

DATE: February 12, 2010

TO: Commander James C. Ferraris
North Precinct

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Bureau of Police

Portland, Oregon

INTER-OFFICE MEMORANDUM

FROM: Captain Robert Day *[Signature]*
North Precinct

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. Rodriguez 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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