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PORTLAND POLICE BUREAU
INTERNAL AFFAIRS DIVISION
Confidential Taped Statement
Jon Rhodes/#16753

Interview Date: March 4, 2010
IAD #: 2010-B-0004
Complainant: Portland Police Bureau
Interviewed: Officer David Kempel #39589

RHODES: Okay. We are now recording. This is Jon Rhodes, investigator with the Internal Affairs Division. It's Thursday, March 4, 2010, and I've got 1755 hours. Also present is Lynn COURTNEY, investigator with the Internal Affairs Division. This is the time set to interview Officer KEMPLE regarding an officer involved using deadly force incident that occurred on January 29, 2010. Also present besides Officer David KEMPLE is his PPA representatives, Scott Westerman, and you both know that we're recording.

WESTERMAN: Yes.

KEMPLE: Yes, sir.

RHODES: This is again, internal affairs Division Case 2010-B-0004 and the Portland Police Bureau Investigation report is 2010-8325. Officer KEMPLE has been advised that his conduct and/or the conduct of any other Bureau member present on January 29, 2010, at 12800 NE Sandy Blvd. is the subject of this investigation. Officer KEMPLE has reviewed information necessary to be reasonably apprised to the nature of the allegations of this investigation. Officer KEMPLE has been informed that he's a witness in the case and that Captain Ed BRUMFIELD is in charge of the investigation. I've advised Office KEMPLE that he could have representation present during the interview and Scott Westerman is, of course, here in that capacity. Officer KEMPLE has been provided a copy of the Advance Notice of Waiver form and has signed it and it's in our possession. Officer KEMPLE, under the authority of Captain FAMOUS I'm ordering you to answer all of our 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?

KEMPLE: I do.

WESTERMAN: You didn't say Captain BRUMFIELD.

RHODES: Who did I say?

WESTERMAN: FAMOUS.

RHODES: Did I say FAMOUS?

WESTERMAN: You did. And you also didn't introduce your partner.

RHODES: Yeah, I did. It says BRUMFIELD right there so I wouldn't say, I don't think I said FAMOUS, but I'll listen to that later.

WESTERMAN: I'll put money on it.

RHODES: Just by way of introduction describe how long you've been a police officer with the Portland Police Bureau and if you have any prior law enforcement experience.

KEMPLE: A little over eight years and no prior.

RHODES: And I know that you already have been interviewed by detectives in this case and you testified at a Grand Jury. So the point of this is to clarify some matters and we've, obviously had an opportunity to read all of those reports. So would you tell us what your assignment was on the day that this incident occurred and whether or not you were working a single car or (indecipherable) car.

KEMPLE: Yes, I was working a single car. My assignment is 655, I'm a District Officer for the

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CONFIDENTIAL TAPED STATEMENT

IAD #2010-B-0004

Portland Police Bureau / David Kemple

March 8, 2010

Page 2

52 area where the incident occurred.
53 **RHODES:** Okay. This particular incident?
54 **KEMPLE:** Yes.
55 **RHODES:** Okay. So describe how you were assigned to the call and information that you received
56 initially via over the air or via your car computer as you were responding.
57 **KEMPLE:** Okay. I was in route to get coffee with the other officer that was working the district
58 and I was looking at the NVT to (indecipherable) that this call was there. I decided to
59 attach myself to the call as I'm hearing updates over the radio and it wasn't really clear
60 over the radio what was going on. I missed a bunch of the transmission because I tried
61 calling Officer LEWTON a couple of times to see what was going on since he was
62 already out there.
63 **RHODES:** Okay.
64 **KEMPLE:** They're pre-relief and I'm regular afternoon, so the call would come out at right around
65 I guess 1622 I believe is when the call came out.
66 **RHODES:** Okay, okay. And what time did you get out on the street?
67 **KEMPLE:** I usually get out around 1640 or so after roll call.
68 **RHODES:** I see, alright.
69 **KEMPLE:** So I got there it ended up being right around 5:00.
70 **RHODES:** Okay. So even though it was your district, somebody else was actually dispatched on
71 the call as the primary?
72 **KEMPLE:** Yes. Yeah, a pre-relief officer since I started, I work 4:00 to 2:00 a.m. the pre-relief
73 works uh, 3:00 to 1:00, so a pre-relief officer is dispatched to the call.
74 **RHODES:** Okay. Who is that?
75 **KEMPLE:** I believe Officer BOYLAN
76 **RHODES:** Okay, alright, I was a bit confused there for a second. When you were interviewed by
77 the detectives you talked about getting additional information about the call, the details
78 of it, the nature of it once you arrived at the scene.
79 **KEMPLE:** Yes.
80 **RHODES:** So was that like a briefing?
81 **KEMPLE:** We were when I got there I talked to another officer who was already there and he just
82 gave me a real quick possibly there's a guy in the house, possibly has a gun with three
83 kids, uh, it's a possible suicide by cop situation. When I got there I immediately went to
84 the back of the address.
85 **RHODES:** Who was the officer that you got that from?
86 **KEMPLE:** I believe it was Officer uh, BURNS, I believe it was him. Yeah, I went to the back of
87 the address where Officer BOCCHINO's trainee was. When Officer BOCCHINO came
88 to the back of the address and relieved me I went back to the front of the address where
89 I contacted Sergeant REYNA.
90 **RHODES:** When you were getting that additional information or briefing from Officer BURNS,
91 was there another officer with you? At the call at that point?
92 **KEMPLE:** No I got there and I was just getting out of my car, saw him, asked him what was going
93 on and then asked where I was needed. I was told to go to the back to be with Officer
94 BOCCHINO's trainee.
95 **RHODES:** And then you ended up connected with REYNA?
96 **KEMPLE:** Yeah, after Officer BOCCHINO came back to the backside to be with his trainee I
97 returned to the front where Sergeant REYNA was, Officer BOYLAN and Officer
98 LEWTON were, and officer, yeah.

COPY

CONFIDENTIAL TAPED STATEMENT

IAD #2010-B-0004

Portland Police Bureau / David Kemple

March 8, 2010

Page 3

99 **RHODES:** Okay. And then what were you given an assignment to do at that point and by whom?
100 **KEMPLE:** When I returned to the front I actually grabbed my shotgun and loaded it up and then
101 uh, Sergeant REYNA told me to store my shotgun that she was going to take the long
102 gun. So the initial plan was going to be Officer BOYLAN and I were going to be the
103 custody team. Officer LEWTON was going to be less lethal and Sergeant REYNA had
104 the long gun.
105 **RHODES:** Okay. And at that point what information do you remember getting about the subject,
106 uh, presumably you got his name.
107 **KEMPLE:** Yeah.
108 **RHODES:** And then did you get additional information about his history in terms of prior arrests or
109 measure of anything about violence in his past at that point?
110 **KEMPLE:** Uh, no.
111 **RHODES:** In your interview with the detectives you talked about hearing, or getting information
112 from those that were in the alcove about a possible SERT call out or SERT involvement
113 and uh, who were you talking about when you said uh, they were talking about it being
114 a SERT call out. Who was talking about it? And how were you getting that
115 information? Was it coming to you over the radio or did you overhear it because you
116 were close enough to the alcove, or how did that happen?
117 **KEMPLE:** Uh, at that time in the alcove, I don't know if Sergeant BIRKINBINE was there or not.
118 Uh, and Officer FRASHOUR and Officer WILLARD had arrived by this time. So
119 there's the four of us, Officer FRASHOUR, Officer WILLARD, me and Officer
120 LEWTON behind the vehicle which is here doing the high risk stop type thing on the
121 house.
122 **RHODES:** Okay.
123 **KEMPLE:** Sergeant REYNA, Officer QUACKENBUSH, Officer BOYLAN are in the alcove. I'm
124 not sure if Sergeant BIRKINBINE is there or not yet. I don't remember when he
125 arrived. I don't remember where I heard that they were considering calling out SERT, at
126 that time it is just (indecipherable) were talking about it, I don't know who's talking
127 about it.
128 **RHODES:** Where you were at, positioned by the cars and just as a purpose of the tape, you're just
129 pointing out the diagram that we have that's part of the case file.
130 **KEMPLE:** Yeah.
131 **RHODES:** Were you close enough to the alcove that if they were talking in normal conversation
132 you'd be able to overhear it?
133 **KEMPLE:** Uh, no.
134 **RHODES:** Okay.
135 **KEMPLE:** Unless, if they yelled something. They wouldn't have to yell real loud for us to hear it,
136 but we weren't close enough to just overhear normal conversation because at this time I
137 believe Sandy was still open so there's - - I don't remember when we shut Sandy down,
138 but there's other noise around. So, maybe in a perfectly quiet environment.
139 **RHODES:** Okay. Do you remember hearing any talk about a SERT call out or their involvement or
140 consideration of that on one of the, either the main channel that everybody was using or
141 one of the other talk nets?
142 **KEMPLE:** I don't recall.
143 **RHODES:** Alright. And at that point, you already mentioned that REYNA was there, uh, and then
144 Sergeant BIRKINBINE arrived at some point. What was your sense either because they
145 told you they were running the show or that you had some other information about who

COPY

CONFIDENTIAL TAPED STATEMENT

IAD #2010-B-0004

Portland Police Bureau / David Kemple

March 8, 2010

Page 4

146 actually was in charge of the incident at that point, the supervisor?
147 **KEMPLE:** It was, my understanding is that Sergeant REYNA was in charge of the incident. Yeah.
148 **RHODES:** Did that ever change at some point for whatever reason?
149 **KEMPLE:** Uh, after the shooting, Sergeant BIRKINBINE came out and he was putting us in
150 different positions and that was after the shooting, so at that point he was the one that
151 was directing us. Prior to that Sergeant REYNA had directed me to be part of the
152 custody team.
153 **RHODES:** Okay. And of course we know in looking back at everything that at some point
154 lieutenant arrived and then at some point a captain arrived. Were you guys ever, do you
155 remember being made aware of that and there was any kind of additional directions
156 from either one of those two sources?
157 **KEMPLE:** It probably came out over the radio. I mean we had the net shut down, so I'm sure we
158 had heard it over the radio. Our primary concern was watching the apartment so we
159 weren't paying too much attention to what was going on, we had our role and
160 (unintelligible) yeah.
161 **RHODES:** And were you given any direction, I know that you were to be a custody team, in terms
162 of what the plan was in terms of trying to contact him by phone or by loud hail or some
163 other means that somebody - - was there discussion about this is what our objective is?
164 This is what we're going to try to do and then from that, if that happens if he comes out
165 then this is going to happen. Was there some detailed discussion about that?
166 **KEMPLE:** Our primary - - when we set up our custody team we set up the cars I guess it would be
67 a modified high risk step. And we did that so if he did come out we could go ahead and
168 treat it like a high risk stop. We were either going to bring him around the front of the
169 car in between the two cars, kind of depending on how things played out. So we were
170 going to treat him as he came out as a high risk stop like a stolen vehicle or something.
171 As far as contact with him, they were trying to get a hold of him by phone and we did
172 know at some point there was a text message that said don't mess with me, I'm serious,
173 don't make me get my gun and we did receive that information from the alcove.
174 **RHODES:** When you were getting updates such as that, I don't know if you can remember how
175 you got an update about the text message. How did that work? Did somebody from the
176 alcove come over to where you were at and tell you or did somebody from the alcove
177 tell you on the, broadcast it on the radio? How did that work?
178 **KEMPLE:** I don't remember. I know that we got that information. I don't remember if it came over
179 the radio or if somebody actually walked out.
180 **RHODES:** You mean from the alcove?
181 **KEMPLE:** Yes, from the alcove.
182 **RHODES:** Were there times when you were getting information that way from the people in the
183 alcove that they would, somebody would come over and update you guys about one
184 thing or another? Did it ever happen that way?
185 **KEMPLE:** I believe they were coming from the alcove. I don't remember really a whole lot of
186 what was said.
187 **RHODES:** Okay.
188 **KEMPLE:** I mean, I was pretty - - I think the four of us were pretty focused and somebody may
39 have got information. I wasn't really paying a whole lot of attention to information that
190 was coming in. I was just primary focused on the apartment.
191 **RHODES:** Okay. So you're at the car and what's your recollection of how long you get posted up
192 at the car and you're watching the front door, do the kids come out? Approximately.

COPY

CONFIDENTIAL TAPED STATEMENT

IAD #2010-B-0004

Portland Police Bureau / David Kemple

March 8, 2010

Page 5

193 **KEMPLE:** It could have been 15-20 minutes, I really don't know. Uh, could have been 10, 15, 20
194 minutes. Time-wise I don't know, we were there for awhile. Kids come out, we see the
195 kids. The kids look really scared. One of the kids comes up with his arms up, I go
196 around the back of the car, put my arms out, kid runs to me, I pick him up. Run him to
197 the alcove and then uh, once we were there dad, or somebody with relation to the kids
198 comes to the alcove and then I end up taking kids with whoever that is to a Suburban
199 and then I told them to drive down the street with the kids.
200 **RHODES:** Okay. And I think I know that mom was, the mother of the children was there too so.
201 **KEMPLE:** Yeah.
202 **RHODES:** Uh, and I've looked at the reports about when the children came out. Do you remember
203 any of the kids saying something that was pertinent in terms of what was going on
204 inside the apartment? I know they're small so they may not even been able to do that.
205 **KEMPLE:** The only thing I remember is one of the kids said something about my sister or
206 something like that. They were really little. They were really scared. They weren't
207 talking to me. One of them said something about my sister, but it didn't - - that's all I
208 really got out of it. But my concern was get them out of the line of fire if something
209 happens.
210 **RHODES:** And when you took the kids over towards the alcove, was there another officer assisting
211 you in doing that or were you doing that by yourself?
212 **KEMPLE:** I think somebody came around, I don't remember who it was.
213 **RHODES:** Okay.
214 **KEMPLE:** I just basically picked up the one kid, ran to the alcove and the other two kids were
215 there and I overheard somebody.
216 **RHODES:** Was there somebody else who could have filled in for your spot as a custody person
217 while you were doing that if the guy came out, or did you notice that?
218 **KEMPLE:** I didn't notice if anybody did or didn't.
219 **RHODES:** Okay. And then presumably you get back to the car.
220 **KEMPLE:** Uh-huh.
221 **RHODES:** Then you're posted up watching the apartments and then as best you can how much
222 more time passes before this Campbell guy comes out?
223 **KEMPLE:** It could have been five or ten minutes. Again, I don't know the exact amount of time. I
224 do know that when he came out it was a surprise he was coming out.
225 **RHODES:** Was there any discussion at that point or the point before Campbell comes out about
226 what to do if he comes out and then like runs back in? Were you, was anybody given
227 any direction as to how they should treat that scenario?
228 **KEMPLE:** I think it really just, we didn't want him going back in the apartment, but we didn't
229 really discuss. I think it was just kinda we were going to play it by ear about, you know,
230 how he comes out. We weren't expecting him to come out when he did. Uh, we didn't
231 want him, definitely didn't want him going back into the apartment, but there was no
232 real discussion of you know, how I think we were just the four of us and the dog, we
233 just kind of planned on taking care of business when he came out, so.
234 **RHODES:** When you say we, are you talking about the people that you've already mentioned that
235 were close to the car, that's FRASHOUR and uh, LEWTON, yourself and WILLARD?
236 **KEMPLE:** Yes. And then ELIAS is here with the dog behind, I guess it would be just southeast of
237 the cars, the dumpster and ELIAS was there with the dog.
238 **RHODES:** And when you say we didn't want him to go back into the apartment. Was that
239 something that was actually discussed other than just having that in your mind that your

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CONFIDENTIAL TAPED STATEMENT

IAD #2010-B-0004

Portland Police Bureau / David Kemple

March 8, 2010

Page 6

240 preference would be that he not get back into the apartment. Was there any out loud
241 discussion about somebody saying we don't want him to go back into the apartment, or
242 we can't let him go back into the apartment? As opposed to just having in your mind
243 that it wouldn't be a good thing if he went back into the apartment. Do you remember
244 any of that?

245 **KEMPLE:** I don't think any of us actually said we don't want him going back into the apartment. I
246 think probably there was some discussion of, you know, something about the apartment,
247 but I don't remember if anybody actually said we do not want him coming out and
248 going back into the apartment. I think we just, we didn't want it, as a collective we were
249 all on the same page. We had ELIAS there with the dog and I think that was just the
250 collective understanding that the purpose of the dog was to hopefully stop that.

251 **RHODES:** In your interview with detectives, I keep referring to that, you talked about using a
252 spotlight. Once Campbell comes out of the apartment, using a spotlight to illuminate
253 him.

254 **KEMPLE:** Yeah.

255 **RHODES:** So explain that in a little bit more detail in terms of what part of his body you were able
256 to illuminate based on your position, you know, with the spotlight.

257 **KEMPLE:** Okay. Yes. He's coming out as he's traveling backwards towards us, probably when he
258 gets, at some point I light them up, I can't, I don't want to put a distance on it because I
259 don't remember. But when he stops probably about, excuse me, ten or fifteen feet from
260 us he's got his back to us and I've got the spotlight on his back. And yeah, I could see
261 uh, his waistband, I could see the back of his pants, I could see a little bit of his
262 underwear because his pants were sagging. I could see a little bit of his back uh, his
263 bare back and then his sweatshirt was pushed up a little bit so I could actually see the
264 skin of his back.

265 **RHODES:** Okay.

266 **KEMPLE:** So, really, I was just going over every inch of him with a spotlight, looking for a bulge,
267 looking for anything that, you know, if there was a gun I'd, you know, anything, so I
268 was really, yeah.

269 **RHODES:** And is the angle of the beam that you're using to light him up, was it your impression, I
270 know they were fairly close based on your description with uh, the detectives and the
271 Grand Jury, did you get the impression or do you believe that when you were lighting
272 him up with the spotlight that the other officers, LEWTON, FRASHOUR and
273 WILLARD could basically see the same thing that you could see or were you at an
274 angle that was making it perhaps they couldn't see as much?

275 **KEMPLE:** No. I was at the same angle pretty much, I mean well at a little bit different angle,
276 LEWTON is to my right and Officer FRASHOUR is to my left, I'm kind of crouched
277 down. I'm looking with the spotlight for any sort of weapon. They're, LEWTON was
278 giving commands so his, I think his primary concern doesn't have to do with looking
279 for a weapon, he's just trying to maintain control of the subject. Officer FRASHOUR is
280 providing lethal cover and I don't think he's probably seeing the same beam, but that's
281 not his primary attention, he's watching the subject also.

282 **RHODES:** Okay. Did you have opportunity at that point, I know that LEWTON is giving
283 commands, but were you able to kind of interject, you know, in a softer voice to your
284 other officers about what you were seeing or what you were not seeing with the
285 spotlight?

286 **KEMPLE:** I did not say, no. As LEWTON's giving commands I basically I guess you could say

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CONFIDENTIAL TAPED STATEMENT

IAD #2010-B-0004

Portland Police Bureau / David Kemple

March 8, 2010

Page 7

287 checked out audibly. My primary, I'm looking, seeing if I see anything so I don't say
288 anything and I didn't hear some of the communication. I didn't hear all of LEWTON's
289 commands for a short period of time because I've worked with LEWTON, I know the
290 command he's giving, I've heard him a million times, so I'm just, it's kind of just - -
291 **RHODES:** Okay. So you're using the spotlight essentially to illuminate him to give the other
292 officers an opportunity to see better what you know, is there or not there.
293 **KEMPLE:** Yeah, I'm using the spotlight so I can look for a weapon. If I would have seen a weapon
294 I would have said there's a gun here, there's a gun there. So my job is I'm looking for a
295 gun. I'm looking for any sort of weapon and I'm looking at every inch of his body that I
296 can see with the spotlight and their role is different. Officer FRASHOUR's role is to
297 provide lethal cover. We have a guy who possibly has a gun and his role is to provide
298 lethal cover. LEWTON is the less lethal cover. My sole purpose at that point is to look
299 for a weapon.
300 **RHODES:** Okay. And as you said - -
301 **KEMPLE:** If I would have seen it, I would have said it.
302 **RHODES:** Okay. And then you talked about LEWTON giving commands. Was there anybody else
303 giving commands at some point or is that your recollection it was just him?
304 **KEMPLE:** Up until after, up until the shooting, LEWTON was the only one to give commands.
305 After the shooting, I gave commands. Officer QUACKENBUSH and I gave commands,
306 but that's after the fact.
307 **RHODES:** And then I think you've already mentioned this, but just to clarify, how close does he,
308 Campbell get to where you guys are out of the police cars before he stops.
309 **KEMPLE:** It's probably, it's right around ten or fifteen feet.
310 **RHODES:** Okay. And is there, at any point did you guys, was there any discussion about okay,
311 he's close enough we can go get him sort of thing, take him into custody? Or was there
312 just not opportunity to do that because you were going to move him back further?
313 **KEMPLE:** Yeah. We were not going to go to him. We wanted him to come to us and we wanted it
314 on our terms. And that is something we, I don't remember if it was discussed, or if we
315 all, you know, we've all done the high risk stuff so many times, we know where we're
316 going to take somebody into custody and so that was, you know, he follows our
317 commands, we tell him where we want him to go.
318 **RHODES:** Okay.
319 **KEMPLE:** We tell him exactly what we want him to do and so we were not going to go to him. We
320 wanted him to come to us.
321 **RHODES:** Alright. For those who are not, or who might listen to this. What would be routinely
322 where you were taking him? Would you bring him back further between the police cars,
323 or where would you ideally like him to be?
324 **KEMPLE:** Yes. The way the police cars were we could have taken him one of two places. We
325 could have taken him in front of the front police car and we would have backed up. Or
326 we could have taken him in between the two police cars and just taken him into custody
327 there.
328 **RHODES:** Okay. And obviously the bean bag was used at some point.
329 **KEMPLE:** Yes.
330 **RHODES:** And what was your assessment about why that occurred?
331 **KEMPLE:** At that time I wasn't watching the hands. I was focusing on the waistband. I don't know
332 how, it could have unfolded very quickly. I don't know how fast things unfolded. I
333 couldn't tell you second-wise, it could have been 30 seconds or five seconds, you know,

COPY

CONFIDENTIAL TAPED STATEMENT

IAD #2010-B-0004

Portland Police Bureau / David Kemple

March 8, 2010

Page 8

334 I'm just primary looking at my spotlight. When I kind of start looking at the hands I
335 hear LEWTON yelling put your hands up, put your hands up and so I look up at that
336 point, I see Campbell with, his hands are either a little bit away from his head or on his
337 head, but they're about right there. And I heard Officer LEWTON multiple commands
338 to get your hands up, get your hands up and I it was just before he got bean bagged that
339 I actually started watching what the hands were doing because I wasn't paying any
340 attention to that.

341 **RHODES:** What's your assessment of what LEWTON was trying to get Campbell to do at that
342 point with his hands that apparently, or seemingly, Campbell was not complying with
343 for whatever reason? What's your assessment of what LEWTON was trying to get
344 Campbell to do at that point?

345 **KEMPLE:** Gain complete control of the hands. For me, at that point, I know I can see his, I can see
346 that his back, I can see his waistband on the back, but at the same time, you know, it's
347 still possible that he's got a gun and so I know that Officer LEWTON wants control of
348 his hands and he's not, as LEWTON is giving commands, he's not responding at all to
349 the commands.

350 **RHODES:** Did Campbell ever turn around so you could see the front or was the front of Campbell
351 not visible to you guys at any point?

352 **KEMPLE:** Front of Campbell was never visible under spotlight and I don't believe it was ever
353 visible at all.

354 **RHODES:** Do you remember any warnings given by LEWTON that he was going to use the bean
355 bag if the guy didn't comply?

356 **KEMPLE:** I don't remember, no. Again, as far as commands given I've heard him so many times. I
357 was not paying attention to the command I was just looking at the waistband.

358 **RHODES:** Okay. And then did you have opportunity at that point to observe anything that
359 FRASHOUR, Officer FRASHOUR was doing or hear him say anything at that point?

360 **KEMPLE:** No, I don't remember him saying anything. I don't know if he did or didn't. Campbell,
361 after being bean bagged, Campbell started moving this direction and I was being right
362 where I was.

363 **RHODES:** Moving in what direction? Towards the - -

364 **KEMPLE:** Yeah, he started moving I guess to a south, kind of a southwest angle.

365 **RHODES:** Back towards the apartment?

366 **KEMPLE:** Yes, yes.

367 **RHODES:** Okay.

368 **KEMPLE:** And so I could only see a little above the waist for a short period of time and so I, all I
369 see, I know his hands are coming down as he starts to run. I don't have any visual of
370 him from about here to here. So I don't know what he's doing because the car is
371 blocking my view and I don't hear Ron giving any orders or anything.

372 **RHODES:** Did you hear - - I know from reading all the reports at some point the K-9, the dog,
373 approached Campbell. Did you see when that in that sequence of events, the dogs went,
374 the dog went forward? Do you remember?

375 **KEMPLE:** I believe that from my memory as I'm seeing out of the corner of my eye the dog is
376 probably right about where the front of the police car is when I hear the shot. That's
377 kinda - -

378 **RHODES:** Okay, alright. Once and when you talk about the shot your reference to FRASHOUR's
379 shooting the AR.

380 **KEMPLE:** Yes.

COPY

CONFIDENTIAL TAPED STATEMENT

IAD #2010-B-0004

Portland Police Bureau / David Kemple

March 8, 2010

Page 9

381 **RHODES:** Did you hear FRASHOUR make any statements right after the shot? Right after he
382 discharged his AR.

383 **KEMPLE:** Shortly after he said, I saw him reaching for a gun in the waistband.

384 **RHODES:** At that point what discussion was going on about moving forward to either try to take
385 Campbell into custody or not?

386 **KEMPLE:** Just after ELIAS'S dog, right after he hit the ground ELIAS'S dog was on top of him.
387 ELIAS'S moved to about right here and it was a very, very short discussion, should we
388 go, should we go and then we decided that ELIAS was going to call his dog back. We
389 couldn't see the hands, he's, Campbell's not moving. We've giving commands, he's not
390 responding to any commands and we can't see his hands. We decided to have the dog
391 come back - -

392 **RHODES:** When you talked about ELIAS moving forward since when you point on the diagram it
393 doesn't come across on the audio.

394 **KEMPLE:** Yes.

395 **RHODES:** How many feet forward of the police car do you think ELIAS went roughly?

396 **KEMPLE:** I don't know, it was probably 15, well, he would probably be about equal to the front
397 passenger side tire and then maybe like five or six feet south of, so I guess, number four
398 on the diagram, maybe five or six feet south of that. And his reason for doing that for
399 doing that was to have a view of his dog on top of the subject.

400 **RHODES:** Okay. At the point of making decisions about whether or not to move forward, was
401 there any on-air discussions? Did you get some direction from uh, one of the
402 supervisors, whomever it might have been uh, REYNA or BIRKINBINE or the
403 lieutenant or RODRIGUES or Captain DAY about moving forward or not? Did you
404 guys get some particular direction about that?

405 **KEMPLE:** BIRKINBINE was out there really fast right afterwards because they called uh, they at
406 first thought it was just bean bag rounds fired and so he was out there really quick
407 afterwards and uh, we told him that it had actually been a shot. And so he had us, he
408 told us we were going to wait and he's uh, yeah, he's the one that ended up - - we had
409 the discussion of whether or not to call out SERT at that point to do rescue and that's, I
410 believe, when they called out SERT.

411 **RHODES:** Okay. And then what happens from there? Do you just hold your position until SERT
412 gets there and relieve you or how did that?

413 **KEMPLE:** At that point I move the second police car, the most northern police car is my police car.
414 I move my police car over onto I guess it's like the fifth spot south of Sandy. I move it
415 at an angle, my idea is to get the passenger side spotlight on Campbell, light him up and
416 uh, and there's a vehicle that's right in front of mine, we were going to give commands
417 to Campbell from my vehicle, my spotlight didn't work. So I ended up standing behind
418 this vehicle which is uh, there's three vehicles just south of the police car, it would have
419 been the most north of those vehicles, the one adjacent to the police car. I stood by that
420 vehicle and gave commands with my gun drawn on Campbell uh, at first with Officer
421 QUACKENBUSH and then with Officer LEWTON and until relieved by SERT.

422 **RHODES:** Okay. And then at that point how did you let a supervisor know that you were witness
423 to the use of force?

424 **KEMPLE:** I uh, I had told them right afterwards that we had seen the shot. So.

425 **RHODES:** Okay. And they may have kind of known that anyways - -

426 **KEMPLE:** Yeah.

427 **RHODES:** - - because of the position you were at.

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CONFIDENTIAL TAPED STATEMENT

IAD #2010-B-0004

Portland Police Bureau / David Kemple

March 8, 2010

Page 10

428 **KEMPLE:** Yes.

429 **RHODES:** And then the night of did you get interviewed that night or did you uh, write a report
430 and then get interviewed? How did all of that work?

431 **KEMPLE:** Uh, yes. I was interviewed, it was probably very early the next morning, like 12:30, so
432 yes, I was interviewed later and then um, I was asked to write a special report a few
433 days later or a week later to say that I was there and to refer this special, the narrative,
434 refer to the narrative of my interview with the detective.

435 **RHODES:** Okay. And then once the shooting occurred and then it turned into a crime scene, who
436 seemed to be uh, in charge of that?

437 **KEMPLE:** Sergeant BIRKINBINE.

438 **RHODES:** Okay. And did you sign a crime scene log?

439 **KEMPLE:** I didn't sign it, somebody wrote my name on it.

440 **RHODES:** Okay. Have you talked to anybody or did you see something in the media or read
441 something that somehow influenced your perception of what happened that night and
442 change anything about your recollection or is this based essentially on what you recall
443 from that night?

444 **KEMPLE:** What I've testified to here?

445 **RHODES:** Uh-huh.

446 **KEMPLE:** What I've testified to here is without any outside um, I do have a lot of different ideas
447 of what happened based on our debrief, a lot of gaps were filled such as what led up to
448 Officer LEWTON firing the bean bag gun. But what I've talked to here is just what I
449 remember from the event without any outside factors.

450 **RHODES:** Okay. When did they do the debrief? Was that some kind of a formal session at one of
451 the precincts like in a roll call or what was?

452 **KEMPLE:** No, it was an EAP debrief down at the fire station. It was a week or so later.

453 **RHODES:** Okay. Is there anything that I because COURTNEY may have something, is there
454 anything at this point that I didn't ask you about that you think is pertinent to the case at
455 all or pertinent to what happened that night?

456 **KEMPLE:** Uh, I think that you know with the information that we had um - -

457 **RHODES:** Go ahead, I'm just looking at this because that's what I do.

458 **KEMPLE:** I think that we did the best that we could with the information we had. After hearing,
459 during the debrief we got the original 911 call, which - -

460 **RHODES:** Which was released anyway to the media.

461 **KEMPLE:** Yes.

462 **RHODES:** At some point.

463 **KEMPLE:** You know, it also showed more information, you know, that Campbell had, for sure had
464 a gun that he had actually fired a round off inside the apartment and he had already tried
465 to pull the trigger four times. If we would have had that information and everything, we
466 might have been a little bit more uh, on edge, I guess you could say because we get calls
467 like this, a lot of calls like this and you know, I can't tell you how many calls I've been
468 to like this and this is the first one that's ended like this. So uh, yeah.

469 **RHODES:** Okay. So your recollection of that night while you were posted up behind the police car
470 was that you didn't know fully about the kinds of things that he had done the day before
471 in terms, or previously, earlier in terms of having a gun, discharging it, that sort of
472 thing. You don't remember getting that information?

473 **KEMPLE:** I didn't, yeah, I didn't hear about any of that. Uh, and I didn't know Campbell's full
474 history until the debrief. I didn't look him up. I didn't watch any news. Didn't read any

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CONFIDENTIAL TAPED STATEMENT

IAD #2010-B-0004

Portland Police Bureau / David Kemple

March 8, 2010

Page 11

475 other reports or anything about it until the debrief was the first time I actually heard the
476 majority of that stuff.

477 **RHODES:** And of course you're posted up behind the patrol car - -

478 **KEMPLE:** Yeah.

479 **RHODES:** I'm not trying to lead you into something, but clearly you stated that you were behind
480 the patrol car and what your assignment was in terms of watching the apartment, so you
481 didn't have access during that time to a computer to run stuff.

482 **KEMPLE:** Yeah, correct.

483 **RHODES:** On your own, you would be relying on somebody else to develop that intel.

484 **KEMPLE:** Yes.

485 **RHODES:** Okay. Investigator COURTNEY.

486 **COURTNEY:** Well, just to clear up some things because when people review this we want to make
487 sure we don't have to call anybody back.

488 **KEMPLE:** Right.

489 **COURTNEY:** So there's some things, I just took some notes, I just want to clear up some things.

490 **KEMPLE:** Okay.

491 **COURTNEY:** And one of the things I read (indecipherable) you deployed with a shotgun.

492 **KEMPLE:** Yes, sir.

493 **COURTNEY:** And is that something you were told to do? Did somebody say hey, grab your shotgun
494 or is that something you just did?

495 **KEMPLE:** I just did that, yes.

96 **COURTNEY:** Then at some point you put that shotgun back. Was that something?

497 **KEMPLE:** Yeah, Sergeant REYNA directed me to put the shotgun back.

498 **COURTNEY:** And then when you arrived, who was in charge of the scene? Was Sergeant REYNA
499 already present?

500 **KEMPLE:** Yes.

501 And then just to get back at this uh, what you overheard about the conversation about
502 SERT that occurred in that alcove. I think you said where you heard that conversation
503 from?

504 **KEMPLE:** Yeah. I don't remember who was talking about it. I know that in the alcove they were
505 talking about the SERT call out.

506 **COURTNEY:** And do you know who was in the alcove at the time?

507 **KEMPLE:** Uh, I know Sergeant REYNA was there, I don't know if Sergeant BIRKINBINE was
508 there or not, QUACKENBUSH was there and I believe BORLAN was there.

509 **COURTNEY:** And do you remember this conversation you heard about SERT, were they talking pros
510 and cons about calling SERT?

511 **KEMPLE:** I wasn't privy to any of that. All I know is that SERT, they were talking about SERT
512 and I was basically out at the car watching.

513 **COURTNEY:** And I guess, the reason you know they were talking, you just heard the word SERT in
514 a conversation? Is that how you knew that?

515 **KEMPLE:** Yeah. You know, to tell you - - I know that SERT came up, I don't know who said it,
516 but I do know that they were talking about maybe making it a SERT call out and then
517 after he was down, you know, we decided, the SERT thing came up again after he was
18 down.

519 **COURTNEY:** Okay. Prior to the shooting you don't, can't attribute any specific statement about
520 SERT to any one person.

521 **KEMPLE:** No.

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CONFIDENTIAL TAPED STATEMENT

IAD #2010-B-0004

Portland Police Bureau / David Kemple

March 8, 2010

Page 12

522 **COURTNEY:** And then while you were in position behind the car waiting to resolve this situation
523 with Campbell, did you feel like you were being kept abreast of current information,
524 you were provided with enough information as to what was going on or did you feel
525 like you were kind of not knowing what was going on?
526 **KEMPLE:** I felt that we knew what was going on. I felt that the information that we had was
527 sufficient for any plan, or anything that we would deal with, yes, sir.
528 **COURTNEY:** Now I think you indicated now when you responded to this call you knew you were
529 dealing with a suicidal subject?
530 **KEMPLE:** Uh, yeah. I knew that he was suicidal. I believe Officer BURNS told me possible
531 suicide by cop and he was in the apartment and there were three kids there, there's a
532 gun. That's - -
533 **COURTNEY:** Okay. There was a gun. That's what I wanted to kind of question.
534 **KEMPLE:** Yes.
535 **COURTNEY:** What information did you have on weapons that Campbell might be in possession of,
536 anything?
537 **KEMPLE:** Nothing other than a gun.
538 **COURTNEY:** Did you have any information as to where that gun might be on his person, in the
539 apartment, in a particular location?
540 **KEMPLE:** Yeah, on his person. I would assume. I assumed on his person. I don't know where it
541 was, don't, it was in the apartment with him, so I assumed it was on his person and I
542 don't think anybody knew for sure where it was.
543 **COURTNEY:** And during this whole incident did you have any information that Campbell had
544 threatened anyone with any weapons or physical harm other than himself?
545 **KEMPLE:** I don't recall, no. I don't think that I had any of that information.
546 **COURTNEY:** Any information that he had committed a crime?
547 **KEMPLE:** At the time, no. No.
548 **COURTNEY:** And when he backed up and got within I think 10 or 15 feet whatever you mentioned
549 earlier of the patrol car, uh, were there any other options in your mind that could have
550 been used to take Campbell into custody, i.e. taser? Is that something that was a
551 possibility could be used or?
552 **KEMPLE:** That wasn't in my mind, no. Uh, yeah, I was running the spotlight. We had the positions
553 filled that we were sure were necessary to be filled.
554 **COURTNEY:** Was he close enough to deploy a taser, a dart at him?
555 **KEMPLE:** Yeah, he was 10 to 15 feet, so I mean, he had baggy clothes on, you know, I could see
556 the part of the uh, his skin, but his tote or sweatshirt was pretty heavy and baggy and
557 then he had the baggy saggy pants and then he had on a pair of boxers. So generally
558 with really baggy clothes a taser isn't that effective anyway, and maybe we would have
559 got - - well, I'm not even going to speak on maybes, yeah, I don't think it would have
560 been that effective.
561 **COURTNEY:** Okay. And then the uh, are you certified with the (indecipherable) lethal bean bag?
562 **KEMPLE:** I am.
563 **COURTNEY:** And you're aware by directive that certain warnings have to be given before it's used?
564 **KEMPLE:** Yes.
565 **COURTNEY:** Okay. Did you hear those warnings used in this case prior to it's use?
566 **KEMPLE:** I don't recall anything other than commands being given, but I don't remember a lot of
567 any interaction verbally between Officer LEWTON and Campbell and the only thing I
568 can attribute that to is that I was so focused with the spotlight looking for a gun that I

COPY

CONFIDENTIAL TAPED STATEMENT

IAD #2010-B-0004

Portland Police Bureau / David Kemple

March 8, 2010

Page 13

569 audibly checked out.
570 **COURTNEY:** And that's going to be what somebody reviews this if you were right there, you know,
571 what you heard, I mean you were within earshot.
572 **KEMPLE:** Yeah. I was within earshot. I was right next to Officer LEWTON, but I didn't hear
573 anything for awhile just, I don't know how many seconds it was.
574 **COURTNEY:** So you didn't hear any commands as far as, well, you heard a command get your hands
575 up.
576 **KEMPLE:** Yeah.
577 **COURTNEY:** Any other specific commands other than just get your hands up?
578 **KEMPLE:** I heard, when he started coming out we were giving him commands, but I uh, what I
579 was doing is once he got within close enough range I was looking at him with the
580 spotlight and like I said, I've heard the commands given so many times, I was not
581 paying attention at all. I was just my, my primary focus and my whole job at that point,
582 my existence was the spotlight and looking for a gun, so.
583 **COURTNEY:** And then at the time the first bean bag round is fired, did you see what position
584 Campbell's hands were in?
585 **KEMPLE:** I believe they were probably either close to his head or somewhere right around here. I,
586 I mean it was so quick to where I heard kind of the escalation of LEWTON'S voice, I
587 guess that probably is what I started looking up at. But yeah, I wasn't paying attention
588 to hands at all, so I don't know what he was doing prior to at all, I was just, that wasn't
589 my focus at all.
590 **RHODES:** Do you remember hearing Campbell say anything?
591 **KEMPLE:** I didn't hear Campbell saying anything either. From the debrief I know that he and
592 LEWTON exchanged words, or that Campbell did say something, but again, I was just,
593 I was so tuned out audibly I just didn't hear it.
594 **COURTNEY:** And one other thing, not to beat the point to death, but if somebody is 10 feet, 15 feet
595 in front of you and you're looking at his midpoint with a spotlight, certainly if
596 somebody does something with his hands just a little ways up from your point of focus
597 you might see that.
598 **KEMPLE:** Not necessarily. I'm just looking at the waistband, so if he brings his hands down to the
599 waist I'm probably going to notice it, but other than that, I, that's what they're doing.
600 They're worrying about him, they're worrying about what he's doing with his hands.
601 I'm only worrying about what I can see with the spotlight and that may be this much of
602 a distance, but still my focus, if I'm, I'm totally tunnel vision. I'm completely tunnel
603 vision on the pants and waistband down to the feet. That's where I'm looking.
604 **COURTNEY:** Did Campbell, when he came out, when you first saw him did he have his hands up or
605 what do you recall when you first saw him?
606 **KEMPLE:** When he came out he had his hands on his head.
607 **COURTNEY:** And did he have his back toward officers?
608 **KEMPLE:** Uh, yeah, I think he was walking yeah, mostly yeah mostly with his back towards us. I
609 don't remember ever seeing the front of him.
610 **COURTNEY:** And what was his gait like walking back, his gait? Fast, slow, medium?
611 **KEMPLE:** To me it just looked slow or normal.
612 **COURTNEY:** Okay.
613 **KEMPLE:** My perception of it was, he was just coming out and he was just, it didn't look fast to
614 me.
615 **COURTNEY:** And you don't recall him saying anything. Is it possible he said something and you just

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CONFIDENTIAL TAPED STATEMENT

IAD #2010-B-0004

Portland Police Bureau / David Kemple

March 8, 2010

Page 14

616 didn't hear it?
617 **KEMPLE:** It is possible, yes. Uh, yeah, there was a time when I didn't hear anything and I, all I
618 was doing was focusing with that spotlight.
619 **COURTNEY:** And then how many times was Campbell hit with the bean bag do you recall?
620 **KEMPLE:** Do I know? Or from what I remember?
621 **COURTNEY:** Yeah, from what you remember.
622 **KEMPLE:** Uh, it was - - I would say probably four to five times. I think I know that he was hit six,
623 but from my memory it was four to five rounds.
624 **COURTNEY:** Okay. And how many times was he hit with the bean bag before he took off running or
625 how did that happen?
626 **KEMPLE:** I think that after the first round he kind of paused for a second and being that I was
627 ducked down, I again didn't see what he was doing, uh, I could see basically from here
628 on up and his hands started coming down after the first one and then a short time later I
629 believe he took off running. I couldn't tell you how long, but there was a short pause, I
630 believe.
631 **COURTNEY:** From the time that he was first hit with the bean bag gun, where around his person did
632 he place his hands? Did he put them down to the side? Did he reach behind him or put
633 his hands in front of him when he went back toward the apartment?
634 **KEMPLE:** Uh, some of this is going to come from the debriefing. Uh, from what I remember
635 there's probably, I don't know, a short period of time that I didn't have any sort of
636 visual of him I don't know, probably a little bit above his waist and down because when
637 he took off running my position behind the police car, it would have been blocked by
638 windshield and top of the car and so I'm standing up as he's taking off running. So uh,
639 his hands started dropping down. I don't know if he was running, I don't know what he
640 was doing, but uh, yeah, his hands started dropping, but I didn't see where they went.
641 **COURTNEY:** Okay, dropping to his side. You couldn't see if they were in a pocket, a waistband.
642 **KEMPLE:** Nope.
643 **COURTNEY:** Behind his back.
644 **KEMPLE:** Couldn't see it.
645 **COURTNEY:** You don't have any recollection of where.
646 **KEMPLE:** And the only thing, the only thing that I can attribute that to is that it would have been
647 blocked by the windshield of the car based on where I was behind the car, I didn't see
648 that. The first time I can totally remember seeing everything is when he's I don't know,
649 maybe, after he'd been running a few steps is when I saw him and from my, from where
650 I, from what it looked to me at the time, at that time, his hands were down and I just
651 assumed, I didn't know if it was a running motion or what. I couldn't see the front of his
652 hands. I could just see that they were - -
653 **COURTNEY:** So are his arms pumped like a running motion?
654 **KEMPLE:** Yeah, I couldn't (indecipherable) his hands, so.
655 hit, does he say anything? Yell ouch or any kind of response from him as a result of that
656 deployment?
657 **KEMPLE:** I don't recall any, any verbal, no.
658 **COURTNEY:** Okay. That's it.
659 **WESTERMAN:** My turn? When you first arrived on the scene you were given a role to go to the back
660 of the building?
661 **KEMPLE:** Yes.
662 **WESTERMAN:** And was that a plan created by Sergeant REYNA?

COPY

CONFIDENTIAL TAPED STATEMENT

IAD #2010-B-0004

Portland Police Bureau / David Kemple

March 8, 2010

Page 15

663 **KEMPLE:** I don't remember if that was Sergeant REYNA or not, I just went there and that was - -
664 **WESTERMAN:** But somebody directed you to the back of the building.
665 **KEMPLE:** Yes and that was because Officer BOCCHINO's trainee was there by himself so I went
666 to be with the trainee until the officer who was his coach went to be with him.
667 **WESTERMAN:** So as this was starting to develop there was already a plan on containment?
668 **KEMPLE:** Yes.
669 **WESTERMAN:** Okay. When you came back to the front of the building and you had your shotgun,
670 Sergeant REYNA then told you the plan of action as it was developing?
671 **KEMPLE:** Yes, uh - -
672 **WESTERMAN:** What was the plan?
673 **KEMPLE:** She told me to stow my shotgun, she was going to be the long gun. Officer BOYLAN
674 and I were going to be the custody team and Officer LEWTON was going to be the
675 bean bag gun.
676 **WESTERMAN:** Were there qualifications as to roles as far as if he came out and ran, or if he came
677 out and did something? Was that already set up when you got back to the front of the
678 building? Was that conveyed to you by the Sergeant?
679 **KEMPLE:** Yeah, we were going to set up the high risk stop and I don't remember what we were
680 going to do if he ran, but I know that if he came out we had four people there, one
681 lethal, one less lethal, two for a custody team. We had a plan to deal with him in a high
682 risk situation and I think at that time we were also calling for the dog because ELIAS
683 hadn't got there and I think most likely the dog was to be there if he did run, yes.
684 **WESTERMAN:** Was there ever a time from the time you got on the scene to the time it was over that
685 you had any questions as to what your role was?
686 **KEMPLE:** No.
687 **WESTERMAN:** From all of the things that you observed from the other officers that were there, was
688 there ever a time where people were confused as to what their roles were?
689 **KEMPLE:** No.
690 **WESTERMAN:** Why was that? In other words, how was it that everybody knew their roles?
691 **KEMPLE:** Uh, Sergeant REYNA was directing us. She directed the four of us with her and then
692 Officer BOYLAN and me and then LEWTON. She directed us to be the contact team,
693 custody contact team. Other people were interviewing other people in the back and
694 either by direction of her or us just doing this for a long time, we just, people just
695 assumed roles or were directed to roles.
696 **WESTERMAN:** And then she dialed herself out when Officer FRASHOUR showed up with another
697 long gun, is that right?
698 **KEMPLE:** That's correct.
699 **WESTERMAN:** You mentioned that you were on the custody team.
700 **KEMPLE:** Yes.
701 **WESTERMAN:** In your local as a custody team and the one that's more for generics and will apply to
702 this particular scenario.
703 **KEMPLE:** Yes.
704 **WESTERMAN:** In your role as a custody team when somebody else is communicating with the
705 suspect before he comes out, does your role change when he comes out, if he comes out
706 to be cooperative or if he comes out saying he's not going to be cooperative? Is your
707 role as a custody officer any different?
708 **KEMPLE:** No.
709 **WESTERMAN:** So if the person talking to him by cell phone or text message or something like says

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CONFIDENTIAL TAPED STATEMENT

IAD #2010-B-0004

Portland Police Bureau / David Kemple

March 8, 2010

Page 16

710 okay, he's coming out and he says he's got a gun, or he says he's coming out and he's
711 going to be cooperative and in this case Mr. Campbell comes out and (indecipherable)
712 is your role any different? Is the person who's communicating with him still in charge
713 after he comes out?
714 **KEMPLE:** Uh - -
715 **WESTERMAN:** In other words, if I'm sitting here communicating with a person, I'm the supervisor
716 and I've got somebody who is directing communications with somebody inside a
717 location, and I say okay, he's coming out, I've been communicating with him, now he's
718 coming out. Once he's outside, who's in charge of him at that point?
719 **KEMPLE:** Uh, the contact team or custody team, we're going to be the one that's going to be
720 giving him all orders and directions.
721 **WESTERMAN:** Okay. So the transition of control goes from the person who's making the
722 communication with him before he comes out to, in this case, Officer LEWTON who's
723 in control. So the people who are going to communication are no longer in control of
724 the situation because he's now out of the apartment.
725 **KEMPLE:** That's correct.
726 **WESTERMAN:** And that's what you understood at the scene at this time?
727 **KEMPLE:** Yes.
728 **WESTERMAN:** You mentioned uh, you mentioned that you weren't aware of Officer LEWTON
729 giving the commands because you had the audible distortion that sometimes happens in
730 these types of things.
731 **KEMPLE:** Yes, sir.
732 **WESTERMAN:** But you are a less lethal operator?
733 **KEMPLE:** I am.
734 **WESTERMAN:** Does the terms "Do this or you will be shot" constitute as a warning under less
735 lethal?
736 **KEMPLE:** Yes, do this or you will be - -
737 **WESTERMAN:** Right. So in other words, if you're a less lethal operator and you're pointing your
738 less lethal something and you say, "Do what I'm telling you to do or you will be shot."
739 Is that considered a warning?
740 **KEMPLE:** Yes.
741 **WESTERMAN:** Okay. And then the last thing you mentioned the terms, we wanted him on our terms.
742 **KEMPLE:** Yes.
743 **WESTERMAN:** Okay. I need to know why.
744 **KEMPLE:** At this point regardless of what any information that they're getting for us, he's coming
745 out, for all we know he's got a gun, so regardless if he tells them he's got a gun or not,
746 we're under the assumption that he's still armed, he's still a threat to us, he's still a
747 threat to anybody that's still south of us on Prescott, anybody's that's north of us on
748 Sandy, he's still a threat. He's still somebody who's potentially armed. Somebody that
749 we know is suicide by cop, possibly suicide by cop. We want him to do exactly what we
750 want him to do. We're not going to go to him, he's going to come to us and he will do
751 everything that we do because we're the ones calling the shots, not him. And so he
752 needs to come to us. He needs to do everything we tell him to do and any deviation, you
753 know, we have to deal with that accordingly.
754 **WESTERMAN:** That seems awfully rigid. Why would that be the rules? Why would that be what
755 you're trained?
756 **KEMPLE:** There's no room for anything else, you know.

COPY

CONFIDENTIAL TAPED STATEMENT

IAD #2010-B-0004

Portland Police Bureau / David Kemple

March 8, 2010

Page 17

757 **WESTERMAN:** And that's what you're trained?
758 **KEMPLE:** Yeah. In life or death I'm going to go home. That's all that matters.
759 **COURTNEY:** Now let me just ask one more question because this may be a focal point here, but at
760 the point Campbell is back with his hands on his head what is the, uh, and there were
761 commands given get your hands up, or something to that affect. Do you know what that
762 was trying to accomplish at that point?
763 **KEMPLE:** At that point - -
764 **COURTNEY:** I guess what is the difference between hands on your head and hands up in the air like
765 straight to the sky as opposed to behind your head?
766 **KEMPLE:** At the time I wasn't totally sure at that exact time because I'm focusing, like I said, the
767 spotlight thing, I look up and he's got his hands here so I don't know, I don't know
768 what all is going on prior to me looking. Uh, in the debrief I know that he started to
769 drop his hands and that's from the other officers talking about it at the debrief which
770 filled huge gaps for me because at the time I didn't know that he had dropped his hands
771 because I wasn't paying attention to that. I work with Officer LEWTON, I've worked
772 with Officer FRASHOUR. I haven't worked with Officer WILLARD until this point.
773 But I've been on multiple, multiple calls with both Officer FRASHOUR and Officer
774 LEWTON, I know that Officer LEWTON is a very competent bean bag operator and I
775 know that if he does something there's a purpose. I totally trust in all the commands and
776 that's a good, that's part of the reason why I can check out because I trust that
777 everything that he's going to do, you know, according to policy, he's going to do
778 exactly what needs to be done and I trust my life with Officer LEWTON and Officer
779 FRASHOUR. So I felt comfortable enough that my primary concern doesn't have to be
780 with the hands, doesn't have to be with listening to commands, doesn't have to be with
781 listening to anything Campbell has to say. My only primary concern at that point is the
782 spotlight. I'm looking for a gun. If I see a gun I'm going to say it. If I don't see a gun,
783 which I didn't, I'm not going to say it.
784 **COURTNEY:** And obviously bring up the question to you, like you said, you have the spotlight on
785 him, you could see his waist, you could see skin on his back, I mean obviously
786 sometimes if you get your hands up you maybe extend the clothing and get a better look
787 at the waistband area, but apparently that wasn't uh, that didn't need to be if you had a
788 clear view of his waistband area and could see the skin on his back, you couldn't see
789 anymore if he raised his hands up or.
790 **KEMPLE:** Yeah, so I guess in total answer to your question, I don't want to assume what Officer
791 LEWTON was thinking. In hindsight, after the debrief, I know what the situation was,
792 but at the time I knew that there was an issue that needed to be addressed by him putting
793 his hands up and I trusted completely that Officer LEWTON did what needed to be
794 done.
795 **COURTNEY:** But he never told you the reason.
796 **KEMPLE:** No.
797 **COURTNEY:** Or you didn't know what the reason was.
798 **KEMPLE:** No.
799 **RHODES:** Okay. Nothing more from me.
800 **WESTERMAN:** I'm good.
801 **RHODES:** We will end the interview and it's five minutes to 7:00.
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IAD #2010-B-0004

Portland Police Bureau / David Kemple

March 8, 2010

Page 18

804 **10b0004trs-kemple**

805 **Transcribed: 3/8/10 @ 4:45 p.m. Ruth Harnisch (0317rh02)**

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