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Portland police commissioner pushes to make grand jury probe of fatal police shooting public

By Maxine Bernstein, The Oregonian

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Portland Police Commissioner Dan Saltzman is pushing for the grand jury testimony in the police shooting **death of Aaron M. Campbell** to be made public, which would be a first in the county and possibly the state in a police use-of-force case.

On Thursday, a Multnomah County grand jury began hearing testimony in last week's officer-involved shooting, and the entire proceeding was recorded.

Multnomah County District Attorney Michael Schrunk obtained a court order at Saltzman's request to record the grand jury hearing and says he'll ask the court to make the transcripts or recording public once the grand jury makes a ruling. But Schrunk emphasized that the decision will rest with the court.

Saltzman urged Schrunk this week to take the unusual step, saying the community deserved to hear the "full and complete facts" surrounding Campbell's death.

"I realize there is nothing we can do to ease the pain that his death is causing his family, his friends and our community," Saltzman wrote to Schrunk in a letter Wednesday. "That being said, I believe that the community deserves a public and thorough airing of the facts surrounding his death."

On Thursday, Multnomah County Judge John A. Wittmayer granted Schrunk a motion to record the testimony in the Campbell case. The grand jury proceeding was digitally recorded on Thursday, and when it's expected to resume on Tuesday, a court reporter will be present.

"These are unusual circumstances and unusual tragic events," Schrunk said in an interview. "There's always a question as to what goes on, what did people testify to. I believe that the public has a right to know. The public should get information in a timely fashion, and this would facilitate accurate information." In his letter to Saltzman, Schrunk wrote that he fully supported public disclosure of transcripts in all grand jury investigations into police use of deadly force.

"Great first step"

The move marks a significant departure from past practice and a partial win for former state senator Avel Gordly, who tried unsuccessfully for 12 years to push through a bill to open the secret grand jury proceedings and require the state to record grand jury testimony in cases involving deaths that occur at the hands of police. The proposed law, which Gordly co-sponsored in 2007 with former Attorney General Hardy Myers, sharply divided Oregon prosecutors.

Gordly praised the development. "It's a positive move by Commissioner Saltzman, and it's good for the sake of transparency that the DA has agreed to do that," she said. "We need a full, public accounting of what happened in this tragic death."

"I applaud Commissioner Saltzman because that's definitely something the community has wanted," said Dan Handelman, of the watchdog group Portland Copwatch.



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Dan Saltzman

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Handelman called it a "great first step," saying other changes to the grand jury review should be made. He suggested that an independent prosecutor review police shootings and that the family of the deceased should be able to have representation at the grand jury hearings.

Portland Sgt. Scott Westerman, president of the rank-and-file union the Portland Police Association, said he's generally opposed to the recording of secret grand jury proceedings and their release, echoing many prosecutors across the state who have argued before the Legislature that doing so could have a "chilling effect" on witness testimony and the fact-finding process.

Marion County and Washington County district attorneys three years ago argued that recording grand jury testimony could result in witnesses weighing what they'll say considering their words will be publicly scrutinized.

In this case, Westerman argues it would be redundant, considering the officers already have given taped interviews to police investigators, which will be available to the public once the grand jury review is complete, if no charges are filed.

"What I see is a very shortsighted reaction from two politicians without looking at the long-term cautions about the releasing of secret grand jury proceedings," Westerman said.

He'd also oppose any future efforts, if it's simply for police use-of-force cases. "That means they're treating police officers as second-class citizens, something they're not doing for all other citizens."

The shooting

Last Friday night, Campbell, 25, was shot once in the back by Officer Ronald Frashour, who fired an AR-15 rifle at him in the parking lot of the Sandy Terrace Apartments. Police had been called to the apartments at 4:22 p.m. to check on the welfare of Campbell, his girlfriend, and three children, amid information that Campbell was suicidal and armed. The girlfriend was outside the apartment when police arrived, and the three children later exited safely. Police made contact with Campbell via text messages and his cell phone.

Campbell came out of the apartment with his hands behind his head, walking backward toward police, witnesses said. Police said he ignored commands to put his hands up and Officer Ryan Lewton fired six beanbag shotgun rounds at Campbell.

On the last hit, witnesses said, they saw Campbell reach one arm around to his back, where the beanbag shot struck him.

Frashour said he saw Campbell reaching with both hands toward the back waistband of his pants and thought he might be reaching for a gun. He told investigators he fired his gun, concerned about the safety of residents in the apartments, safety of his fellow officers behind the apartments and his own safety.

There have been a few occasions when the county prosecutor has asked for grand jury testimony to be recorded, and sometimes it is made public during the course of a trial.

"It's infrequent that we request the recordings, but it's certainly not unheard of," said Norm Frink, a chief deputy district attorney. But Frink said he's unaware of the release of a grand jury testimony in a police shooting case.

-- **Maxine Bernstein**

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