

Initial EB
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 ELLERTSON 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 CAMPBELL 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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