

664: Copy.

534: 534.

Dispatcher: Go ahead.

534: The suspects probability going to be headed towards Princeton, um, his first name Ivan, uh, I believe his last name is Hernandez, he goes by Little Marijuana. He's in a white Honda.

514: 515, I'm going to be logged on in a couple of minutes, I'm going to head there.

COPY

Dispatcher: Okay let me know when you're en route.

534: 534, his home is, uh, a block away from the park on McKenna.

514: It's a block west of the park, correct?

534: Yeah it's just a blue house.

646: 646, is verifying the color, you said, you said he was driving a Lancer. Could you verify the color for us?

Dispatcher: Uh, we don't know that he was actually driving it, that's his associated vehicle in PPDS and it doesn't list color.

646: Copy.

664: 664, can you plug in 941 Charlie Frank Mary.

Dispatcher: It's clear, '05 Gallant, to a Shirley Cowen, number 28.

664: Okay, thanks.

Dispatcher: 646.

646: Go ahead.

Dispatcher: DC just told me it's a Cingular wireless, they don't have any real time ping capabilities, if they can it may be hours old.

646: 10-4, thank you.

664: 664, I think probability still worth trying a ping.

Dispatcher: Okay, 3612

3612: 3612.

Dispatcher: The call taker needs to talk to you about something, can you get a number where they can reach you.

3612: I'm on the phone right now with a complainant, can I, uh, call her in just a minute?

Dispatcher: Yes.

3611: 3611, I just logged on if I can help with that.

COPY

Dispatcher: Okay, I'll have her call your cell.

3611: Okay.

?: 6560 goodnight.

Dispatcher: 1655, 646.

646: Go ahead.

Dispatcher: There attempting to ping, we'll let you know when we get info, and PPDS does have the color of his '88 Lancer, it's blue.

646: 10-4, thank you.

Dispatcher: 1656, 695.

695: 695, 15th and Weidler.

Dispatcher: will you with 674 go with medical, payphone 914 NE Broadway is the address, 46 old male says he feels sick because he might be high on meth.

695: Copy.

674: 674, 30 and Broadway.

Dispatcher: 1657.

ODOT: ODOT to North.

Dispatcher: ODOT.

ODOT: That car you are going to northbound on the Slough Bridge, they cleared on their own.

Dispatcher: 3733, 10-8

3733: 3733, you calling me?

Dispatcher: ODOT says that vehicle took care of it's self, you want to be 10-7 again?

3733: 10-8, that's fine, thank you.

Dispatcher: 1658.

64: 64, info.

COPY

Dispatcher: Go ahead

64: 64, I actually have three kids missing, all males, uh, first ones going to be last name, Paul Union John Adams David Adams, first name of Anthony, he's a male Hispanic, date of birth is 121498, he's slender, dark hair and eyes. Uh, second one is going to be Clemon, Charlie Lincoln Edward Mary Ocean Nora Sam, first name of Zebra Adam Victor Adam Roger Edward Adam, he's a male black, 102798, he's about four ten to five foot, slim, uh second time, the third ones going to be last name of Perez-Paverez, uh, first name spelled Yellow Adam Ida Nora Ida Edward Roger, uh, male black, 022699, um, they all three, uh, left in a unknown direction and all three were, uh, got themselves in trouble today, um, that might be a reason why they left.

Dispatcher: Copy.

74: 74, I'm talking with the parents right now and this isn't, you know, suspicious circumstances involved their just, uh, scared to come home right now.

55: 55, cancel cover on 10-22 with fire.

Dispatcher: Was that cancel cover?

55: Copy.

Dispatcher: 674, 10-8

674: 674, copy

?: 574, tac two.

Dispatcher: 574 tac two

574: Over.

3752: 3752.

Dispatcher: Go ahead.

3752: Yeah, could you interrupt my transport and show me out at Grand and Lloyd with a stalled vehicle, I'll be putting out flares for him.

Dispatcher: Grand and Weidler.

3752: 10-3, 3752 I'm actually at Grand and Lloyd.

Dispatcher: Copy.

COPY

3607: 3607.

Dispatcher: Go ahead.

3607: Okay I'm arriving where do I need to meet the officers?

664: 64, just go ahead.

Dispatcher: Sergeant's there where do you want her?

664: Just come to the front where our cars are.

Dispatcher: 646.

646: 10…

Dispatcher: Uh, through the CAD program we got for the phone, we're still waiting on the ping back, it looks like it's moving from 3800 block of NE 139 and now it's a 143 and Airport way.

657: 657 to 614, the daughter just came out the front, she appears to be okay, we're still trying to confirm about exactly what's going on inside the house.

614: 614, copy.

1601: 1601, 10-79.

Dispatcher: 1601, good night.

?: 657, tac two.

Dispatcher: 657, tac two and 646 the most recent on the ping of the cell phone which is DALAT LONG, uh, 14300 block NE Airport Way within 960 meters it says.

3752: 3752.

Dispatcher: 3752.

3752: Can you show me back en route to MCDC.

Dispatcher: Copy.

?: 127 tac two.

? 10-4

COPY

657: 657, um, can we start an AR-15 to this call?

Dispatcher: Okay someone with an AR that can start to the Sandy Terrace Apartments.

_55: _55, I'm en route, about two minutes out.

Dispatcher: Copy, 625.

625: 625.

Dispatcher: 3006 NE 16 is a 12-34 tenant refusing to take his medications, escalating to making threats to kill people, uh, is a black male, 22 years old, his name is Daniel, black stocking cap, blue jacket. Saying he's going to leave on foot, but he's still there.

625: Okay, from Garfield and Failing.

525: 525, can you run Oregon plate 710 Dave Paul Adam and see who it belongs to.

Dispatcher: Copy.

695: 695, I'm 61 with one going to detox.

Dispatcher: 61 and en route to detox, 1708.

525: 525 at lives at 6436 N Princeton, Walter Olinger.

2663: 2663, 10-84

Dispatcher: 2663.

2663: Sam Queen Yellow 308 for Killingsworth just east of Albina.

Dispatcher: Killingsworth east of Albina at 1709.

3733: 3733, 10-84

Dispatcher: Go ahead.

3733: Oregon 484 Edward Nora X-ray, northbound I-5 at _____.

Dispatcher: Copy and was the disabled on the right shoulder taken care of?

3733: Yeah he took care of himself, remember or that was from the other dispatcher told me that.

Dispatcher: Oh, okay, I'll make it go away, thank you.

COPY

187 **?** Bocchino tac two.

188 **Dispatcher:** 614 tac two.

189 **641:** I'm with her.

190 **Dispatcher:** 626.

191 **656:** 148 and Airport Way.

192 **Dispatcher:** Need to start you over to 8912 NE Alberta, 11 year old son has not returned home from
193 school and apparently there was three other kids that our caller learned did not come
194 home either so they must be all together somewhere. And this is the complainant home
195 address though.

196 **626:** Copy, I'll advise.

197 **64:** 64, what's that, uh, child's name.

198 **Dispatcher:** Anthony Pujada, P, Paul Union John Adam David Adam.

199 **64:** 64, that's related to our call as well.

200 **Dispatcher:** Okay so you are in contact with some of the other missing kids of the same school then.

201 **64:** 64, could that unit go to , uh, tac two please.

202 **656:** Copy.

203 **534:** 534.

204 **Dispatcher:** 534.

205 **534:** Change my location to, uh, 6427 N Princeton, 544 and 525 are with me.

206 **Dispatcher:** 6427 N Princeton at 1715.

207 **550:** 550 roger one, 10-79.

208 **Dispatcher:** Good night at 1716.

209 **574:** 574.

210 **Dispatcher:** 574.

COPY

574: The three children have them located, there at Vancouver and Lombard, if there is someone in the area you could swing by there real quick, uh, mom is en route to hopefully get three of the kids as well.

Dispatcher: Is one of them 656's child as well.

574: _____

Dispatcher: 574, just, 564 just confirming you're not able to go to Vancouver and Lombard?

654: 10-4 no, I just sent you a message sent me back to Beech School and then SID please.

Dispatcher: Copy.

574: Yeah 574 I'm in en route to the, uh, Vancouver, Lombard address.

Dispatcher: So can, will you advise me of 656's kids there.

574: 656 can probably clear, thank you very much.

656: 656 copy.

Dispatcher: 1718.

657: 657, did you just send up an AR.

Dispatcher: 655 on the way.

657: 10-4, were going to need an AR.

Dispatcher: 655 is just arriving with one.

? 655 is Officer Kemple, he does not have an AR.

555: 555, I can go from, uh, Lombard and Buchanan.

Dispatcher: All right, I'll put you on it

3733: 3733, I'm towing

Dispatcher: 1719, 657 I'm going to check with East, they don't have much going on.

4525: 4525.

Dispatcher: 4525.

COPY

4525: We're out at 3911 and NE Killingsworth on follow up.

Dispatcher: 49, 3911 NE Killingsworth on follow up at 1720.

2663: 2663, 86 a group, MLK and Jarret, another car code 1.

Dispatcher: MLK and Jarret, another car close.

594: 594, you can clear this Willy 3 and we can go from MLK and Russell.

Dispatcher: Okay I will put you on it.

594: And 594 that it was code 1 correct?

Dispatcher: 2663, code 1 okay.

2663: Yes.

3610: 3610, put me on 655 call please.

3607: 3607.

Dispatcher: 3607.

3607: Yeah, we're setting up out here for a loud hail and in a moment I'm going to be taking non-emergency off the air.

Dispatcher: 1722.

3607: You copy that?

Dispatcher: Yes, just let me know when you want to hold the air.

657: 657, can we get K-9 started to this call.

Dispatcher: I'll check.

2663: 2663, you can cancel cover.

Dispatcher: 594, 10-8

594: Copy.

Dispatcher: K97 are you monitoring

K97: I am.

COPY

Dispatcher: I'll put the call on you box, 128 and Sandy.

K97: Okay, can, uh, I have one of those units go to tac two that needed me.

657: 657, copy.

946A: 946A with an AR.

Dispatcher: Great thanks, if you're going to head to the call location, someone will meet up with you.

946: Copy is it a code 3, I didn't hear the call.

Dispatcher: 3607 do you want that AR to respond code 3.

3607: Yeah, if he can get here, we're, we've got one here and we'll rotate it out when he gets here, don't kill him self though.

946: 946 we copy.

645: 645 info

Dispatcher: 645

645: A gal, uh, just got a text message from the guy inside, uh, asking what was going on, uh, she texted him back that we were wanting him to come outside, so just be aware he might come out.

Dispatcher: 1723.

3607: Okay 3607, hold the air, we're gonna start our call in.

Dispatcher: Okay, non-emergency off the air, regular traffic can go to Southeast Dispatch at 1726.

?: _____

946: 946 arriving, were going to park with all the other police cars and walk in, is that right?

? You will see us if just walk, park with all the police cars are, you'll see us.

664: 664, so far no answer.

Dispatcher: So far no answer.

646: 646, info.

COPY

284 **Dispatcher:** 646.

285 **646:** Okay, uh, suspect inside just sent a text message saying don't make me get my gun, I
286 ain't playing, so everybody heads up.

287 **3607:** 3607, copy that, let's get one more clear car up to Prescott and 131 for containment.

288 **Dispatcher:** 656, Prescott and 131.

289 **656:** Okay.

290 **657:** And 657, let's just go ahead and start two more cars here just in case we need them.

291 **Dispatcher:** Triple five I'll keep you going and 674 I'll start you that way.

292 **674:** Okay we're en route.

293 **555:**

294

295 Transcribed Verbatim With Punctuation Added 051210 0805 hrs S. Thoman SPT

COPY

PORTLAND POLICE BUREAU
INTERNAL AFFAIRS DIVISION
Confidential Radio Taped Statement
Investigator Jon Rhodes, #16753

Interview Date: **January 29, 2010**
IAD #: **2010-B-0004**
Complainant: **PPB**

Interviewed: **BOEC Talk Net, North Dispatch (1730 – 1815)**

3607: Boylan tac two.

946: 46, Sergeant Reyna I'm in back with Officer Bocchino with the AR, did you want me here or somewhere else.

? Frashour we're going to need you up front with us.

946: I'm coming.

555: This is triple five, when I get there I can head to the back with my AR, but I'm still at Marine Drive.

?: I have a shotgun in the back.

657: 657, whoever gets here first, uh, either 674 or, um, 656, whoever you sent, we're going to need to put them on Prescott.

646: 646, all units, uh, Officer Quackenbush is talking with the suspect now.

664: I'm on the phone with him.

656: 656, 131 and Prescott

Dispatcher: 656, 1733.

646: 646, two little kids just walking out the front.

Dispatcher: Two little kids walked out the front.

646: 646, that makes three very small black children.

3607: 3607, we got the three children secured.

Dispatcher: 1734.

3607: Hold your positions. Hey Kemple have them move that car farther east for me, get them in the car and move them east please. We'll just wait until we secure the kids and get them out of here safely.

COPY

3607: 3607 to Bocchino, do you see anything happening on side three, any lights or shades or anything like that.

614: I haven't seen anything out here in the back, shades were still closed last I saw in the door. Uh, noise with adjacent apartments but not from that location.

3607: Copy.

555: Triple five, I'm arriving, should I just come south on 125th Place.

3607: In fact, we're going to need you for containment, um, trying to get cars up at Prescott, if anyone's at 125 and Prescott.

555: Well triple five, does anybody have an AR in the back?

614: We have a shotgun in the back.

555: I've got a rifle so I'll head to the back.

3607: So 3607: give me a roll call on, uh, who all is in the back and what weapons do they have.

614: Bocchino and Gryphon are in the back, we've got a, uh, shotgun and a beanbag.

555: Hey Bocchino, I've got a rifle, what's the best way to get to you, I'm out in front of the apartments right now.

614: Yeah from the, uh, from where the vehicles are parked on Sandy, just come directly south, you see me on the path.

555: Triple five, copy.

3607: 3607, what does my containment look like on Prescott

656: 656, I'm at 131 and Prescott.

674: 674, we're heading to 125 and Prescott.

3607: And you're ETA?

674: Two minutes.

3607: Copy.

Dispatcher: 3607, just so you know, we sent regular traffic to Southeast Net.

COPY

3607: All right, I thank you, I still need the air.

3607: 3607.

Dispatcher: 3607.

3607: 2558 is here, he's going to go up to 125 and Prescott, I want 674 to stage on Sandy with all the police cars as a reactionary car.

674: 674, copy.

3607: And were good, we've got enough people here.

645: Sarge, if you don't mind, I think I'll take the, uh, female here down the road to the gas station where her kids are, get her out of here.

3607: Yes, that sounds good, thank you.

555: Triple five, I don't see any movement, in the back where I'm at.

9601: 9601.

Dispatcher: 9601.

9601: Give me the staging or safe route in out there please.

?: You want to, uh, take Marine Drive to 122, then head south, then go, uh, east on Sandy, just come up to 125 and Sandy where all the cars are parked.

9601: Copy that.

?: Marine Drive is just a little slick, so just to let you know.

?: If you, do you know what unit it is.

Dispatcher: Unit for the call is showing 37.

555: Hughes from the backside, do you know which unit it is?

614: Where you at Derek, go to tac two.

555: Hey Bocchino this is Hughes, I moved up to that alcove, we were pointing at earlier, but I'm back in the parking lot and I think I can see the bedroom window from where I'm at.

614: Copy.

COPY

555: Just so you know, I'm just going to break this one little light out with my asp, so you'll hear some noise.

614: Out.

646: 646 to Officer Burns.

645: This is Burns.

646: Yeah, please ask her how much he's been drinking and if any, any drugs also.

645: Copy

?: _____ you standing west of the apartments?

645: Uh, she says that, uh, he did he his drinking, I believe last night and she doesn't know him to do drugs.

646: Copy, thank you.

3607: 3607.

Dispatcher: 3607.

3607: Yeah just for all the officers standing by we're going to be communicating to him with text via so, just keep holding, be patient thanks.

Dispatcher: 1749.

645: 645, go ahead and change my location to 13038 with the female subject.

Dispatcher: 13038 NE Sandy, 1749.

674: 674 is in position.

? 607, copy.

555: Hey Bocchino this is Hughes I'm going to break another light, just to let you know you'll be hearing it.

614: Copy.

9603: 9603, if you can have 3607 call my cell, uh, when she can.

3607: Copy I'm on the phone, I'll call you in a sec.

COPY

3607: 3607, FYI we are on the phone with him now.

9601: 01 I'm on scene.

Dispatcher: 9601 at 1751.

9601: 01 is 03 out here?

9603: I'm a couple minutes out talking to Liani now.

9601: 01 we need a rear guard out here at the entrance to this apartment complex to scoot some of these citizens along. It's, I don't know if somebody in the front or if you can send a car around.

Dispatcher: Anybody have a good position to do some crowd control?

?: 657 everybody's tied up already, we're gonna need one more car out here to do that.

3611: 3611, 2657 should be heading out that direction.

Dispatcher: Copy thanks, 2657 are you on the air? 9601 is most of the crowd on the west side of the apartments?

9601: I'm talking on the north side, the entrance.

?: Yeah, there on Sandy on the east side.

Dispatcher: Copy.

?: Say Bocchino if you and your partner want to leave, you got three long guns back here, you don't need to be so close.

614: Okay copy, we'll back up, uh, one apartment.

2657: 2657, uh, were en route to that call, where do they need us?

Dispatcher: We'll send it to your box.

657: 657, their answer to the question of where they're needed is right up front, um, to work traffic, to get people kind of move along, we are getting a lot of gawkers coming up behind us.

2657: 2657, copy.

6486: 6486, with one at _____ _____ and Interstate.

COPY

Dispatcher: Switch to Southeast Dispatch, this is a closed channel.

3607: 3607.

Dispatcher: 3607.

3607: We're getting some positive texts, feedback from him, we're still in text communication with him. Officer Burns to call me.

Dispatcher: Your radio was broken up.

3607: I need Burns to call me, Officer Burns.

9601: 9601.

Dispatcher: 9601.

9601: Where's, uh, Sergeant Reyna and the person doing the texting at?

3607: We are in an alcove, hang on.

9603: 9603 on scene.

Dispatcher: 9603, 1758.

9601: 9601, who's the other sergeant out here besides Reyna?

3610: 3610, I can go to tac two.

555: Hey Carmon this is Hughes I'm going to go back to where, uh, Schmerber is.

?: Hey actually why don't you come out on my end, check it out.

555: All right.

?: Hey Carmon, I'm at the very south end of building, is that where you are at?

2558: 2558, I got the black, back blind opening up, he might be looking out.

Dispatcher: Back blinds opening up at 1803.

?: Looks like he's looking out.

Dispatcher: And it looks like he is looking outside.

555: Hey Carmon this is Hughes, I'm back with my Schmerber, couldn't find you.

COPY

163	**555:**	Hey Bocchino this is Hughes, I'm coming around to where you are at.
164	**614:**	Copy.
165	**946:**	Six, he's walking out.
166	**3610:**	3610, hold the air he's backing up to us.
167	**Dispatcher:**	Subject walking out.
168	**3610:**	And he's compliant so far.
169	**Dispatcher:**	Compliant so far.
170	**3610:**	The bean bag, bean bag rounds deployed.
171	**Dispatcher:**	Bean bag deployed.
72	**3610:**	Bean bag rounds deployed.
173	**946:**	Shots fired, lethal force, he's down.
174	**Dispatcher:**	Shots fired.
175	**3610:**	3610, code 3 medical, deploy, have them stage on Sandy.
176	**Dispatcher:**	They are already being started.
177	**3610:**	3610, I need a long gun to the South, ASAP.
178	**555:**	Triple five, you want a long gun at the front.
179	**3610:**	Down in the front please. 3610, were just slowing down and holding for right now.
180 181	**K97:**	K97, have someone go to my K9 car and grab my binoculars off my passenger seat, ASAP.
182	**Dispatcher:**	Officer advise on the air if you can do that.
183	**2677:**	2677 Adam, going.
84 185	**3607:**	3607, I'm going to need to secure _____ to the east, I think it's 131st Place and Sandy, we need an officer there to get citizens out of here.
186	**9601:**	9601.

COPY

Dispatcher: 9601.

9601: I need a couple more officers out here to the entrance please, to help with, uh, family and crowd control.

Dispatcher: 656 I need you to move spots and take care of that.

656: Copy.

Dispatcher: And we'll get a second car from the other net.

1714: 1714, I can send some traffic cars over there, uh, tell me where you want them or need them.

Dispatcher: To the entrance, that would be great.

1724: 1724, we're heading that way.

Dispatcher: 1812.

1714: How many more cars do you need?

?: _____ 1614 we'll go too.

Dispatcher: Okay we five en route now.

01: I.

01: I just need them to the complex here at the entrance, help with traffic control and people. Once we get him in to custody, then we'll have enough cops present and we can free some people up.

Dispatcher: There's five new cars on the way.

9601: All right, just give me the first three, we don't need five.

?: 5, could we keep people off Prescott, south of us.

Dispatcher: We'll send a car there.

9601: John, you going to able to effect a custody there?

Dispatcher: They have medical staged at 125 and Sandy.

3607: 3607, copy, thank you.

COPY

212 **Dispatcher:** 1815.

213 **?:** We still got a lot quite a bit of foot traffic on Prescott.

214 **Dispatcher:** There on the way, we're sending there.

215 **646:** Hey try to get some more light on him if we can so I can try and see where his hands
216 are.

217

218 Transcribed Verbatim With Punctuation Added 051210 1525 hrs S. Thoman SDT

COPY

PORTLAND POLICE BUREAU
INTERNAL AFFAIRS DIVISION
Confidential Radio Taped Statement
Investigator Jon Rhodes, #16753

Interview Date: **January 29, 2010**
IAD #: **2010-B-0004**
Complainant: **PPB**

Interviewed: **BOEC Talk Net, North Dispatch (1815 – 1900)**

3607: 3607.

Dispatcher: 3607.

3607: I need Sandy Boulevard shut down, eastbound at 125th Place and westbound at 131st Place, no traffic.

Dispatcher: Copy, shut Sandy down east bound at 125 Place and westbound at 131 Place.

9601: 9601, is 9600 on the air?

9600: Go ahead.

9601: Call me in 6621.

Dispatcher: 1724 can you take Sandy at 125 Place?

1724: 1724, three blocks out.

Dispatcher: At 1816. 1804 can you take westbound Sandy at 131.

? Hey Boylan, do you seeing anything over there?

646: Yeah, I can't see his hands but there, there's no movement at all. Looks like his hands might be underneath him.

3610: And 3610 for officer's on the perimeter, we need to hold every spot we have.

Dispatcher: 625 can we have you go to Prescott for crowd control?

625: 625, affirmative

9601: 9601.

Dispatcher: 9601.

9601: Please activate, uh, SERT and HNT, a safe route in will be from the west on Sandy Boulevard, staging at, uh, probably about 125 will be fine. They can not come from the east, so they can't go westbound they got to come in from the west.

COPY

Dispatcher: Copy will do.

9601: And I still need those cars up here, at least two cars near the entrance, we had five, I could use a couple to block traffic and a couple to come deal with people.

Dispatcher: 574, how far off are you from the entrance?

574: I'm at, uh, 100, about 100 and Sandy.

Dispatcher: Copy.

9601: 3610.

Dispatcher: 3610

9601: 01 I'm asking for 3610.

Dispatcher: 3610 are you on the air?

?: I think he is on the phone.

3916: 3916, mobile precinct will be coming from east.

Dispatcher: Copy, thank you.

9600: 01, if you didn't know it I'm in command out here.

? Do we still have cars coming to Prescott, all the traffic from Sandy is coming down here now.

Dispatcher: 625 is on the way.

574: 574, I'm 23 at the entrance.

Dispatcher: At 1821.

? Right in Officer _____.

? 10-5, can somebody close Prescott off south of us.

Dispatcher: 625, are far off are you to arrive on Prescott.

625: 625, we're about 30 seconds out.

? **625**, we need to, at least some cars over here.

COPY

Dispatcher: 3918, can you help out with that on Prescott.

3918: And yes, where?

Dispatcher: 125 and Prescott.

3918: I'm almost there.

657: 657, to whose ever playing rear guard, there's a couple of people coming out of the apartment complexes to our, uh, east here, can you address these back doors.

Dispatcher: 1804, we had a lot of traffic at the time, can you block Prescott at, I'm sorry, westbound Sandy at 131.

1804: 1804, I'm at 131 Place and Sandy blocking traffic.

Dispatcher: Okay great thanks.

9603: North desk TAC 2.

Dispatcher: Who did you want on TAC two?

9603: North Precinct desk.

North desk: North desk, copy.

646: Yeah, 646, be advised no movement at all, still can't see his hands.

Dispatcher: No movement and can not see his hands

657: 657, we're going to need to make sure we shut down on traffic on Presott, Um, there's still a lot of crossfire going on with the traffic.

Dispatcher: We have three cars on Prescott at this time.

3610: 3610, confirming, did somebody see movement on our suspect.

Dispatcher: 646 said no movement seen.

3610: Confirming no movement, no one has different information correct.

646: Yeah that's correct, no movement and still can not see his hands, they appear to be underneath him.

4558: 4558, I got the. Uh, subjects brother here, where do you want to send him?

COPY

9601: 01, just stand by with him.

655: 655, we need Prescott completely blocked east and west traffic, south of our location.

Dispatcher: 625 you are at Prescott and 125, correct?

625: Prescott and 125 Place.

Dispatcher: 3618 we'll have you take the east side then. Prescott at about 131.

?: ____ and Sandy's blocked off, this is probably traffic from Sandy all driving down Prescott.

Dispatcher: And they should be blocked, so we'll send the other car to the east side of Prescott.

657: 657, Who is up there right now?

Dispatcher: Uh, 625. 3918, and 2558. 3918 do you need to sit there, can 625 handle that?

625: _____no longer there.

625: Sandy we are turning traffic, eastbound traffic around westbound at Sandy and 125.

Dispatcher: Sandy and 125. Is there anybody at Prescott and 131?

3607: Assign someone to that please if no ones there.

Dispatcher: We're getting another car for that now.

3607: And I need to a car that is on Prescott now, I need them on tac two.

Dispatcher: 625, tac two.

625: I'm going over.

Dispatcher: 924 are you on this side?

9601: 9601.

Dispatcher: 9601.

9601: Yeah tell them on SHE 1 the command post is going to be, you know, like said same location but we're a little bit east of the fire trucks, so they'll see where the fire trucks are, then they can set up just past that.

Dispatcher: We'll tell them.

COPY

657: 657

Dispatcher: Go ahead.

657: The street just south of this complex. I don't know what it is, it might be Prescott. The traffic situation is not resolved on Prescott, it's like a State highway, we're getting five to six cars just zooming by, there in a crossfire situation and we need street pretty shut down.

Dispatcher: 934 is on his way.

934: 934 I'm almost there, where do I, am I needed?

Dispatcher: Westbound Prescott at 135.

555: Triple five, look on fire maps please and see what street is just south of this apartment complex.

Dispatcher: It's Prescott. 934, looks like the first through street east of, is going to be 133.

934: Yup.

555: 55, it might be the apartment complex to the east of us dumping out on to that street, if somebody could shut that apartment complex down, that's probably where they are coming down.

Dispatcher: We going to get it, we need to get another car for that then.

1804: 1804, there probably coming off of 131 and Sandy, we'll just start turning them around instead of letting them go south on 131.

Dispatcher: Copy.

924: 924.

Dispatcher: 924.

924: I'm enroute from 100 and Sandy.

Dispatcher: Okay, we have some issue with, uh, traffic in a apartment complex nearby, let me know when you get close.

?: 9601, send Sergeant Reyna down here to the command post please.

3607: Copy, en route.

COPY

934: 934, 23

Dispatcher: 934 to 1831.

9600: 9600, what's the 20 of the command post?

9601: Jim, just come eastbound on Sandy from 122. I'm probably standing at about 127 or something like that, there's no sign here, but you'll see me.

966: _____ _____ is just leaving East right now.

Dispatcher: 966, again.

966: We're just leaving East Precinct with the command post right now.

Dispatcher: Copy mobile command leaving East.

3610: 3610.

Dispatcher: 3610.

3610: Yeah for officers on the perimeter, uh, as SERT arrives we're going to have them effect a hasty rescue. So they'll probably moving pretty quick when they get here. Just Officer's info.

Dispatcher: 810, 35.

924: 924 arriving, where am I needed?

Dispatcher: Can someone advise where the complex is, where the cars were coming from is it just south of.

?: Where will we park the command post.

Dispatcher: Okay, I think it may have been taken care of. With blocking Prescott at 133.

657: 657.

Dispatcher: 657.

657: Could you assign an officer to start getting numbers for all these apartment complexes that are opening up windows and that kind of stuff and calling them and telling to go back to the back of their apartment complexes.

COPY

657 And specifically apartment number 34, when you go sign officer to go find a manager and call apartment number 34 and tell them to go to the back of their apartment, go to the back door of their apartment 'cause their involved in, they keep opening up the window.

Dispatcher: Need an officer to go to number 34, can somebody answer?

657: Negative, we need go to, the officer to go to the office and get the number for number 34 and call them.

Dispatcher: Okay is there an officer that can go to the manager's office.

924: 924, I'll take care of that.

Dispatcher: Okay.

4558: 4558, it was, uh, foot traffic coming down Prescott from the east.

Dispatcher: There a specific street that you want them to be at, we'll send another car.

4558: You just come closer to the apartment complex and then turn people around from there.

Dispatcher: We have them blocking traffic now at 125 and 133. And we'll get another car.

4558: Yeah, there's not anyone at 1, well sorry, (unintelligible) come near 129th Place.

Dispatcher: Okay we'll get a car from East.

3611: 3611.

Dispatcher: 3611.

3611: Just a clarification for our cars at 125 and Sandy, no foot traffic, uh, east of there as well please, no foot traffic.

968: 968, uh, the mobile command center is arriving.

9601: Park it right there.

1724: 1724, I got the grandfather here coming to Sandy Terrace, is that okay?

9601: What was that?

1724: The grandfather of the family saying that he's here right now and he's the one that called. Can he come in the thing?

COPY

188 **9601:** Negative, not right now.

189 **3610:** 3610, we're still continuing to give constant command.

190 **Dispatcher:** Still giving constant commands, 1843.

191 **9601:** 9601, SERTS en route.

192 **Dispatcher:** 1946.

193 **?:** 04 to command, where do you want family members that are showing up out here on
194 Sandy and 131.

195 **Dispatcher:** 9601 can you advise. 9601 question.

196 **9601:** Go ahead _____.

197 **Dispatcher:** Family members are showing up at 121 and Sandy, where's a place they can wait?

198 **9601:** They need to stay, uh, outside the perimeter so 122 and Sandy is probably fine.

199 **Dispatcher:** 1804 did you copy.

200 **1804:** **At** 131 and Sandy, I guess there's a few officers with them at 76 Station and 131.

201 **Dispatcher:** Okay, 131 and Sandy, family.

202 **1804:** They are outside the perimeter.

203 **Dispatcher:** 1847.

204 **9603** CRTs en route, Marcie Jackson.

205 **Dispatcher:** Copy CRT en route, 1848.

206 **9900:** 9900, the time you use this incident please.

207 **Dispatcher:** On the call.

208 **?:** 04 where are SERT and HNT members going, Sandy side or Prescott?

209 **?:** Sandy side.

210 **?:** _____ _____.

211 **9601:** 01 to 03 can confirm that CRT was notified.

COPY

9603: Confirmed

9601: Okay, and there going to need to go where the family is, which I think is about 122 or so.

9603: Copy that.

Dispatcher: Just for info, we have notes that the family was at the 76 Station, 131 and Sandy.

9603: Okay, copy that, 131 and Sandy.

9601: 9601.

Dispatcher: 9601.

9601: Have, uh, detectives call 9603, he can coordinate their response.

Dispatcher: Okay will do.

9526: 9526 have him call me at 793-2705.

9603: At 2705.

9601: 9600 call 9601.

?: Do we have officers inside the apartment?

?: Yes.

9601: 9601.

Dispatcher: 9601.

9601: Okay the scenes secure, uh, 9603 is up there, I would like him to coordinate, uh, crime scene and crime scene security and no cops leave scene until they have checked out with, uh, Sergeant Reyna. So Sergeant Reyna and Lieutenant Rodrigues need to coordinate that.

Dispatcher: At 1853.

Transcribed Verbatim With Punctuation Added 052510 11:15 hrs S. Thoman

COPY

PORTLAND POLICE BUREAU
INTERNAL AFFAIRS DIVISION
Confidential Taped Statement
Investigator Jon R. Rhodes/ DPSST #16753

Interview Date: 03/29/2010
IAD #: 2010-B-0004
Complainant: Portland Police Bureau

Interviewed: 911 call from Sherry Stewart

911 OPERATOR: 911.
STEWART: Yes, I need for the police to go out and do a welfare check on my niece. Her boyfriend is real suicidal. He done already tried to kill hisself…
911 OPERATOR: Okay.
STEWART: …and now we can't get no contact from her.
911 OPERATOR: Okay.
STEWART: And he has a gun.
911 OPERATOR: Mam, mam, what's the address please?
STEWART: Uh, she lives, I don't know the exact address. It's 125th & Sandy. It's the Sandy Terrace Apartment.
911 OPERATOR: The Sandy Terrace?
STEWART: Yes.
911 OPERATOR: And what apartment number?
STEWART: 37.
911 OPERATOR Number 37.
STEWART: Yes.
911 OPERATOR: Okay, that's about 128th & Sandy, right?
STEWART: Right somewhere in there.
911 OPERATOR: Okay.
STEWART: Yeah, because,
911 OPERATOR: What's your name, please?
STEWART: My name is SHERRY:
911 OPERATOR: What's your last name SHERRY?
STEWART: STEWART.
911 OPERATOR: STEWART?
STEWART: Yeah, and her name is ANGIE JONES.
911 OPERATOR: Okay, and we're going to be checking on, her name again is?
STEWART: ANGIE and can I also tell you just proceed with caution because he already wants the police to kill him. His brother just died this morning and so that's where his mind is. He wants the police to kill…
911 OPERATOR: Okay, but I'm gonna…what is ANGIE's last name?
STEWART: JONES.
911 OPERATOR: JONES?
STEWART Uh-huh.
911 OPERATOR: And how old is ANGIE?
STEWART: ANGIE is 23.

COPY

911 OPERATOR: Is she a female white, black, Hispanic, Asian?
STEWART: Black.
911 OPERATOR: And…
STEWART: And there's three minor…
911 OPERATOR: …and there's three kids there with her?
STEWART: Yes.
911 OPERATOR: And it's her boyfriend that's suicidal?
STEWART: Yes, the older kids, that is her two oldest kid's father, his name is AARON CAMPBELL.
911 OPERATOR: Okay, is he supposed to be there?
STEWART: No.
911 OPERATOR: Okay, so do you think he did something with her?
STEWART: I do because he's already tried to, when she called me earlier she said he had put the gun to his head but the gun wouldn't fire. The four times that he tried to shoot hisself it wouldn't fire. And when he shot up in the air then it went off. He left. Why she let him back in I don't know, but ever since she let him back in nobody has heard from her. Her mom…..
911 OPERATOR: How long has it been since you've heard from her?
STEWART: Uh, it's been over an hour now.
911 OPERATOR: What is her phone number?
STEWART: Her phone, let me look, I got to look on my phone to get her number.
911 OPERATOR: That's okay, all right, go ahead.
STEWART: Okay. Okay, it's 503-367-0365.
911 OPERATOR: So, that was about an hour ago he did this?
STEWART: Yes, this has been going on all this morning, we just found out.
911 OPERATOR: Okay, with, with the gun incident you just told me, was that about an hour ago?
STEWART: Yes.
911 OPERATOR: Okay.
STEWART: And nobody has had contact with her since.
911 OPERATOR: Okay, now I'm getting the police started while we're talking. Do you say he wants, um, he wants to possibly do suicide by police?
STEWART: Yup.
911 OPERATOR: Okay, what is his name?
STEWART: AARON CAMPBELL.
911 OPERATOR: Do you know his date of birth or how old he is?
STEWART: Uh, AARON is probably, I don't know 25, 26.
911 OPERATOR: Is he white, black, Hispanic, Asian?
STEWART: Black.
911 OPERATOR: He's about 26. He's about how tall?
STEWART: Uh, I'd say probably like 5'6", 5'7".
911 OPERATOR: Thin, heavy or medium build?
STEWART: Uh, medium.
911 OPERATOR: What's his hair like?

COPY

STEWART: Um, last time I see him it was braids. I haven't seen him in quite some time, so he used to have like maybe shoulder-length hair. I don't know if it's still braided or if he still has that much hair or not.

911 OPERATOR: Do you know what kind of weapon he was armed with?

STEWART: Uh, no. She didn't even say.

911 OPERATOR: Okay, this information came from your daughter, is that correct? I mean your niece is it?

STEWART: Yes. Because when he came back when I was talking to her she immediately got off the phone and texted me with like he's back I got to call you later and I haven't heard from her since.

911 OPERATOR: Okay, all right. Does he drive a vehicle?

STEWART: Yes, but I don't know what kind of car he has.

911 OPERATOR: So, he had a brother that died this morning?

STEWART: Yes.

911 OPERATOR: And you got all this information from your niece?

STEWART: Yeah, well we knew about the brother was about pass because he had heart problems so he had…the information I'm giving you about the gun, the suicide…

911 OPERATOR: Yes.

STEWART: …that all came from her.

911 OPERATOR: In a text?

STEWART: No, we was talking on the phone. He wasn't there when I first talked to her, but then when he came back she hung up on me and then texted me and said that he was back and that she couldn't talk to me. She had to call me back later. Well I sat here and thought about it for a minute and I'm like no that's not okay and so I've been calling her ever since then and…

911 OPERATOR: Right.

STEWART: …she won't answer. I texted, like I'm going to send the police if you don't call me and she still hasn't.

911 OPERATOR: Okay, all right. We've got police on the way…

STEWART: Okay.

911 OPERATOR: …and we should be there shortly, okay?

STEWART: All right, thank you.

911 OPERATOR: All right, thank you SHERRY.

2010b0004trs-stewart
03/30/2010 @ 4:00 p.m., Cathy Daley (0330cd02)

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