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

**Interview Date:** 03/31/2010  
**IAD #:** 2010-B-0004  
**IAD File Name:** 10-B-0004  
**Complainant:** Portland Police Bureau

**Interviewed:** Commander Robert Day DPSST #23474

**RENNA:** This is BARRY RENNA. With me is Sergeant CRAIG MORGAN. Today is Wednesday, March 31, 2010. It is approximately 0945 hours. I'm in the Internal, in an office within the Internal Affairs Division. Also present in Commander BOB DAY DPSST #23474. And with him is his PPCOA representative Commander DAVE BENSON. We're here to talk about IAD Case # 2010-B-0004, which is also partially reflected in PPB #10-8352. Commander DAY has been advised of his conduct and/or the conduct of any other bureau member present on January 29, 2010, at 12800 NE Sandy Boulevard is the subject of this investigation. Commander DAY has reviewed information necessary to be reasonably apprised of the nature of the allegations of the complaint. Commander DAY has been informed that he is a witness in the case, and that Captain EDWARD BRUMFIELD is in charge of the investigation. I have advised Commander DAY that he could have representation present during the interview and Commander BENSON is here in that capacity. Commander DAY has been provided a copy of the Advanced Notice and Waiver Form and has signed it. Commander DAY, under the authority of Captain EDWARD BRUMFIELD, I am ordering you to answer all of my questions fully and truthfully. If you fail to respond fully and truthfully, you may be disciplined up to and including dismissal. Do you understand that?

**DAY:** Yes.

**RENNA:** Thank you. How about if we begin, I'll ask you how long you've been employed by the Portland Police Bureau.

**DAY:** Um, I was hired April 26, 1990, so just shy of 20 years.

**RENNA:** Okay. And what is your current assignment?

**DAY:** I'm commander of the training division.

**RENNA:** Okay. And what was your assignment on January 29 of this year?

**DAY:** The North Precinct Captain.

**RENNA:** Okay. And what were your duties in that particular assignment?

**DAY:** I was the direct report to Commander FERRARIS with overall supervisory responsibilities of the three relief lieutenants, non-sworn staff, and the reliefs, kind of the day to day operations of the precinct.

**RENNA:** And how does that differ from the commander status of the precinct?

**DAY:** Um, the commander has overall authority but is more probably engaged with the, um, kind of the external community things that are going on, maybe the, dealing with the Chief's office and the police bureau. And I'm dealing more with the day to day operational things, the needs that come up on the various reliefs.

**RENNA:** Okay. And how long were you in that particular assignment?

**DAY:** I was assigned there December 10<sup>th</sup> of 2009 and left February 18<sup>th</sup> of 2010.

**RENNA:** So, roughly a couple of months.

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50 **DAY:** Yes, two months.

51 **RENNA:** And prior to that assignment, what other assignments have you had in the police bureau?  
52 And I'm just asking for brief thumbnail.

53 **DAY:** Um, well, officer until 2000, until 2000. I was a night shift sergeant 2000 to 2003 at Southeast,  
54 and training sergeant from '03 to '06, Day shift lieutenant Northeast Precinct '06 to May of '08. And  
55 then lieutenant in Detectives from May of '08 until my promotion to captain in December of '09.

56 **RENNA:** Thank you. Prior to being employed by the police bureau, do you have any prior law  
57 enforcement experience?

58 **DAY:** Yes. I was a state police cadet for a couple of summers, '88 and '89. And then in the fall of  
59 '89 I was hired fulltime by the state police in an executive security capacity at Oregon State University  
60 when they began a police, um, policing assignment at Oregon State. So from basically October of '89  
61 until I came here in April '90, I was with the state police full time. And that was a sworn position with  
62 police authority, armed and things like that. And I also was assigned to the Hostage Negotiation Team  
63 for six-and-a-half years, three years as a sergeant, three-and-a-half as a lieutenant, ending that  
64 assignment when I was promoted in February.

65 **RENNA:** Okay. The incident that we're here to talk about today involves an officer-involved  
66 shooting that occurred on January 29 at the Sandy Terrace Apartments. Just for the record, you  
67 authored a draft, a three-page memo, outlining your involvement in the case, and then provided that to  
68 you prior to our beginning. And, um, obviously you can refer to that if you need to. I also, just for the  
69 record...you've got a copy of the CAD printout of the incident. In the draft of that memo, you  
70 indicated that you were with Lieutenant RODRIGUES, and you were going to a Starbucks to meet with  
71 several sergeants when the call was dispatched. What do you remember about the information that was  
72 broadcast originally about the incident?

73 **DAY:** I just, um, briefly remember comments about a possible suicidal boyfriend. I wasn't sure if he  
74 was present or not. And it was out somewhere on Northeast Sandy Boulevard.

75 **RENNA:** Okay. When the call was originally dispatched, did it raise any concern?

76 **DAY:** No.

77 **RENNA:** And that was why?

78 **DAY:** It was a, a routine radio call. We respond quite frequently to people in crisis, suicidal or  
79 otherwise. And I did hear the part of the dispatch that said it was unknown if he was there or not, and  
80 so, you know, the possibility was that he wouldn't even be there.

81 **RENNA:** And you were with Lieutenant RODRIGUES when the call was originally dispatched? Do  
82 you recall that?

83 **DAY:** I believe we were walking out towards the parking lot at North, so whether we were together or  
84 not, I don't remember. I just remember walking out towards the parking lot.

85 **RENNA:** Okay. Did you and Lieutenant RODRIGUES have any discussion about the call when you  
86 were headed over to 15<sup>th</sup> and Fremont?

87 **DAY:** Not that I remember, no.

88 **RENNA:** And what were your responsibilities as the captain of the precinct as it relates to this  
89 particular call, or any call like this?

90 **DAY:** Well, my responsibilities, you know, are to provide overall supervision and direction to the  
91 lieutenants and, you know, the sergeants if needed. Um, in my role as a captain, I didn't regularly  
92 monitor the radio throughout my shift. There are many times when I would not be listening to the  
93 radio. Um, but when I was, and I was aware of, you know, maybe high profile or high risk incidents,

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94 then I would check in periodically with the lieutenant and see if they were aware of it. Once again, you  
95 know, what's their involvement, what direction are they providing with the sergeants, etc.  
96 **RENNA:** Okay. On this particular occasion, you did have a radio with you.  
97 **DAY:** Correct. I did take my pacsset with me.  
98 **RENNA:** Are there any protocols or expectations that would have dictated your presence on the scene  
99 on a call like this?  
100 **DAY:** No.  
101 **RENNA:** Are there any protocols or expectations that you notify a precinct commander on a call like  
102 this?  
103 **DAY:** No.  
104 **RENNA:** Okay. And are there any in place for either you or someone else if you are absent to notify  
105 the commander? Are there protocols in place that he get notified on specific calls?  
106 **DAY:** There are protocols in place for notification of the commander on specific calls. This is not one  
107 of them.  
108 **RENNA:** Okay. And what...for instance, what are the type of calls that you would be notified on?  
109 **DAY:** Um, any homicide. Any event that's going to draw media attention. And that would be more  
110 than routine media attention; you know, often time media will film a car crash or something, maybe  
111 high profile media events involving large crowd demonstrations. Um, and then any SERT officer-  
112 involved shooting-type call.  
113 **RENNA:** Okay. Your memo indicated that you proceeded over to 15<sup>th</sup> and Fremont and had a  
114 meeting with the sergeants there along with Lieutenant RODRIGUES, and that during that meeting  
115 Sergeant ELLERTSON spoke with Sergeant REYNA on the telephone, and Sergeant REYNA was  
116 already off at the call at 128<sup>th</sup> and Sandy. At the conclusion of the conversation, Sergeant  
117 ELLERTSON said that Sergeant REYNA had indicated that everything was fine and she didn't need  
118 any help.  
119 **DAY:** Uh-huh.  
120 **RENNA:** Um, did Sergeant ELLERTSON give you any other updates on the situation of the incident  
121 up at 128<sup>th</sup> and Sandy?  
122 **DAY:** No.  
123 **RENNA:** Okay. And what were your thoughts at that point about what Sergeant ELLERTSON was  
124 relating to you regarding the incident?  
125 **DAY:** That the situation was under control. Sergeant REYNA was on scene and didn't need any  
126 further assistance.  
127 **RENNA:** Okay. And was there any discussion among yourself and the other people present at 15<sup>th</sup>  
128 and Fremont about the incident?  
129 **DAY:** I know we were listening, but I know that radio traffic was busy and steady, so, um, you know,  
130 that's what prompted the phone call to Sergeant REYNA. I don't know if Sergeant ELLERTSON  
131 made that on her own or if somebody suggested it to...so, we were aware that Sergeant REYNA was  
132 on a call because obviously she wasn't in coffee with us, and so...then there was some discussion, and  
133 then Sergeant ELLERTSON made the call and we were told everything was fine. So we were  
134 monitoring that as well as just regular radio traffic, which was going on. So, um, as it relates  
135 specifically to what Sergeant REYNA was doing and specifically to the call, I don't remember any  
136 dialog on it up to that point.  
137 **RENNA:** At that point, did you feel that Sergeant REYNA had enough resources at the scene?  
138 **DAY:** Um, I assumed that she did. Yes.

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139 **RENNA:** Again, referring to your memo, you indicated that at approximately 1722 hours Sergeant  
140 REYNA broadcast that she was setting up for a loud hail, and that you and Lieutenant RODRIGUES  
141 agreed that you would return to the precinct, and that he would respond to the scene. Was it your  
142 intention at that point in time to also respond to the scene?  
143 **DAY:** No, it was not.  
144 **RENNA:** Okay. What was...what were you intending to do?  
145 **DAY:** Um, I was in civilian clothing and so I knew that, you know, I didn't have all my equipment and  
146 specifically a jacket and, um, you know, just some other things, a tablet to write on, things I normally  
147 carry with me. Um, so my intention was to go back to the precinct, continue to listen and monitor,  
148 allow Lieutenant RODRIGUES to go out to the scene and, you know, eventually, probably...my intent  
149 was eventually to just go on with the evening. I mean, I had personal commitments that night and so  
150 forth.  
151 **RENNA:** Okay. At about that same time, Sergeant REYNA came on the air and broadcast that she  
152 was looking for a unit with an AR15. How did that fit or change, um, your idea of the event, of the  
153 incident?  
154 **DAY:** Well, the discussion about the loud hail and then the addition of the AR-15, along with...those  
155 combination of things did begin to rise to the level, and I think the Lieutenant and I spoke on the way  
156 back to the precinct as that came out, that, you know, maybe we would both respond or we would both,  
157 you know, end up out there. Because it sounded as if the inci...as if the situation was escalating.  
158 **RENNA:** Was the information that you had about this incident prior to the children exiting the  
159 apartment, did you have any thoughts on, on if SERT or HNT should be activated?  
160 **DAY:** I...my thought was they should not be activated.  
161 **RENNA:** And how did you come to that? What do you recall your thought process and your  
162 discussions with other people being?  
163 **DAY:** Um, up to that point where this comment made about, um, don't make me get my gun. I'm not  
164 playing. I overheard that portion of it once again getting kind of bits and pieces, and that the children  
165 were out and secure. I wasn't...I wasn't aware up to that point exactly, you know, where the children  
166 were and if contact had even been established. So, the decision to call out SERT or HNT falls with the  
167 on-scene supervisor. It's not a decision that I'm going to make, not being on scene. And up to that  
168 point, you know, I didn't have any of that information.  
169 **RENNA:** Okay. Um, the SERT activation, um, I understand isn't going to be made from you from a  
170 distance.  
171 **DAY:** Right.  
172 **RENNA:** But I was asking more along the lines of if it was being discussed either with you and the  
173 Lieutenant, or if you had thoughts leaning in that direction?  
174 **DAY:** I think...I think when we were, like I said, in that process from coffee to the precinct, there may  
175 have been discussion with him that, um, in regards to, you know, this could become a SERT callout.  
176 This could become a SERT call. Um, just based on, you know, what I'm hearing now – loud hail,  
177 AR15, kids are out – that there may have been some discussion in that regard. Um, I don't remember  
178 specifically, but that's certainly possible.  
179 **RENNA:** Okay.  
180 **DAY:** And I see that as kind of planting the seed in the Lieutenant's mind. You know, part of my job,  
181 Lieutenant RODRIGUES is a new lieutenant, he's new to this assignment, you know, so I'm also, as  
182 well as offering insight, kind of mentoring, getting him thinking the way I'm thinking. You know, hey,

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183 this is starting to ramp up. We need to be aware of what's our options, you know, what are the  
184 qualifications for SERT, etc.

185 **RENNA:** At some point, um, you changed your idea, your thought about going, responding out to the  
186 scene. What was it that changed your mind?

187 **DAY:** Um, by the time we got to the precinct, I think, um, it was obvious that things had elevated  
188 quickly. I got to the precinct around 1730, 1735. And I...a couple of big things that had come out in  
189 that, during that trip was about the children coming out. I wasn't aware, like I said, of the status of the  
190 children and their role. And then the text about, you know, don't make me get my gun, I'm not  
191 playing. That information had come out on the way, and when I arrived to the precinct, I just told the  
192 Lieutenant, yeah, I'm, I'll...I'll meet you out there.

193 **RENNA:** After the children came out, did you have a feeling that the incident was escalating, or de-  
194 escalating?

195 **DAY:** I wasn't, um...there was certainly a sense of a de-escalation. You know, the children are out  
196 and secure is...was a sense to me that there had been a de-escalation. But having not even, you know,  
197 been fully aware of the children and the role they were, my other thought was, are there other people.  
198 You know, if the children are out, that's good, but, you know, are there other people. Obviously, I  
199 didn't have all that information.

200 **RENNA:** Did you have any personal contact with Sergeant REYNA, um, either by telephone or radio,  
201 either during your meeting at 15<sup>th</sup> and Fremont or while enroute back to the precinct?

202 **DAY:** No.

203 **RENNA:** And why was that?

204 **DAY:** I wasn't...couple things come to mind. One, I know from my experience that there can be a lot  
205 going on in these tactical incidents, and so, um, but particularly as a supervisor, lieutenant or a captain,  
206 to call the sergeant on scene can sometimes add to the, to the stress and the tension, the difficulty.  
207 Two, that in my role as a captain, that would be more applicable for a lieutenant to make that phone  
208 call. Sometimes, once again, the sergeant getting called on scene by the captain or the commander can  
209 be, you know, kind of confusing, um, in terms of direction and information. I felt like at that point I  
210 needed to get out there, rather than interrupt what was going on and try and be briefed, you know,  
211 while enroute.

212 **RENNA:** You mentioned the Lieutenant, are you aware on any contact that the Lieutenant had with  
213 Sergeant Reyna at the scene during that same time period?

214 **DAY:** I...not when we were together. Once he dropped me off at the precinct, I later learned that  
215 when he was enroute, he called her on the phone. I didn't know that until I got out to the scene and he  
216 was present with, with Sergeant REYNA.

217 **RENNA:** Did you have any additional information that wasn't, or is not reflected in the CAD or  
218 possibly in your memo, that caused you to respond to the scene?

219 **DAY:** No. I had a conversation with Chief MARTINEK that's reflected in my memo. He called me  
220 right at that time that I was arriving at the precinct. Um, I would not...I did not say that was cause for  
221 me to go to the scene, um, because I was called by the Operations Assistant Chief. I had made up my  
222 mind already that, you know, the situation was getting to a point where I wanted to be out there to be of  
223 assistance. Once again, I still saw this as Lieutenant RODRIGUES, it's his relief. He's the relief  
224 lieutenant, and I was going out there, you know, in my role as a captain to support him and to provide  
225 supervision, you know, if necessary. But, um, it wasn't...that would be the only other factor that I  
226 think hadn't been mentioned; that phone call from the Chief.

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227 **RENNA:** Lieutenant RODRIGUES has indicated that while he was enroute to the incident, he had  
228 contact with Sergeant REYNA on the telephone.  
229 **DAY:** Uh-huh.  
230 **RENNA:** After your arrival at the scene, he arrived some time later. Did he advise you what the  
231 content of that telephone call was?  
232 **DAY:** No.  
233 **RENNA:** Okay. And you responded and you parked out on Sandy Boulevard, outside of where we  
234 now know the custody team was, and Sergeant REYNA and some other officers were in an alcove. At  
235 the time that you arrived and enroute, did you have any reason to believe that Mr. CAMPBELL had  
236 committed a crime?  
237 **DAY:** No.  
238 **RENNA:** Did you have any information that led you to believe that Mr. CAMPBELL had threatened  
239 anyone with harm other than himself?  
240 **DAY:** No.  
241 **RENNA:** And after you arrived at the scene, how did you communicate with Sergeant REYNA in  
242 order to have her meet you?  
243 **DAY:** Um, via radio.  
244 **RENNA:** The hand-held radio, or the two-way ability on the telephone?  
245 **DAY:** Um, I believe it was the pacset.  
246 **RENNA:** Do you remember if that was on the main channel?  
247 **DAY:** Um, no, I do not. I do not.  
248 **RENNA:** Okay. Did Sergeant REYNA offer any objection to meeting you because of the way the  
249 incident was developing?  
250 **DAY:** Not that I recall, no.  
251 **RENNA:** Did she express any concerns about breaking away from the scene?  
252 **DAY:** I don't remember, no.  
253 **RENNA:** Sergeant REYNA came to your location which, again, was out on Sandy Boulevard north of  
254 the apartment complex in order to brief you and the Lieutenant. During that briefing, she mentioned  
255 how she felt...did she mention how she felt, that officers could walk away from that scene?  
256 **DAY:** Yes.  
257 **RENNA:** And do you recall what the pros and cons were that were discussed about taking that type of  
258 action?  
259 **DAY:** Um, yes. She had mentioned that they did not have a crime, a criminal charge at that point; that  
260 the mother and children were out of the apartment and nobody else was in the apartment; and that they  
261 were safe and did not want to return to the apartment that evening. So, they had a safe place to go and  
262 there was nobody else involved.  
263 **RENNA:** At any point during that briefing that was taking place, did she advise you that if...that it  
264 was her plan that if Mr. CAMPBELL was to come outside, he wouldn't be allowed to return to the  
265 apartment?  
266 **DAY:** No.  
267 **RENNA:** Anything along the lines that she had that plan in place, and had discussed it with any other  
268 officers at the scene?  
269 **DAY:** No.

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270 **RENNA:** Now, after you arrived, and Lieutenant RODRIGUES arrived, um, is there a change in who  
271 is in command at the scene?

272 **DAY:** No.

273 **RENNA:** So, by that answer, um, did you have the understanding that Sergeant REYNA was still in  
274 charge of the scene?

275 **DAY:** Yes.

276 **RENNA:** When Sergeant REYNA left her position in the alcove to come out to brief you and  
277 Lieutenant RODRIGUES, did you give any direction to any other supervisor to take her place in  
278 overseeing the incident while she was going to be absent?

279 **DAY:** No.

280 **RENNA:** And how does that generally take place if somebody – and in this case, Sergeant REYNA –  
281 somebody in her position is in command of a scene is called away, how does that transfer of  
282 responsibility take place?

283 **DAY:** Well, typically, it's the responsibility of the on-scene supervisor to either advise me, or whoever  
284 is making the request, if they're unable to do so, you know, if they're unable to leave the scene for  
285 whatever reason, then they would advise me, hey, I can't come because it's not safe, or, you know, I  
286 need to stay here and have control, what do you need, we can have the dialogue over the radio or the  
287 telephone. I was aware that Sergeant BIRKINBINE was also there, or, like I said, I never saw either  
288 one of them because they were around the corner, but I knew Sergeant BIRKINBINE was on scene, so  
89 when I requested Sergeant REYNA to come to me, my assumption was that she would – two things –  
290 one is that Sergeant BIRKINBINE would hear that over the radio and know that I had made that  
291 request, and that, you know, she could be coming so that there would be some communication between  
292 the two of them prior to her coming to me, you know, in terms of Sergeant BIRKINBINE's overall  
293 responsibility. I knew there were two sergeants there, which is also one of the reasons why I felt  
294 comfortable in asking one of them to come to me to brief me before we made, you know, any further  
295 decisions.

296 **RENNA:** Had you had any conversations directly with Sergeant BIRKINBINE up to the point that  
297 Sergeant REYNA came out to brief you?

298 **DAY:** No.

299 **RENNA:** And what was your thoughts... what was your understanding, I guess is a better way to say  
300 it, of what the two sergeant's roles were? Did you have any clear understanding of what their  
301 responsibilities were at the scene at that point?

302 **DAY:** No, I did not have a clear understanding of what both sergeant's roles were, which is one of the  
303 reasons why I wanted to speak to one of them, and I chose Sergeant REYNA because she had been the  
304 primary sergeant on scene, had the most information from the beginning. That was one of the reasons  
305 of pulling her out, was for that briefing period.

306 **RENNA:** So in your mind, who, who... when Sergeant REYNA came to brief you, who did that leave  
307 in charge of the scene?

308 **DAY:** Sergeant BIRKINBINE.

309 **RENNA:** Did you have any discussion with Sergeant REYNA about that particular point? Did she  
310 raise it, or did it come up in the time that you were speaking with her?

311 **DAY:** No.

312 **RENNA:** Can you give us an idea of the conversation that took place, what the things that were  
313 discussed when Sergeant REYNA came out to brief you?

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314 **DAY:** Um, yes, she came out and, you know, I asked her for an update. And that's when she briefed  
315 me that the kids were out, the girlfriend was out, they were up Sandy at a convenient market or  
316 something up the street to the east, and there was an officer with the girlfriend and with the kids. Um,  
317 she told me that there had been some texting that had gone on with the...with Mr. CAMPBELL, and I  
318 was somewhat aware of that from listening to the radio dispatch. And, um, then she told me that there  
319 were no charges at this time, and her initial recommendation was that we possibly walk away from the  
320 incident. And then she got a phone call right at that point, so she gave me all the information. I hadn't  
321 asked any questions or dissected that. She just gave me all that information that I just told you, and  
322 then she got a phone call and took that phone call.

323 **RENNA:** And what did the phone call, your understanding of it, consist of?

324 **DAY:** Um, when she hung up, she told us that she had just spoken with the officer who was with the  
325 girlfriend at the location to the east, and this was new information to her – I remember she said this is  
326 new information to me – that the night before Mr. CAMPBELL had dry fired a gun several times and  
327 then fired a live round in a...that the dry firing was towards his head as if a suicide or attempt suicide.  
328 She said that was new information.

329 **RENNA:** And did that alter the way that you, the Lieutenant and Sergeant REYNA were now viewing  
330 the incident?

331 **DAY:** Um, it didn't alter the way I viewed the incident because we were still gathering information,  
332 and when she finished that comment, that explanation about that phone call, I remember Lieutenant  
333 RODRIGUES spoke up something, in affect of, you know, I have some information, I have some  
334 thoughts on this. So, you know, it was very fluid, she gave a bunch of information in the beginning,  
335 she received this phone call, at the end of this phone call she said, this is new information about the dry  
336 fire, the shot being fired. So, I'm getting that and then the Lieutenant says, and I have some thoughts  
337 about this too, and he shares with me, you know, his recommendations. So, it really hadn't changed  
338 anything. It was still just gathering information from my perspective.

339 **RENNA:** Okay. What were Lieutenant RODRIGUES' recommendations?

340 **DAY:** He told me that he had had a conversation with Sergeant REYNA on the way out there. He  
341 told me that he didn't feel like we could walk away, that there was too much risk involved with Mr.  
342 CAMPBELL, that we had an obligation to check on his well-being, and, you know, provide...and  
343 make sure we're providing adequate protection to the girlfriend and the kids. So, his recommendation  
344 was that we stay present and work through the incident.

345 **RENNA:** And providing the protection to the girlfriend and the kids, that's with the knowledge that  
346 the kids and the girlfriend had a place to go, that they did not have to return to the apartment.

347 **DAY:** Correct.

348 **RENNA:** And what was...or what were Sergeant REYNA's recommendations regarding the actions  
349 to take?

350 **DAY:** Um, well, you know, her initial...her initial statement was about walking away. Then she gets  
351 the phone call that says this is new information. Then the Lieutenant briefs me. And then the next part  
352 is when I started asking questions of Sergeant REYNA. I said why, you know, I want to know has  
353 anybody actually talked to him, because at this point I was under the impression we were only texting  
354 and didn't know if we actually had phone calls, you know, direct conversations with him. Well, had  
355 we actually talked to him, I wanted to know specifically...you know, more specifics about what Officer  
356 QUACKENBUSH, you know, what the texts were. I was trying to gather more information, and it was  
357 at that point when he came out. So, her recommendation never changed, um, after the phone call and

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358 Lieutenant's recommendation never changed, because then I began to ask clarifying information, is  
359 when Mr. CAMPBELL came out.

360 **RENNA:** And by that, are you saying that it was Sergeant REYNA's goal to walk away from the  
361 scene?

362 **DAY:** That was her recommendation, yes.

363 **RENNA:** Did that change at all after the phone call?

364 **DAY:** Not...not that I recall her...I don't remember her ever saying that changed, or it was any  
365 different.

366 **RENNA:** Okay. Did she express to you and the Lieutenant how close she believed she was to  
367 resolving the situation?

368 **DAY:** No.

369 **RENNA:** Did she...did she express to you, to either of you, what she felt it would take to resolve this  
370 situation, the way, her goal, I guess would be the best way to say it?

371 **DAY:** No.

372 **RENNA:** Were you aware of Sergeant BIRKINBINE's thoughts regarding the goal, or his goal, of  
373 how he wanted to resolve the incident?

374 **DAY:** No.

375 **RENNA:** I'm just going to step back for just a second. When Sergeant REYNA was still in the alcove  
376 and you communicated that you wanted to talk with her, how would you describe that? Did you order  
377 her to come out? Did you request her to come out? What was your assessment of that?

378 **DAY:** Um, I would say I certainly requested, you know, identified myself as the Captain, and  
379 requested that...I believe I requested that the Sergeant or an officer involved in this, you know, respond  
380 to my location. But I may have requested specifically Sergeant REYNA. I can't remember exactly.  
381 But, it was definitely, it was definitely a request, an order to do so. I don't remember if I said I'm  
382 ordering you to come out, or if I would like so-and-so, you know, to come to my location. But, as the  
383 Captain on scene, I'm sure it would be interpreted as such.

384 **RENNA:** Okay. As Captain on scene, does that make you in charge of the incident?

385 **DAY:** No. I believe that I'm in charge of the incident once I'm briefed and take over control of the  
386 incident. Um...so...and I hadn't done that at that point.

387 **RENNA:** Okay. We'll jump forward again...

388 **DAY:** Right.

389 **RENNA:** ...to the point where you are outside and you're discussing things with the Lieutenant and  
390 the Sergeant. Was there any talk, since there is this conflicting thoughts on how to deal with the  
391 incident, was there any talk of activating SERT?

392 **DAY:** No.

393 **RENNA:** Did you believe at that point in time it had risen to the level of activating SERT/HNT?

394 **DAY:** No.

395 **RENNA:** Okay, and why not?

396 **DAY:** Um, well, I hadn't made a final decision as to whether or not we were going to stay or go. You  
397 know, that was still on the table. So, you know, there was certainly reasons to consider both. And I  
398 was still trying to gather more information to make a recommendation, you know, to take charge of the  
399 scene, and you know, right now I had a sergeant telling me, I think we ought to walk away, and I had a  
400 lieutenant saying, I think we need to stay. And, so, that's when I began my questioning of, you know,  
401 further explanation, understanding. But, at that point, we did not have a SERT call-out, we didn't

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402 have, you know, any of the barricaded felon where he's expressed, you know, his intent. We didn't  
403 have a charge, an intent to harm or kill another, we didn't have a sniper situation. You know, we  
404 didn't have the typical outline components for a SERT call-out. There is a section in Directive 720 that  
405 is kind of the catchall for if you need the expertise and the training and the equipment that SERT  
406 brings, and I'm aware of that. Um, but once again, I didn't feel like we needed; I knew that we had  
407 plenty of officers on scene, we had equipment, and we were having dialogue with the, with Mr.  
408 CAMPBELL to my knowledge, and so that's also a positive sign. And if we're engaging in  
409 conversation, that...that there might be an opportunity there to resolve this.

410 **RENNA:** Okay. Um, how would you describe the overall tone of this conversation between the three  
411 of you out there?

412 **DAY:** I think it would probably be a little bit tense. Um, I think that Sergeant REYNA and Lieutenant  
413 RODRIGUES felt pretty strongly about their positions. And, um, so I would say it was probably a little  
414 bit tense.

415 **RENNA:** And did that...did that get resolved in any fashion?

416 **DAY:** Um, I don't...we weren't able to completely resolve it at that time because Mr. CAMPBELL  
417 came out, and once it was broadcast that he was coming out, we chose, you know, to allow that to play  
418 out.

419 **RENNA:** And what is your recollection of the event? You said that that conversation was kind of  
420 suspended because you heard Mr. CAMPBELL was coming out. Can you describe what you recall  
'21 happening after that point?

422 **DAY:** Um, yeah, they broadcast that Mr. CAMPBELL was coming out. He was, you know, out in the  
423 parking lot. I could not hear the commands being given, you know, and once again, I was around the  
424 corner from the complex, and I couldn't see any of the custody that was taking place. I know from my  
425 experience, I kind of had in my mind what it probably looked like with officers positioned behind cars,  
426 etc. Um, I heard some gunshots, excuse me, which sounded somewhat muffled, that I interpreted it as  
427 being probably less lethal rounds, and that was confirmed over the radio by Sergeant BIRKINBINE.  
428 Then I heard a really loud bang, and, um, you know, assumed that that was probably a lethal fired shot.  
429 And that was confirmed almost immediately after. Um, so that was kind of how things played out up  
430 to that point.

431 **RENNA:** Okay. Did you move to a position where you could see any of that action taking place?

432 **DAY:** No.

433 **RENNA:** Okay. Did either Lieutenant RODRIGUES or Sergeant REYNA move to a position where  
434 they could see what was taking place?

435 **DAY:** No.

436 **RENNA:** What do you recall Sergeant REYNA's reaction to the lethal shot being fired?

437 **DAY:** I don't...I don't recall a specific, um, reaction. I think I looked at both of them and when that  
438 shot was fired, I remember looking at them and saying, that was not less lethal. And then, you know,  
439 the radio was...confirmed it. Um, and then there was...I think...I guess Sergeant REYNA's reaction,  
440 you know, she was surprised, um, and I think she...I remember she wanted to begin kind of an  
441 immediate crime scene set up, she wanted...and I just said, hey, we need to hold for a minute. You  
442 know, let them get the custody or whatever they need to do. So, that's how come I know that...you  
,43 know, nobody ran back around the corner or anything like that. It was like, okay, you just need to take  
444 a minute here, let them finish what they're doing, you know, advise us that it's secure or whatever the  
445 case may be. You know, get information from Sergeant BIRKINBINE or whatever is needed. But she  
446 was, you know, surprised by that.

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447 **RENNA:** And there were some concerns about the custody of Mr. CAMPBELL, and that was because  
448 of his body position and officers not being able to see where his hands were. Is that correct?

449 **DAY:** Correct.

450 **RENNA:** Okay. And that was communicated to you and the Lieutenant and the Sergeant in some  
451 fashion?

452 **DAY:** Yeah. I gave the...I gave it about a minute or so, and then, um, I was asking for Sergeant  
453 BIRKINBINE over the air. And at that point, he'd kind of stepped back so that I could actually see  
454 him sort of at a diagonal in the parking lot, and I could see that he was on the phone and I realized that  
455 my phone was ringing and kind of made the assumption, hey, he's calling me, which was the case.

456 **RENNA:** And what...what did that conversation consist of?

457 **DAY:** Um, he told me that, you know, that Mr. CAMPBELL had been shot, that it was a rifle shot. I  
458 think he even mentioned Officer FRASHOUR because in that same transition period, Officer  
459 FRASHOUR is coming out to us, coming around the corner. Lieutenant RODRIGUES took care of  
460 that, took care of Officer FRASHOUR, took his rifle and put it in the trunk of a police car. So,  
461 somewhere around there, he's telling me that...that the suspect, Mr. CAMPBELL, was down, that they  
462 could not safely approach him, that they could not see his hands, and, um, that they didn't have the  
463 resources or equipment to go up and take him into custody.

464 **RENNA:** And was there a discussion about that between you and the Sergeant?

465 **DAY:** Yes. I was very pointed with Sergeant BIRKINBINE. Are you sure? Are there other options?  
466 Can we use a car? Can we, you know, approach safely? You've got a lot of resources there. I knew  
467 we had less lethal, I knew we had a dog and so forth. And we had a very specific discussion about  
468 various options to approach him. And, um, I remember Sergeant BIRKINBINE's comments to me  
469 were, you know, this is not something we would typically do, it's not something I think we could do  
470 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  
471 team up and do it.

472 **RENNA:** And your reaction to that conversation...what was your decision after listening to Sergeant's  
473 BIRKINBINE's concerns?

474 **DAY:** That we would activate SERT.

475 **RENNA:** Okay. And did you have a discussion with Sergeant REYNA and Lieutenant RODRIGUES  
476 about that conversation with Sergeant BIRKINBINE before coming to that decision?

477 **DAY:** No. I believe I got off the phone with Sergeant BIRKINBINE, and then just explained to them  
478 that we would be activating SERT to take the custody...to effect the custody of Mr. CAMPBELL. I  
479 don't believe there was any discussion that I recall about whether or not we should or we shouldn't.

480 **RENNA:** Okay. Now, at what point did you officially, if I can use that word, assume command of the  
481 scene?

482 **DAY:** Well, at that point I had, um, assumed command of the scene in my mind, but after I told them I  
483 was going to activate SERT and do these things, I remember Rodri...Lieutenant RODRIGUES saying,  
484 you know, do you have this or do I have this, or something to that effect. And then I got on the radio  
485 shortly thereafter and assumed, you know, verbal command over the radio. But at that point, in my  
486 mind, I had assumed command, and when Lieutenant RODRIGUES asked for that clarification, I told  
487 him, yes, I have command of this. This is, you know...I have command of the scene. And then a few  
488 minutes later I got on the radio and actually gave it over the air.

489 **RENNA:** Okay. And at what point did that...did that change, that you took command, in your mind,  
490 at what point you in that incident

491 **DAY:** Um, after the shot was fired.

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492 **RENNA:** Okay. Now, there has been some discussion about a delay in the time it took for SERT to  
493 get there, and with that decision making process, were there attempts made to, um, contact Mr.  
494 CAMPBELL? What was taking place during that time period? Prior, following the shooting, prior to  
495 the request for SERT.  
496 **DAY:** I don't know the specifics that were being done in terms of trying to contact Mr. CAMPBELL.  
497 **RENNA:** Okay. And what about at your end? What was taking place from the time the shot was fired  
498 and that you were made aware that Mr. CAMPBELL was down, and the activation...your request for  
499 the activation of SERT?  
500 **DAY:** Um, I don't remember any specifics during that timeframe, from the time that he was shot until  
501 the time I ordered the activation, what attempts were being made. Um, there was some radio traffic, I  
502 remember, there was some radio traffic about moving or not moving, because I...I said something to,  
503 um, I think it was Lieutenant RODRIGUES, about, you know, did they just say he was moving, or  
504 something to that effect. And then there was radio traffic kind of clarifying that with Sergeant  
505 BIRKINBINE. But, um, but I'm not aware of what specific attempts were being made to contact Mr.  
506 CAMPBELL during that time period.  
507 **RENNA:** Okay. Let me rephrase it. Um, according to the CAD printout, shots were fired at  
508 approximately 1808...  
509 **DAY:** Uh-huh.  
510 **RENNA:** Almost 1809, and there is a request to activate SERT, the way I'm reading this CAD  
511 printout, approximately ten minutes later.  
512 **DAY:** (indecipherable)  
513 **RENNA:** Can you give me an idea what was taking place in...in and around you during that ten  
514 minute period?  
515 **DAY:** Well, yes, um, I knew that medical had been requested and started immediately after the shots  
516 were fired. Probably within, um, a minute or so of the shooting, Mr. CAMPBELL's father and brother,  
517 I believe – they were family members – arrived at the scene. Um, they showed up and parked in the  
518 driveway entrance, you know, and in direct line of sight of everything that was going on, shortly after.  
519 And they started to get out of the car, and so...I cannot remember who it was, if it was Sergeant  
520 REYNA or Lieutenant RODRIGUES, somebody contacted them, and we kind of moved them out of  
521 the line of sight around the apartment complex where we were at. There were some officers that  
522 showed up and we asked them, you know, to kind of help us to begin to create a little broader perimeter  
523 here because of people showing up. Um, so dealing with those family members, trying to make sure  
524 that we had proper perimeter containment, and then my conversation with Sergeant BIRKINBINE,  
525 staging medical...um, I know there was a request, you know, for the binoculars. That thought was put  
526 out over the air, that, I believe, Officer ELIAS wanted. Those are some of the things that I recall.  
527 **RENNA:** And who ultimately made the decision not to approach Mr. CAMPBELL for the officers on  
528 scene at that point in time?  
529 **DAY:** Sergeant BIRKINBINE.  
530 **RENNA:** And was that after having discussed it with you?  
531 **DAY:** Um, well, I would assume so, yes.  
532 **RENNA:** Were you aware of any conflict existing between the two sergeants on the scene, on what  
533 they believed were their goals of what they wanted to see accomplished?  
534 **DAY:** No.  
535 **RENNA:** And after the shooting, what are your responsibilities after that?

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536 **DAY:** Um, well, in this case, you know, we...we're not able to affect the custody so, the activation of  
537 the SERT team, making sure the creation of a proper staging area, etc. in anticipation of  
538 the...notification of the commander that we had done that. Um, ensuring that the perimeter's properly  
539 established, we had the resources there that...to, you know, protect...protect the crime scene even  
540 though it's still active and not totally static at that point. So, you know, I was asking for more  
541 resources, more officers, um, and then, you know, there was a period there where you have to wait for  
542 the arrival of SERT. So, now the command, to brief them on, you know, on direction, making sure that  
543 Officer FRASHOUR had somebody assigned to him. (indecipherable) the scene, the weapons secured.  
544 **RENNA:** Okay. Did you notify the commander prior to or following the activation of SERT?  
545 **DAY:** I notified him prior to.  
546 **RENNA:** And the thought of that is...or was, what?  
547 **DAY:** Well, I knew that, um, that just an awareness piece. I knew that I had a minute or two before  
548 the formal SERT activation. Um, before I activate SERT, I always like to make sure the staging area  
549 and the other identified staging area they have the proper information that you can give dispatch so that  
550 as the page goes out it's accurate and correct. Um, so I told Sergeant REYNA that we were going to be  
551 activating SERT this is the staging area (indecipherable) giving her that information and making sure  
552 that that was going to be able to be completed, followed through. So, I knew that I had about a minute  
553 or so to call the commander, and I knew the commander was enroute, so my thinking was just to keep  
554 him updated on what was going on.  
555 **RENNA:** You mentioned in the beginning of our interview today that you had previous experience in  
556 HNT.  
557 **DAY:** Yes.  
558 **RENNA:** How did that experience, that previous experience, play into what was occurring at this  
559 particular incident? What was your experience telling you about what course of action to take?  
560 **DAY:** Well, that experience includes, you know, about three-and-a-half years as the HNT commander.  
561 I have gone to about 75% of the critical incidents, SERT/HNT related incidents, in the last three-and-  
562 a-half years in that capacity. And so, based on the information I had at this point, um, this was a call  
563 that could be handled on the resources that we had on scene.  
564 **RENNA:** Okay.  
565 **DAY:** Um, the...it did not rise to the need or the level of the resources for SERT/HNT callout. And  
566 once again, um, up 'til that point, you know. Had we stayed and progressed longer, we may have  
567 gotten there. But up to the information that I had at that point, we never reached that level based on my  
568 experience in that.  
569 **RENNA:** Okay. Up to or prior to the point of Mr. CAMPBELL actually coming out of the apartment,  
570 um, what was your understanding of the situation at that point? Um, how did you feel the  
571 communication with Mr. CAMPBELL was going?  
572 **DAY:** It sounded like it was, it was going well. Um, I remember hearing on the radio there was a  
573 discussion about, you know, information about were there alcohol or drugs involved. Um, I remember  
574 hearing that and thinking, you know, they're asking the right questions. They're trying to get more  
575 information about the mindset of what's going on. It seemed to me like the right questions were being  
576 asked, there was dialogue occurring with Mr. CAMPBELL and the police, which in my experience, is  
577 always positive, when we can be in communication with people. And, um, you know, we had two  
578 sergeants on scene, and we had enough officers and resources there to, you know, safely effect a  
579 custody if necessary. And we did not have any indicators other than that.

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580 **RENNA:** Okay. Prior to Mr. CAMPBELL coming out, had you reached a decision on what your  
581 course of action was going to be?  
582 **DAY:** No.  
583 **RENNA:** Did you have any discussions at the scene with any of the involved officers or witness  
584 officers?  
585 **DAY:** No.  
586 **RENNA:** Did you have any conversations with any of the involved officers prior to the EAP  
587 debriefing that took place?  
588 **DAY:** I know that I, um, called a couple...I called some guys, but I don't know...I called some guys  
589 prior to the EAP, um, debrief just to check in on them, see how they were doing. But I only got a hold  
590 of a couple of them. I don't remember who they were. I know I never...I never talked to Officer  
591 FRASHOUR, I haven't talked with him...I didn't talk to him that night, and I haven't talked to him  
592 since. And I never talked to Officer LEWTON until after he returned to work. So, that would have  
593 been after the EAP brief. Some of the witness officers, I think, I called at home to check of them and  
594 see how they are doing, but we've never talked about the incident.  
595 **RENNA:** Um, did you attend the EAP briefing?  
596 **DAY:** No.  
597 **RENNA:** Did any of your communications with any of the officers take place prior to the gag order or  
598 the communication restriction order being lifted?  
599 **DAY:** No.  
600 **RENNA:** Did anyone approach you at any time after the incident, whether it be officers or civilians to  
601 express their concerns about the way the call was handled or what had occurred?  
602 **DAY:** Not that I recall, no.  
603 **RENNA:** Sergeant Morgan, do you have any questions?  
604 **MORGAN:** Yes, just a couple quick ones here. Just fill in a couple of blanks. Um, you talked about  
605 how you didn't feel the call was the level of a barricaded subject. Can you just talk to us a little bit  
606 about why you didn't feel this situation met that criteria, just to be clear about that.  
607 **DAY:** Well, typically, things that I consider a barricade, um, one is, you know, a real breakdown in  
608 communication. Um, so, with the communication going on, um, not that you can't...you can have  
609 communication in a barricade, but this is early enough on in this incident and the communication was  
610 continuing to flow, um, it was my understanding that we had never reached a point of I'm never  
611 coming out, I'm never going to be outside, I'm...there was never any ultimatum given that, you know,  
612 we're done...which would lead me to a barricade situation. Also, certainly, you can have barricaded  
613 situations without people, third parties, involved. Um, but because there was...I knew there was no  
614 third party involved in the apartment besides Mr. CAMPBELL, it lessens the risk factor of a barricaded  
615 situation. So, we have this ongoing communication, this dialogue, we have not received an ultimatum  
616 that I'm not going to cooperate or come out or be involved, and there was no third party in there being  
617 held against their will. So, we hadn't risen to that level yet.  
618 **MORGAN:** Okay. And kind of touching on the last point there, prior to the girlfriend and the  
619 children coming out, was it in your head that this might be a hostage situation?  
620 **DAY:** Well, that's always a possibility, um, and I prefer, you know, to look at things, really hostage  
621 and non-hostage situations, and I like to clarify that in terms of, you know, my thought process wasn't  
622 so much a hostage, but maybe an involved third party being held against their will. Kind of different  
623 than the true hostage situation. Um, you know, we had a domestic situation which provides to a  
624 different level of concern than that. But once I knew they were out, then I didn't have that concern.

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625 **MORGAN:** Okay. All right. Um, not to be too anecdotal, I guess, with the question, but when you  
626 were riding with Lieutenant RODRIGUES and you were sitting at the meeting for coffee, I know there  
627 are times when either a supervisor or a fellow sergeants, somebody is new to the shift and they're just  
628 learning the job and a high profile call will come out, and you're kind of waiting to see if they're  
629 getting the cues that they should be responding to this kind of call, and sitting there and waiting for  
630 them to pick it up on their own, was there any of that going on with Lieutenant RODRIGUES in this  
631 thing? Were you at any point sitting there kind of saying to yourself, hey, you really need to be talking  
632 about going to this thing?

633 **DAY:** No, huh-uh. This was a...up to that point, to where the loud hail piece came out, um, there was  
634 a lot of radio traffic. This was a very...there was a very routine sense to this as well. You know, this  
635 was going on along with a lot of other things, and Lieutenant RODRIGUES was monitoring this much  
636 closer than I was. My pacset was on the table and he had a shoulder mic, and I know that he was  
637 listening closely to what was going on and paying attention, even more so than I was. So, I felt  
638 comfortable with both his awareness and mine, you know, that if things really did begin to ramp up,  
639 that he would pick up on that, and I felt like he did.

640 **MORGAN:** All right. Um, were you aware of any issues between Sergeant REYNA and the SERT  
641 team that you felt would have made her hesitant to call upon them if needed or anything along those  
642 lines?

643 **DAY:** No. I'm aware of the history with Sergeant REYNA and her involvement with the SERT team,  
644 but in the time that I had at North, and the experience with her, never indicated to me that that would  
645 have made her hesitant to call on them if needed.

646 **MORGAN:** Okay. Um, talking about when you requested Sergeant REYNA to come back to you and  
647 whether it was an order or how it was perceived, if Sergeant REYNA had expressed to you a concern, I  
648 can't break away right now, we're at a sensitive point in this incident, what would your response have  
649 been?

650 **DAY:** I would have allowed that. And then I would have, um, had to figure out another way to, you  
651 know, be briefed or to get the information we needed or assume whether or not I'm going to take  
652 command. But I've been in that situation before, I was recently just a few months ago in an incident  
653 out in East Precinct where JOHN SCRUGGS was the supervisor on scene, and he was up there, and I  
654 had requested him to come back to my location, and he said, he could not. So I asked for a second  
655 sergeant to respond, realizing he was the only sergeant there then to ask for Sgt. STEIGLEDER to  
656 respond. So, then I had another sergeant there, that's when I was having a lieutenant capacity, but...so,  
657 yes, had she told me that, then, you know, I would have proceeded otherwise. I would not have  
658 ordered her back to me.

659 **MORGAN:** Okay. And, I know you said you hadn't come to a conclusion, but when he came out,  
660 were you leaning one way or another toward the walking away option versus the staying option at that  
661 point?

662 **DAY:** Probably based on...walk, leaning towards walking away. I was leaning that direction, just  
663 based on all that information that we had. Um, you know, but I wanted to clarify some things, and  
664 obviously, that phone call that Sergeant REYNA got, you know, was new information which was an  
665 indication to me that did we really have all the information to make that decision. Part, also, part of my  
666 mindset, even though I knew that the wife, or the girlfriend, and the kids were safe, you know, it was  
667 not lost on me in that in 2009 we had several domestic-related homicide/suicidal situations, and so I  
668 also wanted to shore up and make sure that we could truly provide for the security of this partner and  
669 the children. You know, were they really going to be...what assurance did we have that there wouldn't

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670 be a connection. So, I was probably leaning towards being comfortable with walking away, but really  
671 in need of more information to make that final decision.

672 **MORGAN:** Okay. And then I think the last question, um, just kind of talking about that ten minute  
673 timeframe between the time the shots were fired and the time that SERT was activated, can you talk  
674 about some of the stuff that was going on, including your conversation with Sergeant BIRKINBINE,  
675 um...let me just try to ask it a different way. Once Sergeant BIRKINBINE made it clear to you that he  
676 was not comfortable approaching with uniformed personnel to take Mr. CAMPBELL into custody,  
677 once he made that clear, was there any delay in activating SERT?

678 **DAY:** No. There...um, the process was, I got off the phone, I told Sergeant REYNA, create a staging  
679 area. I called Commander FERRARIS and, I think the whole, you know, it was maybe 90 seconds to a  
680 minute in there for the creation of the staging area, and then being able to give the directions to radio to  
681 BOEC.

682 **MORGAN:** And so, obviously not being able to be exact, but of the ten minutes, um, that's there, um,  
683 the first seven or eight or so of those minutes were taken up by officers trying to figure out what they  
684 had and having that conversation with BIRKINBINE about the options?

685 **DAY:** Correct. Containing the family that had arrived, and coordinating more officer response to help  
686 secure the perimeter.

687 **MORGAN:** Okay. That's all I've got.

688 **RENNA:** I've just got like three questions to wrap it up, but before I get to those three, during the time  
589 that you are speaking with Sergeant REYNA and Lieutenant RODRIGUES prior to Mr. CAMPBELL  
690 coming out, she gets the phone call that we've already discussed. Did she express to you at all  
691 her...did she have any thoughts about the plausibility of that occurring the previous night? For  
692 instance, somebody holding a weapon to their head and having three or four misfires and then shooting  
693 a gun into the air immediately after that. Did she talk about or express whether she thought that that  
694 was a true account of what happened the previous night or not?

695 **DAY:** Yes, I...she indicated to me that, you know, this is new information, um, and, you know,  
696 believed it to be credible.

697 **RENNA:** That she did believe it to be credible?

698 **DAY:** That she did believe it to be credible, yes.

699 **RENNA:** Okay. On to the last three questions. Have you talked with anyone else about this case or  
700 read or heard any news accounts on this incident that have influenced your perception about what you  
701 saw or heard?

702 **DAY:** No.

703 **RENNA:** Do you have any information that you believe would be relevant to this case which we have  
704 not covered?

705 **DAY:** No.

706 **RENNA:** Anything at all related to this call that we haven't covered?

707 **DAY:** No.

708 **RENNA:** Okay. Um, do you have any information regarding anybody else we should talk to that you  
709 have any belief that we haven't?

710 **DAY:** No.

711 **RENNA:** Keeping in mind that this is an administrative review, is there anything about this incident  
712 that caused you concern or you would like to address in an effort to improve future performance?

713 **DAY:** No, not at this time.

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**IAD #2010-B-0004**

**PORTLAND POLICE BUREAU / COMMANDER ROBERT DAY**

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714 **RENNA:** Okay. Commander Benson, is there anything that you would like to add or any questions  
715 that you would like to ask Commander DAY?  
716 **BENSON:** No.  
717 **RENNA:** Okay. Um, Commander DAY, is there anything that you would like to add that we have not  
718 asked you?  
719 **DAY:** No.  
720 **RENNA:** Okay. I will conclude our interview and it is 1054 hours.  
721  
722  
723 10b0004trs- day  
724 Transcribed 04/10/2010 / 5:30 p.m. Gayle Laird (0409gl01)

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