

Portland Police Bureau _____

Internal Investigation: Aaron Marcell Campbell

Use of Force Review Board

November 2010



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

DATE: September 15, 2010

TO: Michael Reese
Chief of Police

FROM: Assistant Chief Larry O'Dea *LO*
Operations Branch *9/15/10*

SUBJ: Use of Force/Performance Review Board Recommendations



Bureau of Police
Portland, Oregon

INTER-OFFICE MEMORANDUM

The Use of Force/Performance Review Board met on Thursday, August 26, 2010, to review the following case:

Involved Members: Officer Ronald Frashour #40927
Officer Ryan Lewton #34674

Deceased: Aaron Campbell

IAD Case Number: **2010-B-0004, 10-8352**

Board members reviewed the recommended findings prepared by Commander James Ferraris, the investigation materials developed by the Detectives Division and the Internal Affairs Division, and the Training Division's analysis. The Board also listened to a presentation by the Portland Police Association.

The Board's recommendations are that the actions of Sergeants Reyna and Birkinbine, and Officers Frashour and Lewton were in violation of Bureau policies. The Board's recommended findings are as follows.

Allegation #1 *Was the use of deadly force by Officer Frashour within Bureau policy and training guidelines?*

Out of Policy

Finding: Sustained / Unanimous

Violation of Directive 1010.10 – Deadly Physical Force

Violation of Directive 315.30 – Unsatisfactory Performance

Opinion:

Board members believed that, based on the circumstances, it was not reasonable for Officer Frashour to believe that Aaron Campbell posed an immediate threat of death or serious physical injury, which is what bureau policy and training requires. Officer Frashour was aware that Campbell was known to be emotionally despondent over his brother's death, in need of psychological care, not wanted on any criminal charges, and had not threatened anyone other than himself. It had been broadcast that police were in text communication with Campbell. Additionally, Campbell sent out the children. Campbell did not come out of the apartment with a weapon drawn or in view. His hands were clasped together on top of his head and remained

there. He walked backward toward officers and followed commands to stop, walk slowly, and stop again. Board members believed that Officer Frashour was so focused on his perception of Campbell as a threat with a gun and on the mechanics of his AR-15, that he did not consider or recognize other factors that weighed against a conclusion that Campbell posed an immediate threat of death or serious physical injury. In other words, Officer Frashour did not properly focus on the decision-making process regarding the use of deadly force.

Board members agreed that Officer Frashour was too rigid in his interpretation of the overall situation that he failed to consider that the bean bag strike would cause pain. Board members also believed that Officer Frashour failed to consider K9 as a tool.

In conclusion, the Board unanimously agreed that Officer Frashour's overall performance was unsatisfactory and his actions were not consistent with training. Officer Frashour failed to weigh all options and tools, consider the totality of the situation, and to de-escalate his mindset, prior to his use of lethal force.

Allegation #2

Was the use of less lethal force by Officer Lewton within Bureau policy and training guidelines?

Out of Policy

Finding: Sustained / Unanimous

Violation of Directive 1010.20 – Physical Force

Violation of Directive 315.30 – Unsatisfactory Performance

Opinion:

The Board believed Officer Lewton did not de-escalate based on Campbell's behaviors. Mr. Campbell did not appear to be violent and was not visibly armed. Mr. Campbell was in compliance with all of Officer Lewton's commands with exception of being asked to place his hands in the air.

Board members believed, in focusing on Campbell's behaviors, there appeared to be compliance. Campbell had initially followed Officer Lewton's commands when asked to slow and stop. Campbell's hands were on his head and remained there.

Board members believed that Officer Lewton failed to consider the totality of the circumstances and the level of compliance on Campbell's part prior to firing his less lethal shotgun. The Board concluded that Officer Lewton failed to de-escalate his mindset based on his observations of Campbell's actions. Board members

agreed that Officer Lewton engaged in little conversation with Campbell. Officer Lewton did not attempt to ask Campbell to go to his knees or remain still. Board members agreed that Campbell was engaged in passive resistance and that this gave officers the ability to talk with Campbell in an effort to produce more cooperation. Some Board members believed that Officer Lewton failed to give Campbell enough time to comply before deploying.

In conclusion, the Board, in consideration of the totality of the situation, unanimously agreed that Officer Lewton's use of less lethal was not consistent with training or policy and his overall performance was unsatisfactory.

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 / Unanimous

Violation of Directive 315.30 - Unsatisfactory Performance

Opinion:

Board members agreed that Sgt. Reyna's initial response and decisions were appropriate and consistent with training: she contained the scene, developed a plan, identified a communications officer, established a perimeter, decided not to enter the apartment, and established a custody team.

Board members found Sgt. Reyna's refusal of assistance from Sgt. Birkinbine very concerning. Board member's concerns were compounded by the fact that Sgt. Reyna also refused assistance from Sgt. Ellertson. The Board agreed that Sgt. Reyna's reluctance to utilize the assistance of both sergeants and on-scene officers was indicative of pattern that developed for the remainder of the incident.

The available sergeants and officers could have been utilized for important tasks at the scene, including the use of Sgt. Birkinbine to coordinate communications and negotiations with the rest of the officers. Sgt. Reyna's decision to not accept help and to not delegate tasks left the custody team without direct supervision or clear and concise instructions regarding custody tactics. The Board agreed that as a result of Sgt. Reyna's failure in this regard, essential information regarding the negotiations was not communicated, and it was not clear to whom this responsibility was assigned. Board members also agreed that essential information regarding the negotiations was not communicated

and sergeants and officers lacked a shared situational awareness. The Board found Sgt. Reyna's refusal of assistance inconsistent with training and her performance in this regard unsatisfactory.

During the incident, Commander Day arrived on-scene and requested Sgt. Reyna meet with him. Sgt. Reyna left her location and subsequently there was confusion over who was in charge of the incident. The Board discussed the training supervisory personnel received that it is acceptable to not leave an active tactical situation in order to brief or notify higher ranking officers. Sgt. Reyna had been filling the roles of incident commander and first line supervisor over the custody team, negotiations, and perimeter. The Board agreed that Sgt. Reyna failed to inform Commander Day that she was actively making tactical decisions. The Board found Sgt. Reyna should have delegated the first line supervisory role, or had someone else meet with Commander Day.

The Board agreed that Sgt. Reyna made no attempt to consult with a lieutenant, SERT, or HNT in this matter and agreed that a command notification/phone call to Lt. Rodrigues would have been appropriate.

The Board found Sgt. Reyna's refusal of assistance and her subsequent failures in communication and in delegation of tasks unsatisfactory and inconsistent with training.

Sgt. John Birkinbine

Out of Policy

Finding: Sustained / Unanimous

Violation of Directive 315.30 - Unsatisfactory Performance

Opinion:

Board members believed that Sgt. Birkinbine, as an experienced supervisor, should have recognized that even though Sgt. Reyna refused his assistance, she was task saturated, overwhelmed, and not using on-hand assets effectively during the complex call. Board members agreed that Sgt. Birkinbine failed to recognize that the situation demanded a larger resource pool and should have taken the initiative to contact the relief lieutenant.

The Board also agreed that the Sgt. Birkinbine failed to relay critical information to on-scene officers. Sgt. Birkinbine failed to notify on-scene officers that he was going to request the children be released. Sgt. Birkinbine also failed to notify officers that he had requested Campbell come out of his apartment and as a result, members of the custody team were surprised and

interpreted Campbell's actions as aggressive rather than compliant.

Recommendations:

Discipline

Liani Reyna – 20 Hour SWOP – Three members
40 Hour SWOP – Three members
10 Hour SWOP – One member

John Birkinbine 10 Hour SWOP – Three members
20 Hour SWOP – Two members
Letter of Reprimand – One member
No Discipline – One member

Ryan Lewton 80 Hour SWOP – Three members
40 Hour SWOP – Three members
10 Hour SWOP – Two members

Ronald Frashour Termination – Unanimous

Training

The Board unanimously agreed with Commander Ferraris' ten recommendations as outlined in his findings on page 20.

The Board unanimously agreed with the six recommendations made by the Training Division as outlined in their analysis on page 55. Board members were apprised that some of the training recommendations were already in process.

The Board unanimously agreed to a recommendation put forth by Commander Benson: Develop and implement scenario based training as part of the AR15 curriculum. This recommendation will be added to the list of the Training Division's recommendations.

Other

The Board unanimously agreed with Commander's debrief recommendations as outlined in his Commander's Review and Findings memo.



Portland Police Bureau

Case Number 10-8352

Lead Investigators:

Detectives Erik Kammerer and Mark Slater

Homicide Detail Supervisors:

Sergeants Rich Austria and Kraig McGlathery

Law Enforcement Use of Deadly Force

- Date: January 29th, 2010
- Time: Approximately 1808 hours
- Location: 12800 NE Sandy Boulevard

Involved Officers

- Officer Ron Frashour, 8 year veteran
- Officer Ryan Lewton, 8 year veteran
- Officer Jeff Elias, 12 year veteran

Deceased Subject Officer Involved



- Aaron Marcell Campbell
- 25 years of age
- 317 NE Killingsworth St.

Criminal Convictions

- DISORDERLY CONDUCT (1 CONVICTION)
- INTERFERING WITH A POLICE OFFICER (1 CONVICTION)
- RESISTING ARREST (1 CONVICTION)
- FAIL TO APPEAR 2nd DEGREE (2 CONVICTIONS)
- UNLAWFUL POSSESSION OF A FIREARM (1 CONVICTION)

CAUSE OF LAW ENFORCEMENT INVOLVEMENT

- BOEC receives 911 call from Sherry Stewart at 636 SE 162nd Ave, who requests a welfare check on her niece, Adrienna Jones, and her three young children at 12800 NE Sandy Boulevard, Apt. #37. Sherry Stewart states her niece's boyfriend, Aaron Campbell, is armed with a gun and suicidal, and is considering "suicide by police."



CAUSE OF LAW ENFORCEMENT INVOLVEMENT CONT'D

- Officers respond to 12800 NE Sandy Boulevard, and eventually locate Adrienna Jones, who confirms Aaron Campbell is inside Apt. #37 with her three young children and is suicidal and armed with a handgun, and has mentioned “suicide by police.” Officers develop a plan to contain Aaron Campbell, and then initiate phone contact with Aaron Campbell via Adrienna Jones’ cell phone.
- After establishing contact with Aaron Campbell and expressing concern about the three young children, the children come out of Apt. #37.

CAUSE OF LAW ENFORCEMENT INVOLVEMENT CONT'D

- Cell phone contact continues via texting and intermittent voice contact.
- Aaron Campbell unexpectedly exits Apt. #37 and rapidly walks backward into the middle of the parking lot with his hands on the back of his head.
- Officers give repeated commands to Aaron Campbell to walk slowly toward them and raise his hands above his head.
- Aaron Campbell stops 15-20 feet from the Officers, but still does not raise his hands above his head.

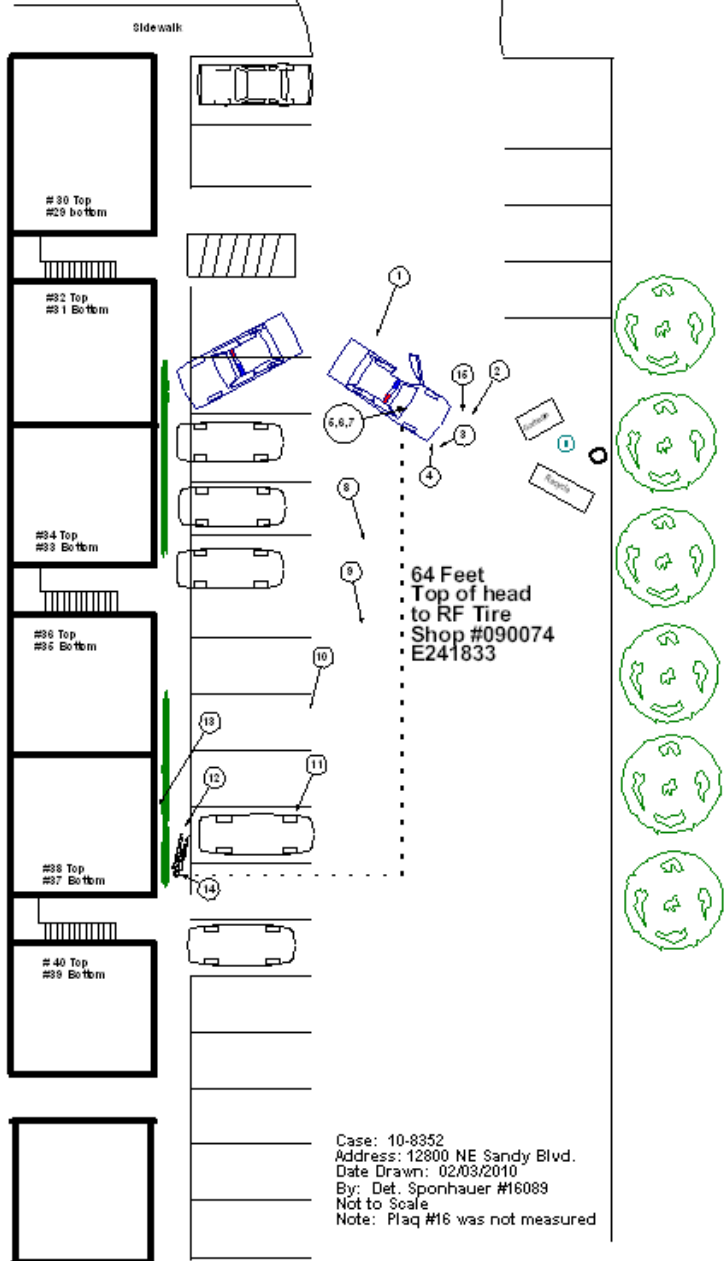
CAUSE OF LAW ENFORCEMENT INVOLVEMENT CONT'D

- Officer Lewton tells Aaron Campbell if he does not follow commands, he will be shot. Aaron Campbell replies with some variation of “Fucking shoot me!”
- Officer Lewton fires his Less Lethal shotgun twice, striking Aaron Campbell in the buttocks. Aaron Campbell then begins to run back toward Apt. #37 while simultaneously reaching deep into the back of his waistband with his left hand.
- Officer Frashour fires one round from his AR-15 rifle, striking Aaron Campbell once in the back, fatally wounding him.

NORTH PRECINCT TALKGROUP



NE Sandy Blvd.



Case: 10-8352
Address: 12800 NE Sandy Blvd.
Date Drawn: 02/03/2010
By: Det. Sponhauer #16089
Not to Scale
Note: Plaq #16 was not measured

Apt. #37

Officer
Frashour's
Position





Apt. #37

Silver Volvo

View from Officer Frashour's Position

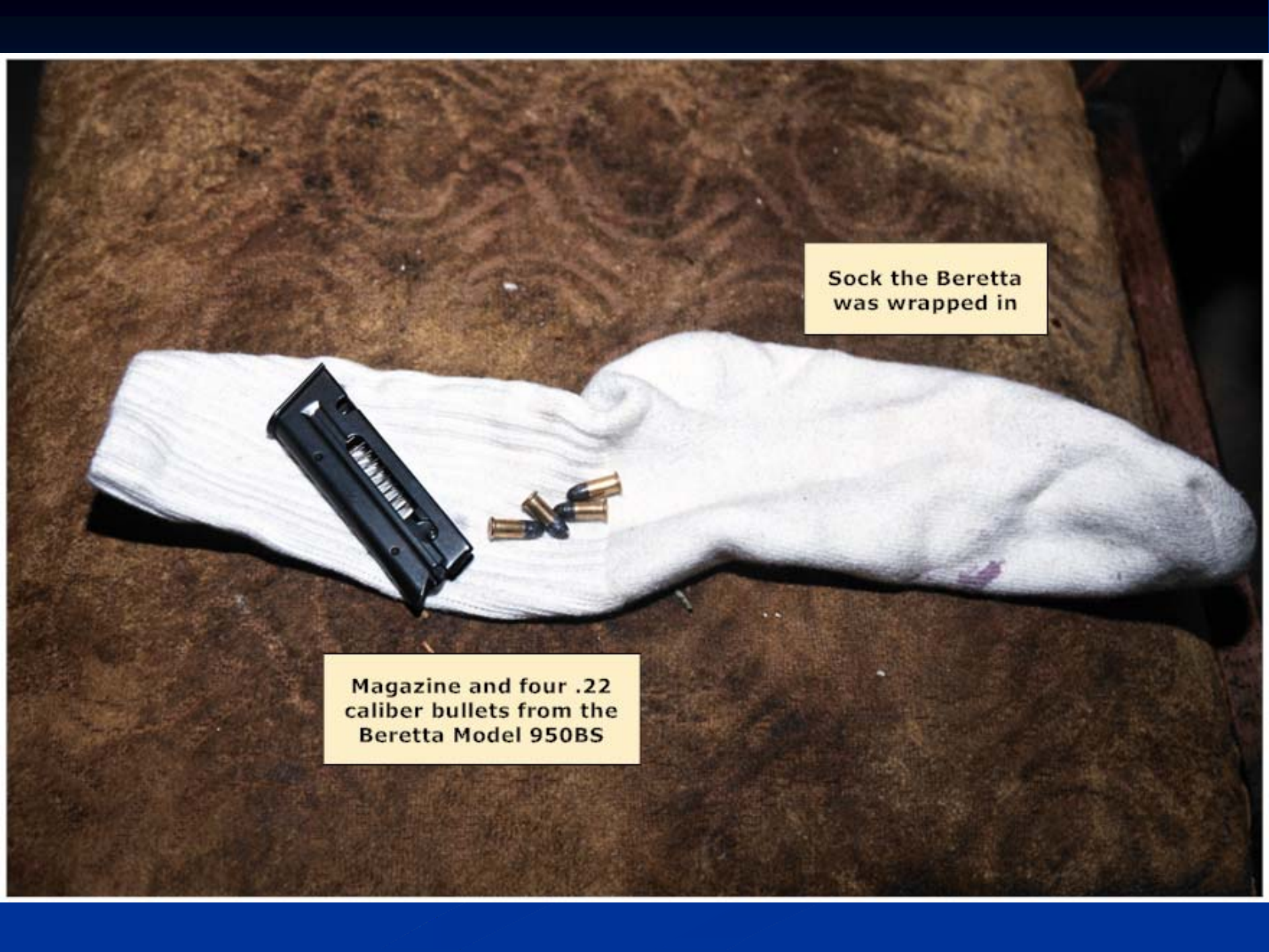
Slide Photo containing picture of
deceased in handcuffed position
removed.

Suspect
Weapon
wrapped
in a sock



**Suspect Weapon,
Beretta Model 950BS
.22 caliber**



A photograph showing a white sock laid out on a brown, textured surface. A black magazine and four .22 caliber bullets are placed on the sock. The magazine is on the left side of the sock, and the bullets are clustered in the middle. The background is a dark brown, possibly leather or wood, surface.

**Sock the Beretta
was wrapped in**

**Magazine and four .22
caliber bullets from the
Beretta Model 950BS**

LESS LETHAL DEPLOYMENT

- Officer Lewton deploys two Less Lethal rounds at Aaron Campbell in attempt to gain compliance with the command to raise his hands into the air
- Both rounds strike Aaron Campbell, who reaches into the back of his waistband while running toward Apt. #37
- As Aaron Campbell runs, Officer Lewton fires four more Less Lethal rounds

K9 DEPLOYMENT

- Officer Elias is present with his canine partner, Bono, as part of the containment team
- When Aaron Campbell begins to run toward Apt. #37, Officer Elias issues Bono the “Take” command
- Bono reaches Aaron Campbell near the same time he is shot and collapses to the ground. Officer Elias can hear and see Bono is “on bite”
- Officer Elias recalls Bono after the custody team is unable to quickly decide whether or not to approach Aaron Campbell and take him into custody

TIMELINE OF EVENTS

- 4:22 p.m.- 911 call from Sherry Stewart
- 5:03 p.m.- Officers make contact with Adrienna Jones in the parking lot of 12800 NE Sandy Boulevard
- 5:32 p.m.- Officer Quackenbush is in cell phone contact with Aaron Campbell inside Apt. #37
- 5:34 p.m.- The three young children exit Apt. #37 and are removed to safety

TIMELINE OF EVENTS

- 5:52 p.m.- Officer Quackenbush resumes cell phone contact with Aaron Campbell
- 6:03 p.m.- Aaron Campbell looks out the back window of Apt. #37
- 6:07 p.m.- Aaron Campbell unexpectedly exits Apt. #37 with his hands on his head
- 6:08 p.m.- Aaron Campbell is shot by Officer Lewton with a Less Lethal shotgun, and, after reaching into his waistband, is shot by Officer Frashour with an AR-15 rifle. Aaron Campbell then falls to the ground with his hands under him, and he is obscured by a vehicle

TIMELINE OF EVENTS

- 6:18 p.m.- SERT is activated
- 6:30 p.m.- SERT units begin to arrive
- 6:35 a.m.- Sergeant Birkinbine requests a “hasty rescue” by SERT as soon as they are able
- 6:46 a.m.- SERT begins to approach Aaron Campbell
- 6:54 a.m.- SERT medic assesses Aaron Campbell and pronounces him deceased

AARON CAMPBELL

POST MORTEM EXAMINATION

- DOCTOR CHRIS YOUNG
- CAUSE OF DEATH SINGLE GUNSHOT WOUND TO THE BACK
- TOXICOLOGY REPORT FOR AARON CAMPBELL SHOWS NO PRESENCE OF ALCOHOL OR DRUGS

District Attorney's Office

- Multnomah County Senior Deputy District Attorney Don Rees assigned to investigation
- Presented to Grand Jury on February 9th, 2010
- 26 witnesses including civilian and police testify
- Grand Jury returns No True Bill for any criminal culpability in the death of Aaron Campbell



Internal Affairs Division

Case Number 2010-B-0004

Investigators:

Sergeant Craig Morgan

Investigators Barry Renna, Lynn Courtney, Jon Rhodes

IAD Review

- Information gathering, communication, planning, supervision
- Less lethal deployment
- Lethal force

Applicable Directives

- 315.30 – Unsatisfactory Performance
- 1010.20 – Physical Force
 - 1050.00 – Less Lethal Weapons and Munitions
- 1010.10 – Deadly Physical Force
- 720.00 – SERT and HNT Use

NE Sandy Blvd.



Sidewalk

30 Top
#29 bottom

Sgt. Birkinbine
Ofc. Quackenbush

Sgt. Reyna
Ofc. Boylan



#32 Top
#31 Bottom
WI Agius



Ofc. Frashour
Ofc. Lawton
Ofc. Willard
Ofc. Kemple



#34 Top
#33 Bottom

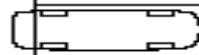


Ofc. Elias

Ofc. Elias

Ofc. Elias

#36 Top
#35 Bottom
WI Pannell



#38 Top
#37 Bottom



#40 Top
#39 Bottom



4419 NE 131 Place

WI Snow
WI Camp
WI Peterson

WI Boyer
WI Montgomery

Ofc. Andersen
Ofc. McAllister

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

315.30 –Unsatisfactory Performance

Members shall maintain sufficient competency to properly perform their duties and assume the responsibilities of their positions. Unsatisfactory performance may be demonstrated by...the failure to conform to work standards established for the rank, grade or position.

Timeline of Events

- 1648 - Officer Lewton requests a supervisor. Sergeant Reyna responds and arrives 13 minutes later.
- 1703 – Adrienna Jones exits the apartment and confirms Aaron Campbell is inside with three children.
- 1703 – Jones tells Officer Boylan that Campbell's suicidal behavior was all the previous night, and that Campbell is doing much better today. This info is never broadcast or shared with other officers.

Timeline of Events

- 1724 – Officer Elias responds after Officer Lewton requests a K9 unit.
- 1725 – Officer Frashour and partner respond after a request for a nearby AR-15 operator.
- 1729 – Officer Quackenbush begins to attempt to contact Campbell via phone. Throughout the incident, voice calls were hampered by poor reception and Campbell possibly hanging up.

Timeline of Events

- 1730 - Campbell sends a text message to Jones stating, “don’t make me get my gun, I ain’t playin.” Officer Boylan broadcasts this info and takes Jones’ cell phone.
- 1732 - Officer Quackenbush succeeds in reaching Campbell via Jones’ cell phone. Officer Quackenbush raises the topic of Campbell releasing the children. Moments later, the three children come outside. Sergeant Reyna and custody team officers do not know the children were released after a police request to do so.

Timeline of Events

- 1740 – Commander Day and Lieutenant Rodrigues are enroute to the location.
- 1751 – Sergeant Reyna broadcasts that officers are on the phone with Campbell.
- 1755 - Officer Quackenbush sends a text to Campbell stating, “Aaron we need to know if you intend to hurt yourself.”
- 1756 – Campbell responds, “Never...wow u guys text too...u get kudos.”

Timeline of Events

- 1758 – Sergeant Reyna broadcasts that officers and Campbell have exchanged some “positive” texts.
- 1759 – Sergeant Reyna leaves the alcove to brief Commander Day and Lieutenant Rodrigues. Before leaving, she tells Officer Quackenbush to solicit a clear promise from Campbell that he does not intend to hurt himself.

Timeline of Events

- 1803 - Per Sergeant Reyna's order, Officer Quackenbush sends a text to Campbell stating, "Thanks Aaron, I appreciate your help. I am truly sorry about your brother. Can you promise me u won't hurt yourself – Jim."
- 1804 - Campbell responds, "Ur textin not callin me that's weird Jimmy."
- 1805 - Sergeant Birkinbine tells Officer Quackenbush to call Campbell and tell him they would like him to come out of the apartment.

Timeline of Events

- 1806 – Officer Quackenbush calls Campbell and broaches the idea of coming outside. Campbell emerges moments later. This plan was not broadcast to other officers, and custody team members were surprised when Campbell appeared. They also did not know he had come outside following a police request to do so.

Timeline of Events

- Between the time the children came out and the time Campbell emerged, Sergeants Reyna and Birkinbine had a tense discussion about police response on the call, specifically the threshold at which police could leave. Sergeant Reyna felt if Campbell clearly promised not to hurt himself she would withdraw. Sergeant Birkinbine, on the other hand, wanted to see Campbell face-to-face to check his welfare.

Timeline of Events

- Sergeant Reyna felt Commander Day had assumed command of the incident by the time Campbell emerged from the apartment. Commander Day, on the other hand, said he had not yet taken over as incident commander because he had yet been fully briefed.

1010.20 – Physical Force

- The Portland Police Bureau recognizes that duty may require members to use force. The Bureau requires that members be capable of using effective force when appropriate. It is the policy of the Bureau to accomplish its mission as effectively as possible with as little reliance on force as practical.

Physical Force (continued)

- The Bureau places a high value on resolving confrontations, when practical, with less force than the maximum that may be allowed by law. The Bureau also places a high value on the use of de-escalation tools that minimize the need to use force.
- It is the policy of the Bureau that members use only the force reasonably necessary under the totality of the circumstances to perform their duties and resolve confrontations effectively and safely.

Physical Force (continued)

- The Bureau's levels of control model describes a range of effective tactical options and identifies an upper limit on the force that may potentially be used given a particular level of threat.

However, authority to use force under this policy is determined by the totality of the circumstances at a scene rather than any mechanical model.

Less Lethal Deployment

- At 1807, Campbell emerged from the apartment alcove. He was facing away from officers with his hands on his head. Officer Lewton began giving commands, and Campbell began walking backward. Witnesses and officers varied in their descriptions of Campbell's pace.

Less Lethal Deployment

- Officer Lewton, feeling Campbell was moving too quickly, ordered Campbell to stop, and he did so. Officer Lewton then told Campbell to begin moving backward again slowly, and he did so. Officer Lewton again told Campbell to stop approx. 15-20 feet from the patrol car, and he did so.

Less Lethal Deployment

- Officer Lewton gave a verbal warning to Campbell, and Campbell replied, “Go ahead and fucking shoot me.” Officer Lewton twice ordered Campbell to put his hands up above his head, and he did not move. Officer Lewton fired the first less lethal round approximately two seconds after his second command.

Less Lethal Deployment

- Campbell was standing still, facing away from officers, with his hands on the back of his head when Officer Lewton fired the first less lethal round.
- Officer Lewton stated he deployed the beanbag gun in order to gain compliance and get Campbell to place his hands in the air.

Less Lethal Deployment

- Campbell began running back toward the apartment after the second less lethal round. Officer Lewton continued to fire (six rounds total) as he ran. Officer Lewton said he fired to gain compliance and to get Campbell to stop running and start following police commands.

1010.10 – Deadly Physical Force

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

Deadly Physical Force

- Witnesses differed in describing Campbell's actions after the less lethal deployment.
- Some said his hands were pumping at his side in a running motion. Others thought he was reaching to the spot where the beanbag rounds hit him in pain. Others thought he was digging for an object in his waistband.

Deadly Physical Force

- Officer Frashour said that after the second beanbag round, Campbell reached deliberately into the back middle of his waistband with his left hand. Officer Frashour said the hand was deep into the back of his pants, and he appeared to be trying to pull out an object. Officer Frashour believed Campbell was retrieving a gun, and that he was going to start shooting at officers.

Deadly Physical Force

- Officer Frashour was clear that he did not believe Campbell was reaching in pain, nor was he pulling up his pants.
- Officer Frashour feared that if Campbell reached the cover of a Volvo parked in the lot, he would be able to fire at officers from a position of advantage. He therefore fired his AR-15 when Campbell continued to run and dig in his waistband as he reached the car.

Deadly Physical Force

- “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 sight 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.”

SERT / HNT

- Directive 720.00 – Mandatory SERT/HNT Callouts:
 - Barricaded person
 - Hostage situation
 - Sniper situation
- Sergeant Reyna (and others) did not feel the incident ever met the criteria for a mandatory SERT callout.

K9 Deployment

- Officer Elias was present with his canine partner, Bono, as part of the custody team.
- Officer Elias' role was not specifically discussed.
- When Aaron Campbell began to run toward Apt. #37, after the less lethal deployment, Officer Elias issued Bono the "Take" command.

K9 Deployment

- Officer Frashour did not see Bono released, but stated he would have shot even if he saw that the dog was about to reach Campbell.
- Bono reached Campbell near the same time he was shot and collapsed to the ground. Officer Elias could hear and see Bono was “on bite”.
- Officer Elias recalled Bono after the custody team was unable to quickly decide whether or not to approach Aaron Campbell and take him into custody.

Post Shooting

- Officer Frashour broadcast “lethal force” used, subject down
- Sergeant Birkinbine immediately requested Code 3 medical and advised them to stage.
- Sergeant Birkinbine left the alcove and took command of the custody team.
- Officer Frashour was replaced by another AR-15 operator and escorted back out of the scene.

Post Shooting

- Several steps were taken to ascertain Campbell's condition:
 - Officer Elias had officers retrieve binoculars from his car.
 - Officers continually gave verbal commands to Campbell.
 - Several officers repositioned to attempt to get a better view of Campbell's body and hands.

Post Shooting

- Commander Day urged Sergeant Birkinbine to explore all avenues. When Sergeant Birkinbine determined it would not be safe for uniform to approach Campbell to take him into custody, due to his body position and lack of visibility of his hands, SERT was activated.
- Commander Day said there was no delay in the activation of SERT once Sergeant Birkinbine reached his conclusion.

Post Shooting

- 1808 – Shots fired
- 1818 - SERT is activated
- 1830 - SERT units begin to arrive
- 1835 - Sergeant Birkinbine requests a “hasty rescue” by SERT as soon as they are able
- 1846 - SERT begins to approach Aaron Campbell
- 1854 - SERT medic assesses Aaron Campbell and pronounces him deceased

OVERVIEW

Patrol Response

Supervisor Response

Command and Control

Deployment of Less Lethal

Use of Canine

Use of Deadly Force

Post Shooting

OVERVIEW
PATROL/SUPERVISOR
COMMON THEME

COMMUNICATION

*MAKE SURE THAT EVERYONE KNOWS
WHAT IS GOING ON*

OVERVIEW

- Many sound tactics and plans were made however as this incident grew in scale and became more complex communication and coordination diminished.
- Key participants were not aware of critical information
- Tactical plans were not clearly communicated to key participants

OVERVIEW

- Roles were not clearly established
- Rules of engagement were not clearly established
- Lack of S

PATROL RESPONSE

Dynamic incident, the officers proceeded with caution, slowed the incident down, made a safe tactical approach utilizing tactical principles:

Applicable training: PPB Tactical Guidelines-

COVER AND CONCEALMENT

COMMUNICATION

DON'T ASSUME

Patrol response

- 18 minutes after officers are on scene
Officer Lewton recognized the potential complexity of the incident and requested a sergeant to the scene to help coordinate the response.

Applicable training: PPB Tactical Guidelines-

HAVE A LEADER

SUPERVISOR RESPONSE

- All of the sergeants are tied up at the precinct performing administrative duties and do not hear the original call come out.
- Lt. Rodrigues and Capt. Day heard the original call but they were not aware the sergeants did not hear the call.

SUPERVISOR RESPONSE

- **Applicable training: Critical Incident Management (CIM p2)**...*the faster a supervisor is on scene the better, coordinating with other sergeants working with you each day so that you aren't all tied up in the precinct on administrative duties at the same time, always have someone in the field to quickly respond.*

SUPERVISOR RESPONSE

- Sgt. Reyna hears Officer Lewton's request and is the first sergeant on scene 38 minutes into call.
- Sgt. Reyna immediately began gathering intelligence and coordinating resources. Within minutes the girlfriend is out and she learns Campbell is inside with the kids.
- **Applicable Training: (CIM)**....*contain the scene and make a plan....gather intelligence and make a plan to resolve the situation*

SUPERVISOR RESPONSE

- She begins to plan a hasty rescue however changes that plan when she learns that Campbell is currently wearing the jacket where the gun was last seen.

Applicable training: PPB Tactical Guidelines-
HAVE A PLAN....BE ADAPTABLE

SUPERVISOR RESPONSE

- Sgt. Reyna changes plans and prepares to establish contact with Campbell. Quackenbush is assigned to make the phone call and a custody team is established utilizing less lethal and AR - 15.

Applicable training: (CIM p7)...inner perimeter personnel must be equipped to deal with the specific threat....those tools may include less lethal, CIT, AR-15...K-9 and hands on officers.....to ensure maximum flexibility...as the threat escalates and de-escalates.

SUPERVISORS RESPONSE

- Sgt. Reyna assigns herself as the AR-15 operator on the custody team.

Applicable training: (CIM) *..assigning a sergeant a specific role in any tactical operation has a limiting affect on a sergeants ability to supervise, however , it may be necessary to fulfill a role until relief is available. (Sgt. Reyna is on the AR-15 for approximately 15-25 minutes and is ultimately relieved by Officer Frashour)*

SUPERVISOR RESPONSE

- To this point at the front end of this incident Sgt. Reyna has implemented sound tactics and decision making.

Applicable training: (CIM p12)...*Many critical incidents require immediate decisions on the front end that will allow you virtually no time to seek other advice. As the incident progresses, frequently there is a point you will be able to seek other input.*

SUPERVISORS RESPONSE

- Sgt. Birkinbine arrives on scene and offers help to Sgt. Reyna but she says she does not need assistance. This reluctance to use Birkinbine and other supervisors becomes problematic as the incident develops.

Applicable training: (CIM)...*additional supervisors are ideal people to delegate important tasks and sub-missions. Everyone must have a clear role and work as a team.*

SUPERVISORS RESPONSE

- Sgt. Birkinbine assists Off. Quackenbush with the negotiations and Sgt. Reyna moves to the alcove after being relieved by Frashour.
- Quackenbush utilizes the girlfriends phone to call Campbell and raises the topic of sending the children out.

SUPERVISORS RESPONSE

- Moments later the children come out however Sgt. Reyna and the custody team are not made aware that the children were sent out at the request of the police.
- Additionally most officers on scene, including Sgt. Reyna and the custody team are still unaware Campbell's suicidal behavior had occurred the previous night.

SUPERVISOR RESPONSE

- **Applicable training: PPB Tactical Guidelines-COMMUNICATION** *—helps everyone understand what is going on.*

Applicable Training (CIM p15) *Make sure the communication team and the custody teams are given specific directions...keep the team updated on how the phone contact is proceeding*

SUPERVISOR RESPONSE

The lack of communication and coordination have created an environment where:

- Communications are disjointed
- Tactics and communications regarding the negotiations are not coordinated
- Officers and sergeants do not have a shared situational awareness

SUPERVISOR RESPONSE

- Once the children were out, Sgt. Reyna met with Sgt. Birkenbine, Officer Elias, Officer Boyaln and Officer Quackenbush.
- The dynamics of the discussion appeared to frustrate Sgt. Reyna and Sgt. Birkenbine as they had different ideas about how to proceed with negotiations and the use of less lethal force. This somewhat delayed and confused the planning process.

SUPERVISORS RESPONSE

- In this instance a phone call to consult with Lt. Rodrigues to help resolve the conflict, would have been appropriate.

Applicable training: (CIM p12) ...*consider consulting with other resources such as; Lieutenants, SERT, or HNT when you are faced with difficult decisions....*

SUPERVISOR RESPONSE

- Ultimately Sgt. Reyna developed a plan to text Campbell and get assurance he would not hurt himself. If she received the assurance she was going to withdraw.

Applicable training: (CIM p12)....determine if now is the best time, looking at all the factors involved, to resolve the incident. Sometimes it might be better to make the tough call and walk away. Run this question by your Lieutenant..

SUPERVISOR RESPONSE

- In the event Campbell came out, Sgt. Reyna planned to move from the alcove to the custody team to take charge of the team.
- She also made plans to utilize the K9 and the less lethal shotgun in the event Campbell came out. There is no indication any members of the custody team, other than Elias, were present during these discussions.

SUPERVISORS RESPONSE

- The plan was not clearly outlined and custody team members indicated they were not aware of:
 - Sgt. Reyna's plan to walk away
 - Specific guidelines for the use of force
 - Overall tenor of the negotiations.
- The custody team was escalating while the communication team was de-escalating.

SUPERVISORS RESPONSE

- **Applicable training: (CIM p14)**..*best plans are simple with specific and easily understood roles.....when working as a team, it must be clear to everyone what actions you expect to be used and when.*

(CIM lesson plan p16) ..Establish rules of engagement...specific directions must be given to the custody team...give regular updates

SUPERVISOR RESPONSE

- It was while plans were being made in the alcove that Captain Day and Lieutenant Rodrigues began to respond to the scene.
- It was during this time that Sgt. Reyna began to receive phone calls and radio requests for information which contributed to the volume of information and decisions she was tasked with managing.

COMMAND AND CONTROL

- Captain Day arrives shortly before Lt. Rodrigues.
- After dealing with a crowd control issue Capt. Day requests that Sgt. Reyna meet him to brief him on the situation.
- Sgt. Reyna leaves the alcove to meet with Capt. Day and Lt. Rodrigues (who has now arrived on scene).

COMMAND AND CONTROL

- When Reyna left the alcove there was confusion over who was in charge of the incident.

Applicable training: (CIM p12)...*do not make notifications when you need to be actively making tactical decisions.*

PPB Tactical Guidelines-
COMMUNICATION

COMMAND AND CONTROL

- After Reyna left the alcove she met with Capt. Day and Lt. Rodrigues to discuss her plan of walking away. At the same time Campbell sent a text to Quackenbush “ur textin not calling me..thats weird Jimmy”.
- Sgt. Birkenbine directs Off. Quackenbush to call and approach the idea of Campbell coming out. Campbell does not verbally respond however seconds later he walks out the front door.

COMMAND AND CONTROL

- Applicable training: PPB Tactical Guidelines-

COMMUNICATION

BE ADAPTABLE

COMMAND AND CONTROL

- As Campbell comes out the custody team engages him but is not told that the negotiation team had asked him to come out.

**Applicable training: PPB Tactical
Guidelines- *COMMUNICATION***

Deployment of Less Lethal

- Initially Lewton knew Campbell was suicidal, possibly wanting suicide by police and Jones and her three children were inside #37.
- 1703 Jones came out she talked to Boylan, Reyna and Lewton listened in. Jones told officers Campbell had calmed down now but she did relay that he did have a gun on him or near him.
- 1710 Lewton is assigned LL at custody team in center of the lot and sees himself as primary but no one really in charge working for the sergeants.

Deployment of Less Lethal

- No rules of engagement, no guidelines on use of force.
- If Campbell came out they intended to take him into custody on a mental hold as no crime had been committed.
- Custody team remains in the lot and the communications team were texting and at some point “getting somewhere” in their communication.

Deployment of Less Lethal

- 1734 kids come out. More serious after he sent kids out. Now focused on the windows and alcove of #37.
- Text, “I aint playin, don’t make me get my gun” which Lewton took seriously.

Deployment of Less Lethal

- Campbell comes out, facing away, south sidestepping very quickly to about the center and he tells him to stop and he does.
- Lewton tells Campbell, walk back slowly to the sound of my voice and Campbell takes giant steps like running, Lewton says slow, slow, slow and stop and he stops.
- Lewton tells him again walk back slowly starts walking toward the sound of Lewton voice and stops again and is facing south. (Campbell stops 3 times in IA p.11)

Deployment of Less Lethal

- Do exactly what we say or you will be shot. Campbell looks towards the custody team and says go ahead and shoot me Campbell then faces away again (“it wasn’t screaming, it was just a, just a, I don’t care tone I guess IA p. 14)
- Campbell is now standing facing away with his hands on his head. Lewton tells him put your hands straight in the air with the plan to move him into high risk prone.
- Campbell does not respond, Lewton tells him again slowly put your hands straight up in the air 2 commands 2-3 seconds between commands.

Deployment of Less Lethal

- “I tell him...and tell him again, I said really slowly, I said put your hands straight in the air. And he just stays there again. Um, and he was not putting his hands straight in the air. He was standing there. And that’s when I fired my first bean bag round”. IA p.11

Deployment of Less Lethal

- Campbell stays there and not putting his hands in the air and that's when Lewton shot his first ban bag round.
- Lewton did not think there was any confusion on Campbell's part about what commands were.
- Campbell remained motionless hands on back of head standing shoulder with apart.

Deployment of Less Lethal

- Lewton indicated his goal was to gain compliance, to have Campbell realize he needed to put his hands straight up in the air.
- First round hits and a 1-2 second pause and then hands come off head and he started to run and then second round was fired to gain compliance to get him to put his hands straight in the air.

Deployment of Less Lethal

- Lewton continues to fire rounds as fast as he can with no effect.
- Lewton loses sight of his hands.
- Lewton said his goal was to gain compliance to get him to put his hands straight in the air.

Deployment of Less Lethal

- Authority to use Less Lethal is found in PPB Directive 1010.20.
- “The Bureau places a high value on resolving confrontations, when practical, with less force than the maximum that may be allowed by law. The Bureau also places a high value on the use of de-escalation tools that minimize the need to use force”.

Deployment of Less Lethal

- Less lethal specialty impact munitions are designed to provide stand off distance in cases where people are engaged in aggressive physical resistance, indicates intent to engage in aggressive physical resistance or armed or potentially armed, capable of causing serious physical injury or death^[1]. Less lethal munitions are an additional use of force option in cases where impact weapons are reasonable but there is a need for distance.

^[1] LL PP slide.8

The Deployment of Less Lethal

- The language, **armed or potentially armed, capable of causing serious physical injury or death^[1]**. Does not convey explicit authorization to use Less Lethal, each deployment if fact dependent.
- **In 1010.20** The Bureau's levels of control model describes a range of effective tactical options and identifies an upper limit on the force that may potentially be used given a particular level of threat. However, authority to use force under this policy is determined by the totality of circumstances at a scene rather than any mechanical model.

Deployment of Less Lethal

- An additional use of force option
- LESS LETHAL MUNITIONS ARE NOT:
- A replacement for :
 - TIME
 - TALK
 - TACTICS

Deployment of Less Lethal

- 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”[1].



[1] LL PP slide 19

Deployment of Less Lethal

- 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 or similar weapon and lastly an armed suicidal person who may force officers into a shooting to achieve “suicide by cop”[\[1\]](#).



[\[1\]](#) LL PP slide 34 & 35

Deployment of Less Lethal

**THE SHOOTER SHOULD BE
ABLE TO CLEARLY
ARTICULATE THE
*REASONABLENESS OF EACH
AND EVERY SHOT FIRED***

Deployment of Less Lethal

- Lewton is asked “just for articulation or explanation purposes explain how 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?” IA p. 15

Deployment of Less Lethal

- Lewton response, “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”. IA p.15

Deployment of Less Lethal

- 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 until struck by less lethal rounds.

Deployment of Less Lethal

- 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 only allowed 2 or so seconds to pass before deploying less lethal.

Deployment of Less Lethal

- 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.

Deployment of Less Lethal

- One of the slides in the Less Lethal Lesson Plan says, Situations that may call for the use of specialty ammunition,
- Suspect who is armed with a knife or similar weapon
- Armed suicidal person who may force officers into a shooting to achieve a “suicide by cop”.

The Deployment of Less Lethal

- Lewton said in his Detectives interview that he shot Campbell because he wanted to gain compliance, wanted Campbell to put his hands in the air and continued firing because Campbell was running and that concerned him because Campbell was potentially armed and Lewton did not know where he was going. When Lewton fired the 6th round he heard a gunshot to his left.”. Detectives interview p. 22-23

The Deployment of Less Lethal

- In the Grand Jury Lewton said he told Campbell to put his hands in the air and do what you are told or you will be shot. Lewton is asked “What in fact did you want him to do? A. At this point I had not seen his body to know if he had any type of weapons or anything like that. And sometimes—tucked in his waistband or whatever. I had not seen the front of his body.
Cont.

The Deployment of Less Lethal

- His hands were behind his head, so I had not seen if his palms were clear. What I wanted to do at that particular time was to have him put his hands straight in the air. GJ transcript p. 294.
- In the IA interview Lewton said “I tell him, put his hands straight in the air, because my plan was to move him onto the, I guess the high risk prone position we’re taught in defensive tactics”. IA. P. 11

Deployment of Less Lethal

- 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.

The Use of the Canine

- Arriving on scene he was briefed by BIRKINBINE and REYNA. ELIAS took a position behind two large dumpsters in the apartment's parking lot just adjacent to the custody team. Shortly after taking his position CAMPBELL exited the apartment and walked back toward the custody team. The custody team gave CAMPBELL verbal commands. CAMPBELL stopped when told to do so but would not raise his hands in the air and was subsequently shot with bean bagged gun. After being hit by bean bag rounds CAMPBELL began to run. He began to run away from the custody team back toward his apartment.

Use of the Canine

- Believing CAMPBELL was armed and was moving to a position of cover ELIAS sent his dog to “Take” CAMPBELL. As the canine moved towards CAMPBELL a lethal round was fired. CAMPBELL fell to the ground. The canine bit CAMPBELL as he was down. Initially ELIAS moved toward CAMPBELL to take him into custody but he withdrew as a plan was constructed to affect the custody of CAMPBELL. SERT was activated and arrived and approached CAMPBELL handcuffing him and it was determined at that time that CAMPBELL was deceased.

The Use of the Canine

- ELIAS sent the canine after other efforts at control were exhausted. He knew he faced a fleeing, uncooperative, possibly armed and suicidal subject and the use of the canine was intended to “bite and hold” allowing officers an opportunity to gain control of CAMPBELL. THE USE OF THE CANINE AS AN APPREHENSION STRATEGY IS CONSISTENT WITH TRAINING.

The Use of Deadly Force

- FRASHOUR was at a very high threat level the entire call and did not adapt and got caught in a thought process that did not change [1].
- [1] Tactical Thinking and Planning, Six basic fundamentals of patrol tactics. C. Communication without proper communication, your entire operation may be in jeopardy. A failure to set up good comm. Puts officers at risk, breeds confusion and may create situations to cause officers to act independently and hazardously)

The Use of Deadly Force

- **FRASHOUR** saw **CAMPBELL** as a threat the entire call to the exclusion of any other interpretation of **CAMPBELL'S** actions.
- After Frashour arrives and joins the custody team the children come out which he describes as bold as he believed Campbell was planning something.

The Use of Deadly Force

- Even though it was positive the kids came out Frashour thought Campbell was planning an attack.
- Frashour hears a report Campbell was looking out the blinds that caused him alarm believing he could be planning an attack on officers.
- When Campbell came out Frashour said he was shocked and alarmed at how determined he seemed. Campbell came out with his hands on his head.

The Use of Deadly Force

- **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.

The Use of Deadly Force

- Frashour does not know if Campbell stops in the middle of the lot on his own or if it was because he was directed too. He goes onto say in IA **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.

The Use of Deadly Force

- 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. IA p. 14
- Frashour also does not know what Campbell said. Frashour said Campbell yelled something that he took as loud, hostile and aggressive and he did not think Campbell was communicating an intent to comply. P. 15.

The Use of Deadly Force

- Frashour did not know Lewton told Campbell to do what he was told or he would be shot and he did hear what Campbell said. Lewton said put your hands up or you will be shot. Campbell said go ahead and shoot me. While Frashour is standing right there he reports he does not know what was said.
- Frashour cannot recognize that being shot by a bean bag would hurt.

The Use of Deadly Force

- **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.

The Use of Deadly Force

- **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.

The Use of Deadly Force

- 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. IA p. 27

The Use of Deadly Force

- **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.

The Use of Deadly Force

- **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. IA p. 27

The Use of Deadly Force

- Renna asks 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).

The Use of Deadly Force

- 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?

The Use of Deadly Force

- **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?

The Use of Deadly Force

- **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 - -

The Use of Deadly Force

- **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.

The Use of Deadly Force

- In Lewton's Detective interview Monday February 1st, 2 days after the shooting Lewton is describing what happens after his 6th round.
- Kammerer: and Aaron Campbell falls to the grounds between a Volvo, I believe you said, that was parked out there. ?
- Lewton: Um-hm
- Kammerer: And some scrubs.

The Use of Deadly Force

- Lewton: Correct.
- Kammerer: What's the next thing that happens?
- Lewton: Uh, I looked to my left at Officer Frashour. And um, he looks at me and says something like um, uh, something to me about um, his hands were going toward his waistband um, and um, I thought he had a gun. It was something like that. Detective interview p.24

The Use of Deadly Force

- Lewton is asked in his IA interview if Frashour said anything or gave any warning prior to before firing a shot and he said no.
- Morgan asks Lewton if Frashour said anything after firing the shot and Lewton said 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”. IA p. 14

The Use of Deadly Force

- Proper management of this scene required dedication by all to principles that are at the core of PPB's training curriculum. While other parts of the system did not perform to the expectations of the Training Division, affecting the context of his decision making, FRASHOUR did not, in large part, display the confrontation resolution skills and attitudes Training seeks to develop in officers.

The Use of Deadly Force

- There is little evidence in FRASHOUR'S thinking or actions of a desire to accurately balance the threat information at the scene with other, counterbalancing information. There is also little evidence that FRASHOUR sought to absorb information available to him about the totality of the situation. To the contrary, there is evidence that FRASHOUR steadfastly remained focused on absolute threat control to the purposeful exclusion of participating in the information sharing, group planning and decision making and coordinated action that is a primary goal of his training. FRASHOUR ACTIONS WERE NOT CONSISTENT WITH HIS TRAINING BECAUSE HE DID NOT DE-ESCALATE HIS MINDSET DESPITE THE FACTS OUTLINED ABOVE.

POST SHOOTING

- (1808) K9 was approaching Campbell just as he was shot
- Elias moved from his position towards Campbell in an attempt to control the K9.
- Elias looked to the custody team to determine if they were going to move forward
- The team was not able to determine if it was safe to move forward so Elias called his K9 back.

POST SHOOTING

- Campbell was partially obscured
- Officers tactically deployed to different locations
- Sgt. Birkenbine moved to the custody team and took charge of the team.
- Officers shouted commands and enhanced view with binoculars
- Officers do not see any movement
- Campbell's right hand was concealed under his body

POST SHOOTING

- For officers to move forward and monitor medical condition they would have to leave positions of cover and advance without cover.
- Captain Day consults with Sgt. Birkenbine who recommends SERT activation
- SERT activated (1818)
- SERT Medic pronounces deceased (1854)
- **Applicable Policy-*tactically appropriate or feasible 1010.20***