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,PORTLAND POLICE BUREAU
INTERNAL AFFAIRS DIVISION
Confidential Taped Statement
Craig Morgan #38846

Interview Date: April 1, 2010
IAD #: 2010-B-0004
Complainant: Portland Police Bureau

Interviewed: Ronald Frashour #40927

MORGAN: This is Sergeant CRAIG MORGAN, it is April 1, 2010, it is about 10:40 a.m. We're located in an IAD interview room on the 12th floor of the Justice Center. Present with me my IAD partner, investigator BARRY RENNA. Also present is Officer RONALD FRASHOUR and his PPA representatives Sergeant SCOTT WESTERMAN and Officer DAVE DOBLER. We're here in reference to IAD Case #2010-B-0004. The associated PPB Case Number is 10-8325. Officer FRASHOUR 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 FRASHOUR has reviewed information necessary to be reasonably apprised of the nature of the allegations of the claim. Officer FRASHOUR has been informed that he's an involved member in this case and that Captain ED BRUMFIELD is in charge of the investigation. I advised Officer FRASHOUR that he can have representation present during the interview and Sergeant WESTERMAN and Officer DOBLER are here in that capacity. Officer FRASHOUR has been provided a copy of the Advance Notice and Waiver form and has signed it. Officer FRASHOUR, under the authority of Captain ED BRUMFIELD I'm ordering you to answer all 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?

FRASHOUR: Yes.

MORGAN: Ok. Alright. So, obviously, what we're here talking about is an officer-involved shooting you were involved with back at the end of January. We'll just kind of start with some background information. What's your current assignment?

FRASHOUR: East Precinct Neighborhood Response Team.

MORGAN: Ok. And what were you assigned at the date of this incident?

FRASHOUR: East Precinct, afternoon shift patrol.

MORGAN: Okay. And how long have been employed by the Portland police?

FRASHOUR: Over eight years.

MORGAN: And how long out of east?

FRASHOUR: Uh, over a year.

MORGAN: Ok. Where were you prior to that?

FRASHOUR: The old Northeast Precinct.

MORGAN: Okay. And how long were you there?

FRASHOUR: Six years.

MORGAN: Pretty much since probation.

FRASHOUR: Uh, yeah, I got there in probation and stayed there.

MORGAN: Any prior police experience prior to Portland?

FRASHOUR: No.

MORGAN: And on the afternoon of January 29, 2010, what was your assignment that day?

FRASHOUR: Afternoon shift patrol, I think I was unit 946.

MORGAN: Okay. And did you have a partner that day?

FRASHOUR: Officer TYRONE WILLARD.

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52 **MORGAN:** Okay. And at some point during that shift you responded to a call at 12800 NE Sandy
53 Blvd. Tell me how it came about that you were assigned and what information you initially received
54 about what you were going to be doing?
55 **FRASHOUR:** Yeah, I - - just a second. Well, I was - - we were taking a break eating food in the back
56 of a parking lot when East Precinct's dispatcher asked if there was anybody in the area of Sandy Blvd.
57 with an AR-15 and uh, I have an AR-15, we answered that we did. I also realized I probably was the
58 closest person from East Precinct because of the uh, the 940's district borders with North Precinct, I
59 mean we, we probably would be the closest officers. So we answered that we had, or I answered we
60 had an AR-15.
61 **MORGAN:** Okay.
62 **FRASHOUR:** And started to go to that call.
63 **MORGAN:** What did they tell you what you were going to?
64 **FRASHOUR:** At first they didn't tell us, or if they did I don't know. We flipped the radio net over to
65 start the incident information and I pulled the CAD on the call and started to read the information
66 myself, as we're also listening to the radio and responding to the call.
67 **MORGAN:** Okay. And what do you remember reading in the CAD about the call?
68 **FRASHOUR:** I remember uh - - that we're going to call a guy with a gun and some kids were
69 involved. That he was suicidal and attempted suicide either earlier that day or very recently. To
70 clarify, that there was a female there with kids. That the female's boyfriend had tried to commit suicide
71 recently and it was on.
72 **MORGAN:** And how long did it take you guys roughly from where you were located to actually
73 arrive on scene?
74 **FRASHOUR:** Just a few minutes.
75 **MORGAN:** Any significant updates either via CAD or the other North Net that you were listening to
76 during that time frame?
77 **FRASHOUR:** I did listen to the radio and whatever updates were given I heard them. I don't
78 remember, I remember Sergeant REYNA talking on the radio. I remember we asked how fast, what
79 kind of response would you like, and she said we have an AR-15 there and I knew she was an AR-15
80 operator, so get here, but don't kill yourself. So we went Code 3, but Officer WILLARD did it, more
81 of a - - a very safe CODE 3, cleaning intersections quite well and - - just to get there.
82 **MORGAN:** Okay. So basically when you arrived on scene your understanding of the call is still the
83 same as what was initially put into the CAD call?
84 **FRASHOUR:** Yes.
85 **MORGAN:** Okay, alright. And tell me what happens when you get on scene.
86 **FRASHOUR:** We parked uh, northwest of 12800 NE Sandy on uh, on the south side of Sandy. We
87 were directed to, originally directed by officer to go to some other officers who were in the back of that
88 complex. I saw Officer BOCCHINO and I went to him. I clarified which unit it was that was the unit
89 of interest. It turned out that we were very close and I realized with an AR-15, I don't know if, this
90 must not be the right place because Officer BOCCHINO or his partner, one of the two had a shotgun
91 already. So I asked on the air, I asked Sergeant REYNA and I told her where I was and asked her
92 where I need to be and I think it was Officer LEWTON answered, 'FRASHOUR we need you in
93 front.' So Officer WILLARD and I went back out to the north side of the building along Sandy Blvd.,
94 wrapped around to the east and into the parking lot where I clearly saw the police car parked in the
95 middle of the, I don't know if you want to call it parking lot or driveway, it's both and I saw the
96 officers crouched down behind that, I saw Sergeant REYNA there and Officer LEWTON with his bean
97 bag gun.

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98 **MORGAN:** Okay. And did Sergeant REYNA have her AR-15 deployed at that point?

99 **FRASHOUR:** Yes.

100 **MORGAN:** Alright. And when you first arrived what, how would you, how would you classify your
101 understanding of what kind of call this is with the information you initially are dispatched with and
102 what you read in the CAD?

103 **FRASHOUR:** Well the main thing is the call could have taken a number, it could have gone a number
104 of ways, but I you know, I was thinking it could be a hostage situation if this is a suicidal person
105 holding the woman and children there and he's armed. That would be a hostage thing, you know,
106 concerned that he'll hurt the kids, not just hold them hostage, but hurt the kids because he's suicidal. I
107 received information there was, that he made some kind of a reference to suicide by cop. So I was
108 processing all that information, these are possibilities that I'm becoming aware of.

109 **MORGAN:** Okay. Did you feel at that point you might be dealing with a barricaded subject?

110 **FRASHOUR:** That would be a possibility too.

111 **MORGAN:** And you said you had it in your mind that it could be a hostage situation. Did you or did
112 you ever hear anyone discussing the possibility of calling out SERT?

113 **FRASHOUR:** Up to the point of arrival?

114 **MORGAN:** Yeah. Or when you very first arrived at the custody car. Any discussion of SERT?

115 **FRASHOUR:** Not that my _____ not that I recall.

116 **MORGAN:** With that hostage situation in your mind did you think about the possibility of inquiring
117 about SERT?

118 **FRASHOUR:** Not at this point, it was just too early, too unknown to.

119 **MORGAN:** Okay.

120 **FRASHOUR:** I mean, I understand that a hostage taker could be barricaded, but the term barricaded
121 subject, I don't think that's how that was in my mind. I don't think, you know, that it was categorized
122 as barricaded subject. That's not how I was thinking about this yet.

123 **MORGAN:** Ok.

124 **FRASHOUR:** Because it was still evolving and I - - yeah, I didn't have enough information yet.
125 We're talking right when I walk up to the car.

126 **MORGAN:** Right.

127 **FRASHOUR:** Is this a barricaded person? I don't think I could say that. I always recognize that
128 situation to be a barricaded man inside, but I don't - - not yet.

129 **MORGAN:** Ok. Alright. And you talked about you had some information that he might be interested
130 in suicide by police, if that was a possibility. Do you remember where you got that information from?

131 **FRASHOUR:** I received information both by radio and by person-to-person contact with Sergeant
132 REYNA, or Officer LEWTON that uh, I'm certain I got that information, positive I got it. Some of
133 this stuff I can't remember if I heard it on the air or if I relayed it from a person-to-person contact, so I
134 can't.

135 **MORGAN:** Okay. What was your understanding? What, describe what your thoughts are when you
136 hear the term suicide by police? What did that mean to you on this call?

137 **FRASHOUR:** That's uh, that was a big red flag. I know from training and experience that people who
138 are suicidal can be irrational, they can be hostile, they can be aggressive, they can be homicidal. And
139 then you throw in suicide by cop meaning the way they want to die is by uh, initiating, or taking some
140 kind of drastic action that would cause the police to have to use lethal force against the person. Quite
141 often that's shooting at the police, which is deadly force directed at the police in order to get the police
142 to shoot that person and then, when I hear that he's talking about doing that, I have to be very aware of
143 his potential use of deadly force, the subject's potential use of deadly force.

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144 **MORGAN:** Okay. And did you get any information on MR. CAMPBELL'S history that you felt
145 assisted you or informed your decision-making on the call and tell me if you did what that was and
146 where you got it from.

147 **FRASHOUR:** I, I'm now very well aware of his history and I understand that his history is in the call
148 and I know I looked at the call on the way. I don't know if I looked at that page, glanced at it or not. I
149 just don't know. I don't remember knowing his history.

150 **MORGAN:** Okay.

151 **FRASHOUR:** Other than the history of that event and the things said about that day and maybe just
152 before.

153 **MORGAN:** Okay. And so one of the PPDS entries that's in the call - -

154 **FRASHOUR:** Yes.

155 **MORGAN:** - - is that he was a suspect in an assault with a handgun.

156 **FRASHOUR:** Yes.

157 **MORGAN:** An attempt murder charge previously. When you're sitting at the car as this call is
158 unfolding that wasn't necessarily one of the things that was in your mind informing you as the call
159 went forward, right? As far as you remember you didn't have that information.

160 **FRASHOUR:** I don't remember that.

161 **MORGAN:** Okay. And did you get any information either enroute or at anytime during this call that
162 MR. CAMPBELL had threatened anyone else with harm other than himself?

163 **FRASHOUR:** No, uh - - I think that I understood that he was suicidal, but understanding the mindset
164 that suicidal people sometimes have, those things I said, they're irrational and they can be aggressive
165 and they can be homicidal also. So, I'm sorry you asked that a minute ago. If I understand your
166 question, did I think - - did I have information that he actually tried to hurt anybody else?

167 **MORGAN:** Either actually tried or had specifically threatened anyone other than himself. Other than
168 talking about the general behavior of suicidal subjects, which I understand in this particular case, did
169 you have any information that he had specifically threatened anyone else with harm?

170 **FRASHOUR:** I don't know. I don't remember that.

171 **MORGAN:** And did you ever have any information again either enroute or at anytime during the
172 incident as it unfolded that MR. CAMPBELL had committed a crime?

173 **FRASHOUR:** Um, I'm aware he had a restraining order against him and I'm aware that when you
174 have a restraining order against you, you can't be in possession of a firearm. I just don't know if I read
175 that - - I um, on the way or if I'm remembering it from reading the information later. I'm positive he
176 committed a crime, one or more. Um, I'm just not sure when I got there if I knew what the crimes he
177 had done.

178 **MORGAN:** Let me ask you it this way. When you're sitting at the car again as the call's unfolding.

179 **FRASHOUR:** Uh-huh.

180 **MORGAN:** Do you have it in your head that you are dealing with a criminal suspect or do you have it
181 in your, or is your mentality that you're dealing with a suicidal subject?

182 **FRASHOUR:** Well, just a minute. This is printed backwards. I'm sorry.

183 **MORGAN:** Unfortunately, that's (indecipherable).

184 **FRASHOUR:** That's okay, I'm just a little confused. Well, I think my initial response hearing the call
185 and reading at least the part that really stood out in me was protection of the other people in the
186 apartment. Protection of the people. Whether or not that means dealing with a crime that's taking place
187 or not, oftentimes you sort that out later. So my mindset was protection of the other people. Dealing
188 with whatever needs it is finding out what MR. CAMPBELL needs now. Does he need to go to the

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189 hospital? Is there a prime reason to go jail or both. I think that my initial response was just the welfare
190 of the other people there and the welfare of him, second to the welfare of all the other people there.

191 **MORGAN:** Okay. Who appeared to be in charge of the scene when you arrived?

192 **FRASHOUR:** Sergeant REYNA.

193 **MORGAN:** And did she remain in charge throughout the incident or did that change over time, or
194 what was your perception of that?

195 **FRASHOUR:** Uh - - Sergeant REYNA was the only supervisor that I ever remember giving me
196 direction for anything, but I was aware - - we were there awhile and I was very aware that other
197 supervisors were arriving, lieutenants and captains. I mean I know that when a captain arrives on scene
198 they're going to be the one in charge, but I also understand how sergeants run things generally and
199 filter things through the captain. But the only one I took direction from up until after the shots were
200 fired was, that I remember at all was Sergeant REYNA.

201 **MORGAN:** And if there was any sort of transfer of the command of the incident the earliest that
202 would have occurred would have been when the captain and the lieutenant arrived?

203 **FRASHOUR:** Well, Sergeant BIRKINBINE arrived also. I remember hearing everyone on the air, but
204 I yeah, well, Sergeant REYNA is certainly the one in charge until at least one more sergeant gets there
205 and I don't know what time in the history Sergeant BIRKINBINE got there. And certainly by the time
206 a lieutenant and captain arrived they're in charge. So I would say they're in charge.

207 **MORGAN:** But you never received any specific instruction from Sergeant BIRKINBINE.

208 **FRASHOUR:** Uh, no, not that I remember, not until I mean he later is the one that relieved me, told
209 me you're relieved. But up until that point I don't think so.

210 **MORGAN:** Okay. And do you remember Sergeant BIRKINBINE giving instructions to any of the
211 other members of the custody team or perimeter units or anything over the air?

212 **FRASHOUR:** I don't remember it. A lot of - - he certainly wasn't up at the car with us and the contact
213 team, the custody team whatever you want to call it, has their specific role and we were, I shouldn't
214 speak for everybody. I was concerned about my role, I knew what my role was and so any direction
215 given out over the radio by any supervisors, the other officers, I wasn't as worried about listening to
216 them.

217 **MORGAN:** Okay. And so when you get up to the car do you get any new information from Sergeant
218 REYNA about what's been developing on the call to that point?

219 **FRASHOUR:** Yeah.

220 **MORGAN:** What'd you find out?

221 **FRASHOUR:** Well, she was the lethal cover. I was there to take her place was certainly my
222 understanding. I was going to take her place so she could supervise. She directed me to, I don't want
223 to forget this part. She told me that the female was out and the way she said it is, she just left the kids
224 inside, or she just left them in there. So the kids were still inside. I understood that MR. CAMPBELL
225 was still inside. She directed me at the alcove that leads to number 37, very specifically pointed it out
226 to me and to say if somebody comes out this is welcome, this is the way it will come out. She directed
227 me to the windows that uh, that uh, the windows of number 37 that faced into the parking lot. Uh, I - -
228 about that point, I think it was her, or someone, that's when someone told me he, that he'd sent some
229 kind of a text or became aware of the text, you think I'm joking or I'm serious, don't make me get my
230 gun, don't make me get my gun. And that was when I really initially got there.

31 **MORGAN:** Okay. That was soon after you arrived. How do you interpret that text?

232 **FRASHOUR:** Well, that's that he's saying I'm armed. That he's saying, I mean that statement says a
233 lot of things. That he's saying if I don't like what you're doing I'm going to use a firearm. Don't make
234 me get my gun, why else would you get your gun except to shoot at people. I heard that and I

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235 registered that in my brain along with suicide by cop. I got a lot of that information very close to the
236 same time. I can't get the chronological order exactly down.
237 **MORGAN:** And that's shortly after arriving in the patrol car?
238 **FRASHOUR:** Uh-huh.
239 **MORGAN:** And so how would you - - what was your role?
240 **FRASHOUR:** I was the lethal cover.
241 **MORGAN:** And did Sergeant REYNA assign you that role?
242 **FRASHOUR:** Whether or not she specifically said, "Ron, you're the lethal cover", I can't say, but it
243 was very much understood by everybody there that that was the case.
244 **MORGAN:** Okay. And do you remember receiving any specific guidelines about use of force on this
245 call from either the sergeant or discussion? Any specific rules of engagement?
246 **FRASHOUR:** You mean like uh, to clarify your question like if this person does this then you will do
247 this. That type of - -
248 **MORGAN:** Any discussion along those lines or uh, yeah, that would probably be the most common,
249 or you know any statements, if he exits and runs west you shoot him.
250 **FRASHOUR:** Oh, no, no.
251 **MORGAN:** Anything along those lines at all?
252 **FRASHOUR:** No, no. I was not given any instruction to give uh, no.
253 **MORGAN:** At any point did you hear any discussion about if he comes out of the apartment we're not
254 going to let him back in. Never heard anything about that?
255 **FRASHOUR:** (No audible response).
256 **MORGAN:** Okay.
257 **FRASHOUR:** I don't recall that.
258 **MORGAN:** Okay. And I know you said the custody team has kind of specifically defined roles. Who
259 was doing what at the car?
260 **FRASHOUR:** Sure. I was the lethal cover. Officer WILLARD, my partner, was just to my right and
261 maybe a little behind uh, with hands-free as a custody officer. Officer LEWTON was to his
262 right with the bean bag as the less lethal officer. Officer LEWTON was also, my impression was,
263 maybe the primary officer or he was facilitating some of the things that were going on in placement of
264 other officers. Officer KEMPLE was there and I remember Officer KEMPLE saying we need to have
265 people here with hands free. I assumed that's what he was doing too with Officer WILLARD. So we
266 had two custody officers, a less lethal officer, a lethal force officer and Officer ELIAS came very
267 shortly in that time frame somewhere in there Officer ELIAS came and we had K-9. Lots of different
268 tools to use.
269 **MORGAN:** What was your understanding what K-9's role on the call was?
270 **FRASHOUR:** I mean K-9s commonly come to these calls. If you want to call also a perimeter because
271 there were officers in the back and blocking streets. K-9s very often come to them and uh, you know,
272 should a subject disobey police commands or run, the K-9 is very oftentimes put on them to take them
273 down or to track them. I mean he's really cover because you can't say what you're going to use him
274 for until that need arises and then you need to evaluate whether or not to use the K-9.
275 **MORGAN:** Was there any discussion specifically on this case if he runs we're going to send the K-9?
276 If he comes out and doesn't start following our commands we're going to send the K-9. Anything
77 along those lines at all?
278 **FRASHOUR:** Uh, I'm fairly positive I never heard any conversation like that at all from a supervisor.
279 And amongst, the officers, I don't think.

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280 **MORGAN:** And what did you, what was your understanding of what the goal of the, of the call was as
281 a whole? What was trying to get accomplished on this call?

282 **FRASHOUR:** Uh, a welfare check. Like I said on the way, what stood out at me right away was the
283 safety of the children, involved in the call, mentioned in the call. And that took, eventually they were
284 safe, that took place. And then the safety of the man inside, but and I had been on calls before where
285 we would actually just leave. I was simply the lethal cover and if the decision that a sergeant or a
286 supervisor is that you just leave then I was just going to leave. If the sergeant says we stay, I'm
287 working on something else. For example, I'm working on something else and checking this avenue
288 then I stay and I'm lethal cover until directed otherwise.

289 **MORGAN:** Okay. And then just specifically. What was your understanding of what the role of the
290 four officers, I guess if you want to include ELIAS, the five officers of you there as the custody team,
291 what was your plan of action? What was your role?

292 **FRASHOUR:** Oh, sure. Well, I mean the custody team is if the subject comes out of the house or in
293 this case out of the apartment and the custody or the contact team is the one that addresses him and
294 takes him into custody. And that was the role and my role on that team was to cover that team and the
295 other officers as a cover.

296 **MORGAN:** And do you believe every officer that was a part of the custody team was on the same
297 page as far as what the plan was? As far as what the roles were?

298 **FRASHOUR:** Yeah, I believe we were on that.

299 **MORGAN:** Was it ever verbalized, you two are hands on on lethal cover, you're less lethal, or was
.00 that implied based on - -

301 **FRASHOUR:** Well, it was certainly definitely implied. It was obvious because of the tools I had out
302 there, the AR-15 the tool officer wouldn't have had out and Officer ELIAS had his K-9 and then I
303 heard Officer KEMPLE, I heard officers setting the call up, but I'd been assigned my role. I'm very
304 serious about that role and so I'm not so much - - I was aware a plan was probably taking
305 place and I was a part, I was a part of the plan. I wasn't the planner, that wasn't my assignment. If that
306 answers your question. We were just there in case the contact team is needed. We may not have been
307 needed. We were there in case we were needed.

308 **MORGAN:** And I know just to be clear. I know you said there was no discussion of SERT when you
309 first came up. At any point prior to the actual shots being fired were you ever a participant in or did
310 you ever hear any conversation about the advisability of contacting SERT agency?

311 **FRASHOUR:** I just don't remember. I wasn't a participant and I don't remember if it was a
312 conversation.

313 **MORGAN:** And then again, just to be clear, I know you said you don't remember hearing any
314 discussion about if he comes out we're not going to let him back in. Do you remember hearing any
315 specific discussion or instructions about if he comes out and runs what's going to happen, what the
316 police response is going to be?

317 **FRASHOUR:** I don't remember. I don't remember. I want to make clear I've read a lot of the reports
318 investigated and where a conversation sounds like took place, I believe that conversation took place
319 out of hearing range of myself and the custody, with other officers maybe who were communicating
320 with MR. CAMPBELL. I never heard that conversation. I don't - -

321 **MORGAN:** Okay. That's what I wanted to be clear about. Okay. And as we go forward here
22 obviously we're looking for the stuff you knew first hand and I realize it's going to be hard to
323 sometimes separate out.

324 **FRASHOUR:** That's - -

325 **MORGAN:** - - As best you can just what you knew first hand on the day of the incident.

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326 **FRASHOUR:** Okay. That's what I'm trying.
327 **MORGAN:** While you're waiting here, do you feel like you're getting updating card information
328 about what was going on with the call as you're sitting at the patrol car?
329 **FRASHOUR:** Yes.
330 **MORGAN:** And specifically what updates do you remember receiving?
331 **FRASHOUR:** The well, the initial update when I got there, she's already out. I personally saw the
332 children come out. I suppose that's an updated call, but I witnessed it. I heard Sergeant REYNA, I
333 believe it was on radio because I just don't think she was up by us at this point saying, I'm almost 90
334 percent positive she said on the radio, said uh, we have him communicating by text and I think she said
335 things were going well. I remember that update in the call, so I was aware that there was
336 communication taking place by text.
337 **MORGAN:** Okay. And once uh, Sergeant REYNA kind of got you set up and she was relieved of AR
338 duties and uh, she left the car. Did she ever, did she come back and forth between the alcove and the
339 car or once she left was she pretty much gone to the alcove for the duration?
340 **FRASHOUR:** She may have come back once or so, but for the most part I don't remember her being
341 up by the car.
342 **MORGAN:** Do you remember anybody going back and forth between those two locations or was it
343 pretty much the four of you at the car, the four or however many at the alcove and both kind of stayed
344 in their own place?
345 **FRASHOUR:** I don't remember people moving around once we got set in place.
346 **MORGAN:** Okay.
347 **FRASHOUR:** That's not true, or uh, that's not accurate. Officer LEWTON did at one point
348 leave the car because he was talking about setting up officers east of that complex and when he came
349 back he might have relayed more of that information I received, may have. But I do know he left for a
350 moment and came back and I don't know how long or was it really long.
351 **MORGAN:** Okay. And that was just one time as far as you remember?
352 **FRASHOUR:** That I remember, yeah.
353 **MORGAN:** Okay. And were you wearing an earpiece?
354 **FRASHOUR:** No.
355 **MORGAN:** Are you aware of any requirement that AR-15 operators wear an earpiece?
356 **FRASHOUR:** No.
357 **MORGAN:** Do you feel like the lack of an earpiece hampered your ability to hear radio updates on
358 this call?
359 **FRASHOUR:** No.
360 **MORGAN:** And just to be clear you're wearing a lapel microphone?
361 **FRASHOUR:** Yes, I had the radio on.
362 **MORGAN:** And so when the radio is on you're hearing radio traffic.
363 **FRASHOUR:** I've worn earpieces on and off that work. I have an earpiece. I don't commonly wear, I
364 don't wear one. And I'm very well, I'm just conditioned and used to listening to my radio on my lapel
365 mic.
366 **MORGAN:** And did you receive the information at any point that the female who left, ANGIE
367 JONES, that she had told Officer BOYLAN that the problematic suicidal behavior by MR.
368 CAMPBELL had all been the night before and that on this day, the day you guys are there he's doing
369 fine, he's doing much better. Did you ever receive that information?
370 **FRASHOUR:** No.
371 **MORGAN:** Okay. And then you said you witnessed the children coming out. Tell me about that.

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372 **FRASHOUR:** Well, because I was directing my AR-15 at the direction of the alcove primarily
373 because the alcove had a brick siding which would be a good backstop and I was trying to be safe. So
374 those kids came out right where I was looking. I could see them just over the hood of the silver Volvo
375 if I remember right, I could see their heads and I saw two little kids at first and I think I just verbalized
376 it to the other officers to make sure everybody saw them. And officers immediately started calling
377 them and having them run to the door and out of the way and I saw a small child kind of wander out,
378 also north a little bit, but just a little bit from the alcove and he was very, he or she, I don't know
379 actually, was very young, probably two. And I was really concerned that that child wouldn't
380 understand or was too scared and just didn't know what to do because the first two ran to the officers
381 right away, but they left the little one behind and I was just worried he was in danger. He was in
382 between us and the windows of the apartment and I uh, knowing I'm the lethal cover, knowing I have
383 the rifle I started to think really quickly uh, formulating just a very quick rescue of that child and I was
384 about to say hey let's, I was about to implement that on my own, but I didn't have to, the officers got
385 that child and he or she did move. I heard that the children were taken safely to the street and then I
386 later heard on the radio that they were taken down the street I think to a gas station with family.
387 **MORGAN:** And did you know the children were about to come out when it happened? Did you have
388 any heads up that they might be coming out?
389 **FRASHOUR:** No, none.
390 **MORGAN:** Did you receive either at the time or at any point afterwards on a call information that the
391 children had actually come out after Officer QUACKENBUSH discussed releasing them with MR.
392 CAMPBELL?
393 **FRASHOUR:** No. I was not aware of Officer QUACKENBUSH'S involvement in the call at all until
394 Grand Jury when I was asked questions by the jury. So I was not aware of that, any conversation he
395 had about the kids.
396 **MORGAN:** And I guess leaving this specific officer out of it, did you have any information that the
397 children had been released at police request?
398 **FRASHOUR:** No.
399 **MORGAN:** To put it more generally.
400 **FRASHOUR:** No.
401 **MORGAN:** Okay. And were you aware that, again generally, police were in contact with MR.
402 CAMPBELL by telephone?
403 **FRASHOUR:** By telephone you mean using the either talk or to text, yes.
404 **MORGAN:** Okay. You knew about the text messages.
405 **FRASHOUR:** The police, I was aware it was the police text messages with the cell phone.
406 **MORGAN:** Okay. And did you have any information that there had been some verbal communication
407 via telephone?
408 **FRASHOUR:** I don't know that I had that information.
409 **MORGAN:** And were you aware or was it your understanding that officers were attempting to talk
410 MR. CAMPBELL into coming out of the apartment?
411 **FRASHOUR:** I wasn't aware of that.
412 **MORGAN:** And were you aware that he was going to be coming out of the apartment when he did
413 appear?
414 **FRASHOUR:** Absolutely not aware he was going to come out.
415 **MORGAN:** Okay. Okay. Let's just back up real quick before we get into what happens when he
416 emerges.
417 **FRASHOUR:** Okay.

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418 **MORGAN:** What specific information do you have about what type of weapons MR. CAMPBELL
419 might be in possession of?

420 **FRASHOUR:** I think it was voiced on the radio uh, ANGIE JONES, but it (indecipherable) later, she
421 said it was a small gun and I assumed it was a small handgun and because oh - - I was also told that he
422 kept the gun in his sock, in his pocket on his coat. So like, it would have to, almost have to be a
423 (indecipherable).

424 **MORGAN:** And do you remember where you received the information about the coat pocket?

425 **FRASHOUR:** I think it was over the radio and I think it was from Sergeant REYNA. Uh, yeah.

426 **MORGAN:** And what information had you received about other occupants of the apartment? I know
427 initially it was the female and the children. Did you have any other information?

428 **FRASHOUR:** I didn't and I asked about that. I asked about that specifically and I don't remember that
429 I ever got an answer because there was a lot going on. I asked do we know if, something to the effect,
430 do we know if there's anyone else? And I was either answered that we don't know or I wasn't
431 answered. I never got a satisfactory answer to that.

432 **MORGAN:** Alright. So in your mind, once MR. CAMPBELL comes out it's still not clear if anyone
433 else is remaining in the apartment. Is that fair to characterize it?

434 **FRASHOUR:** Yes.

435 **MORGAN:** Okay. So he comes out of the alcove and why don't you just walk me through kind of
436 that initial actions and what happens.

437 **FRASHOUR:** Okay. Because I'm looking at the alcove uh, if I can take one step back. I also heard
438 over the radio the officers were saying in the back that he was looking out the blinds, which caused me
439 some alarm. Uh, because he's trying to gain information. If he wants to attack officers he's tracking
440 down where they are. If he just wants to escape he's at least just figuring out an escape route. I directed
441 the officers near me to make sure and pay attention to the windows on our side. I don't know the time
442 frame between that, but then all the sudden without any information uh, without me having any
443 information that he was going to, he came out.

444 **MORGAN:** Okay.

445 **FRASHOUR:** And he either had his hands on his head already or he immediately put them up on his
446 head and he very quickly, not jogging, but a very determined walk straight eastside of the alcove into
447 the middle of the parking lot. I verbalized that to everybody. I think Officer WILLARD verbalized it to
448 everybody and on the radio.

449 **MORGAN:** Do you remember exactly what you said?

450 **FRASHOUR:** He's coming out, or he's out, something to that effect.

451 **MORGAN:** Okay.

452 **FRASHOUR:** I was shocked when he came out and alarmed by how determined he seemed. I've seen
453 a lot of people come out to give up and I'd never seen anyone do it the way he did it. It just wasn't
454 right. Uh, normally people move slow - - normally people put their hands straight up in the air, but it
455 was the determined way he seemed to be moving and uh, it wasn't slow. Normally people are slow,
456 they're methodical, they do not run quickly and have something bad happen. That didn't seem to be
457 the case with him and I noticed that right away. And I don't know if he stopped in the middle of the
458 parking lot on his own or because he was directed to. But as soon as he emerged he was being given
459 voice commands by officer, at least one officer and I assumed my role as lethal cover and I was just
50 looking to the threat. Looking at him. Uh, but he did stop uh and he was facing directly south with his
461 hands on his head. Officer ELIAS' dog starts barking because the dog is aware of what's going on.
462 People are giving commands. And I am pointing my rifle at him, he starts to back up. I realized he's in
463 a great - - the part of the parking lot he actually went to in my mind was dimly lit so I turned the

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464 flashlight, or the light on on my AR-15 so I could see better. He started to back up quickly. Straight
465 back toward us. And uh, again, too quickly. And I remember, it's been two months now, my mind has
466 had a little bit of time to rest and I think I remember Officer LEWTON telling him to stop. He got a
467 little too close, or he was coming too quickly. Uh and then uh, let's see - -
468 **MORGAN:** Why don't we stop there real quick and we can pick it up from there.
469 **FRASHOUR:** Okay.
470 **MORGAN:** Let me just ask you some specifics. You said you think Officer WILLARD got on the
471 radio and advised that he was coming out.
472 **FRASHOUR:** Yeah, I say I think that because I can still remember right at my shoulder, I just hear his
473 voice saying it.
474 **MORGAN:** And did you make any effort to say anything over the radio?
475 **FRASHOUR:** I don't remember that I did. I think I wanted to alert the team and I, immediately I think
476 Officer WILLARD alerted everyone else.
477 **MORGAN:** Okay.
478 **FRASHOUR:** I may have, but I don't think I did.
479 **MORGAN:** And you said that you felt that the lighting in that part of the parking lot at least was dim.
480 Can you just articulate a little bit? How much are you able to see? What kind of distance are we talking
481 about? What was the lighting that was there?
482 **FRASHOUR:** Okay. Well we first got to the call it was still, it was still daylight I believe. It was
483 evening, but it was about to get dark. By the time he came out it was dark. The part we were under, let
484 me see - - the apartment complex still had people with lights on in their buildings, so there was a little
485 ambient light there, that's (indecipherable) used. And we were under a parking light. We were lit up,
486 but you know with gas in parking lots it makes lighter spots and darker spots. He came out into a
487 darker spot. I mean I could recognize that it was a black male, medium size in his mid-20's, but I
488 couldn't make out, well, and then he faced away from me. I couldn't make out his features. But it just
489 wasn't light enough. I just wanted more light, I mean to put it simply, I wanted to turn my light on.
490 **MORGAN:** And do you feel like the AR-15 flashlight, was that enough to have the scene lit properly
491 at that point?
492 **FRASHOUR:** It was certainly better, yeah.
493 **MORGAN:** Do you remember if anyone else took any efforts to use more light?
494 **FRASHOUR:** I know that that happened and I don't remember, but I didn't know that it happened
495 until later. Or I didn't - - yeah, I didn't pay attention to that.
496 **MORGAN:** Okay.
497 **FRASHOUR:** To the spotlight.
498 **MORGAN:** And you said when he came out his hands were either already up or very, very quickly
499 they went to the back of his head?
500 **FRASHOUR:** When he came out of the alcove I, I believe he had his hands on his head, but if he
501 didn't he must have put them up right away, like I said.
502 **MORGAN:** Okay.
503 **FRASHOUR:** On his head though, never, never above.
504 **MORGAN:** Right, okay. Back of his head?
505 **FRASHOUR:** Yeah.
506 **MORGAN:** Fingers interlacing? Could you tell?
507 **FRASHOUR:** Interlaced or very close.
508 **MORGAN:** Okay. And when he emerges is he already facing away from you?

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509 **FRASHOUR:** Uh, no, I don't think so. I remember it just as an eastbound walk, I mean facing east.
510 Maybe a little (indecipherable) south, not facing us, but I think more um, he was walking straight
511 forward.
512 **MORGAN:** And so not side-stepping.
513 **FRASHOUR:** I don't think so.
514 **MORGAN:** And when he gets to - - is he walking south of the Volvo?
515 **FRASHOUR:** Yes.
516 **MORGAN:** And when he gets clear of the Volvo does he turn and face away from you or does he go a
517 little farther, or how does that work?
518 **FRASHOUR:** He, well, ultimately he just walked a little past the Volvo sometime around and then he
519 stopped and faced south, he might have started to stop and face south just before he
520 stopped, but yeah it was after the Volvo.
521 **MORGAN:** And so when he clears the cars and he's now kind of in the center of the parking lot he is
522 facing away from you?
523 **FRASHOUR:** Yes.
524 **MORGAN:** He was facing south?
525 **FRASHOUR:** Yes.
526 **MORGAN:** And his hands are still touching on the back of his head.
527 **FRASHOUR:** Yes.
528 **MORGAN:** And do you know if the hands to the back of the head was in response to a command, or
529 is that something he did on his own, or could you tell?
530 **FRASHOUR:** No, I, I think he did it on his own.
531 **MORGAN:** Okay.
532 **FRASHOUR:** Because I believe he came out with his hands on his head and we didn't know he was
533 coming out to give him that direction.
534 **MORGAN:** Okay. And the facing away from you, was that in response to a command or was that
535 something he did on his own, or do you know?
536 **FRASHOUR:** Uh, I don't know.
537 **MORGAN:** I know you said you believe it was Officer LEWTON who told him to stop. When he first
538 emerged you said that people were yelling. Was it more than one officer?
539 **FRASHOUR:** Well, I don't know. Maybe initially right immediately more than one officers because
540 everybody wants to get control of him, but I uh, I and then after that it was, I know Officer LEWTON
541 was. I couldn't tell you if there was more than one.
542 **MORGAN:** Okay.
543 **FRASHOUR:** I never did, to my knowledge, yell anything at him.
544 **MORGAN:** Okay. Did it appear at any point that MR. CAMPBELL was confused by contradictory
545 commands?
546 **FRASHOUR:** No, not at all.
547 **MORGAN:** Okay. What was he wearing as best you could tell?
548 **FRASHOUR:** A dark, very, very dark jacket, from my memory because I know now, but from my
549 memory it was dark, it was a busy pattern. I described it as like a hunting camouflage type pattern
550 because I thought I saw some leafy yellow, uh very busy and then dark pants. Uh, and I know he had
551 white shoes.
552 **MORGAN:** And were the pants sagging?
553 **FRASHOUR:** Well, they were not tight fitting pants, they were baggy pants, but you know, he walked
554 all the way from his alcove to the middle of the parking lot and straight back toward us the entire time

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555 with his hands on his head and his pants did not fall down uh, so if you were to say they were too
556 baggy I wouldn't say that because they didn't, or I mean he had a belt on. They didn't fall down, but
557 they were loose fitting.

558 **MORGAN:** Okay. Loose fitting, but stayed in place.

559 **FRASHOUR:** Yes.

560 **MORGAN:** Could you see his underwear above the pants?

561 **FRASHOUR:** I remember seeing a white t-shirt because the arms up on his head raised the coat up a
562 little bit and I could see a white t-shirt. Uh, I don't know if I saw, I couldn't say for sure if I saw
563 underwear or not.

564 **MORGAN:** And you said that you were uh, I think the phrase you used was monitoring the threat.
565 You were obviously watching MR. CAMPBELL.

566 **FRASHOUR:** Uh-huh.

567 **MORGAN:** Are you watching a specific part of his body or what exactly are you focusing on?

568 **FRASHOUR:** His hands, his hands. Well, I mean as he's farther out it's very easy to observe all of
569 him and I'm always worried more about the hands and uh, as he got closer the hands and waist.

570 **MORGAN:** And again, just to be really clear on this. You described the pace, you described how it
571 was unusual to you. The phrase you use in your detective interviews is a quick and determined pace.

572 **FRASHOUR:** Yes.

573 **MORGAN:** Uh, just talk to me a little bit more about what that meant to you.

574 **FRASHOUR:** Well, uh, I mean like he had a plan. Like he was resolved in deciding what he was
575 doing. He wasn't unsure. He didn't seem to be unsure of himself.

576 **MORGAN:** Okay. Okay. And so picking up there then, he walks backwards with a quick pace.

577 LEWTON tells him to stop.

578 **FRASHOUR:** Yeah.

579 **MORGAN:** He does so.

580 **FRASHOUR:** Yes.

581 **MORGAN:** What kind of distance are we talking about at this time?

582 **FRASHOUR:** I've had a hard time with the distance on this and I don't know why. Uh, but it was
583 close uh, it was 15 feet, maybe, 15 feet.

584 **MORGAN:** And was that from the time he comes out, faces away from you guys and he's now in the
585 middle of the lot. Did you say there was kind of a pause before he starts walking backwards at that
586 point?

587 **FRASHOUR:** Yes.

588 **MORGAN:** Okay. How long was that pause would you say?

589 **FRASHOUR:** Brief. I think it maybe, I think - - I may be speculating, but I would think that it was
590 now the custody team, the person who wants to be in charge and give commands could stop and take
591 over, there was a break, if he stopped at a break then they could still give the command and have him -
592 - that's how I perceive that.

593 **MORGAN:** Was it your impression when he stopped initially facing away from you at a greater
594 distance, what kind of distance are we talking about at that point would you say? And again, I realize
595 it's going to be ballpark.

596 **FRASHOUR:** It looked to me about 25 or 30 yards, 25 yards.

597 **MORGAN:** And was it your impression when he stops at that point 25 yards, he's facing away from
598 you hands on the head. Was it your impression that he had not been given commands to start walking
599 backwards that he was going to hold in that position? Or did he start walking backwards on his own?

600 **FRASHOUR:** No, I think he walked backwards because of commands.

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601 **MORGAN:** Okay. So he was holding still at that point and then told - -
602 **FRASHOUR:** Yeah, there was at least - -
603 **MORGAN:** - - to start walking backwards and he does so.
604 **FRASHOUR:** Yes, yes. I uh, the commands. I was very aware that commands were being given,
605 waffle, police commands, the kind often used and we're trained to use. And because they were the
606 normal general, generic commands I didn't pay attention to the specific wording or details like,
607 because they didn't seem out of the ordinary. It didn't register as well, that was weird. They were just,
608 so I was aware that the regular commands were being given. So when you say he was told to walk
609 back, I think he was. Uh, I just can't tell you I heard the words, okay, MR. CAMPBELL walk back
610 now. I just wanted to be clear about that.
611 **MORGAN:** Okay. And so he comes out, (indecipherable) away, stops.
612 **FRASHOUR:** Yes.
613 **MORGAN:** He's told to start walking backwards. He does so.
614 **FRASHOUR:** Yes.
615 **MORGAN:** At a rapid pace?
616 **FRASHOUR:** Again, a little too fast.
617 **MORGAN:** Okay.
618 **FRASHOUR:** This was definitely walking backwards; okay, where before it was walking in my mind,
619 it was just walking, walking backwards, but still too fast. And walking backwards is not easy to do
620 when you're trying to be careful and not get yourself hurt by the police or that's not the right way to
621 say that, not get your - - not to make an affirmative movement or move too fast. He just was walking
622 too fast.
623 **MORGAN:** Okay. And he gets to 15 feet from the car, LEWTON tells him to stop and he does so.
624 **FRASHOUR:** Yeah, he - - because he comes straight back and he probably actually angles a little bit
625 because he wasn't off the front of the car, he was a little bit more uh, across the front of the car from
626 me.
627 **MORGAN:** Okay.
628 **FRASHOUR:** If that makes sense. They may, the officer giving commands may have adjusted his
629 pattern a little bit.
630 **MORGAN:** Okay. And other than the pace, did you see any indications that MR. CAMPBELL was
631 not following orders up until the point he stops?
632 **FRASHOUR:** Not until that exact spot.
633 **MORGAN:** Okay. Alright. So he stops 15 feet from the car.
634 **FRASHOUR:** Uh-huh.
635 **MORGAN:** Hands are still in the back of the head.
636 **FRASHOUR:** Yes.
637 **MORGAN:** Still interlaced or close to it?
638 **FRASHOUR:** Yes.
639 **MORGAN:** And he's still facing away from you.
640 **FRASHOUR:** He's facing south still, but uh - -
641 **MORGAN:** Because of the angle.
642 **FRASHOUR:** But with the angle I'm not directly behind him. I may be looking at a slight - -
43 **MORGAN:** Just to be clear since we're on tape.
644 **FRASHOUR:** Yes.
645 **MORGAN:** We're doing a lot of hand gesturing here. The patrol car was angled to the southeast.
646 **FRASHOUR:** Yes.

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647 **MORGAN:** You're in front of the engine block, or behind the engine block and therefore you are uh,
648 facing southwest slightly.

649 **FRASHOUR:** Yes.

650 **MORGAN:** And if he's straight south and you're southwest you're then kind of getting a little bit of a
651 profile look?

652 **FRASHOUR:** Yes.

653 **MORGAN:** Is that clear enough I think? Okay.

654 **WESTERMAN:** Craig, before you go into the details of what happens then we've been here an hour,
655 can we take a quick break?

656 **MORGAN:** Just let me make sure we're at a good stopping point and I think we probably are, but let
657 me just. Yeah, it seems like as good a place as any, why don't we take a quick break. We'll go off tape,
658 it is 11:37.

659

660 **MORGAN:** Okay. We are back on tape. It's about 11:48 a.m. I'll continue with the interview of RON
661 FRASHOUR on IAD #2010-B-0004. When we left off we were talking about MR. CAMPBELL had
662 exited his apartment, walked backwards to somewhere in the neighborhood of 15 feet of the patrol car
663 and he is stopped facing south, hands on the back of his head.

664 **FRASHOUR:** Yes.

665 **MORGAN:** Tell me what happens from there.

666 **FRASHOUR:** A couple of minor things happened as he got that close. I switched my aperture sight
667 for closer range shooting, better - - quicker target acquisition and I stood up because I had been
668 squatting, kneeling for a long time and my legs were in pain. And as he got that close I got
669 uncomfortable. I mean I think everybody did and that's why he was told to stop. I became
670 uncomfortable with my position if I had to retreat or move or I don't know what I would have to do
671 quickly. I was afraid I wouldn't be able to do it quickly. Uh, so he stopped at about 15 feet away. I
672 know Officer LEWTON was giving commands here because with the way the angle changed, Officer
673 LEWTON was more in my peripheral vision a little bit and I know it was him. Where am I here? I
674 remember now, okay, the same with when I heard him say stop, I also (indecipherable) and I think I
675 heard him say put your hands up and they were on his head. And that was one of the only commands
676 now thinking back that stood out because I thought to myself briefly, well, they're already on his head.
677 And then I thought well, but, that is how we are suppose to do it. So I I don't because I, yeah, so I
678 remember, I believe I remember Officer LEWTON saying put your hands up as opposed to already on
679 your head and MR. CAMPBELL didn't and then he turned uh, with his hands on his head, but he kind
680 of and I'm demonstrating, I know you can't see it on the tape, but he's looked through me, open hole
681 in his arm made by his elbow with his hand and he looked in the direction, me and Officer WILLARD
682 because we were the farthest ones up on the police car. I don't know that he would - - I don't know if
683 he, it's right to say he was looking at Officer LEWTON, but he looked in the direction of me. I don't
684 know if he saw me, but he looked in my direction and he yelled and I don't know, I - - the dog is
685 barking and he so it's loud out there, but he yelled something and it was, I took it, I understood it to be
686 aggressive and hostile and loud. And I've heard people yell when we've been trying to take them into
687 custody and I've heard people be happy about it and I've heard people say things like sir, I want to
688 comply with you, I can't, for example, if he had a bad leg, or a broken arm and can't raise his hand, or
689 whatever. He was not trying to communicate any intent to comply. Very much not trying to do that. He
690 was communicating an intent and showing not to comply. He was
691 yelling back at the commands that were being given by Officer LEWTON. And other than the
692 command to put your hands up, I again don't remember the others. He just yelled something that I

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693 understood right away to be aggressive. Um, his hands were still on his head. I – then he was hit with
694 the bean bag gun. He was hit with the bean bag because I saw it, I saw the bean bag bounce off of him,
695 I believe in the rear-end, or just below, he was hit with the bean bag and it bounces to the ground and I
696 saw it and heard it. And I knew what it was right away. It was a uh, he took a if you give me a second I
697 want to turn to that, uh, detective's interview.

698 **MORGAN:** Let me just ask you a couple while you're in - -

699 **FRASHOUR:** Okay.

700 **MORGAN:** And you can hopefully try to find it while you're doing that, if not no big deal.

701 **FRASHOUR:** Okay.

702 **MORGAN:** The sequence of events was you heard the command get your hands up.

703 **FRASHOUR:** Uh-huh.

704 **MORGAN:** And after that command is when he turned and peaked over his left shoulder?

705 **FRASHOUR:** That's why I want to - - well - - I think so.

706 **MORGAN:** Okay. And you said that he turns over his left shoulder, says something uh and then he's
707 hit with the bean bag. Is he still angled looking back when the bean bag is deployed or as he turned
708 back facing south?

709 **FRASHOUR:** Well, his body is, torso is still facing south. Uh, I don't know if he was angled with his
710 head or not.

711 **MORGAN:** Okay. Could you hear and you really may not remember the specifics, did you hear any
712 commands from officers between him turning and saying something and the bean bag going off?

713 **FRASHOUR:** I couldn't, I just don't know.

714 **MORGAN:** How long was the gap between him what we now know what he said, shoot me, between
715 him saying go ahead and shoot me and the bean bag going off. How long was the time between those
716 two events?

717 **FRASHOUR:** Well, it wasn't long, but uh, I just refocused on physically what he was doing other
718 than him turning his head. I was just refocused on him and again, not paying as much attention to the
719 wording because everything seemed normal from the officer's point of view. The words being said
720 were norm. So I just couldn't tell you, I just wasn't paying attention to what they were. I mean if
721 somebody had said something just completely out of line or out of the ordinary it would have
722 registered in my mind. I may have, I would have addressed it on my own if I felt we needed to correct
723 flawed commands. Uh and I just couldn't tell you that I - -

724 **MORGAN:** Do you think it would have registered with you if multiple officers had been giving
725 commands and those commands were contradictory?

726 **FRASHOUR:** Yes.

727 **MORGAN:** Would that have registered with you?

728 **FRASHOUR:** Yes.

729 **MORGAN:** Alright and so again, and I realize this is difficult, but just trying to pin this down.
730 LEWTON says get your hands up.

731 **FRASHOUR:** Yes.

732 **MORGAN:** He turns his head says, go ahead and shoot me.

733 **FRASHOUR:** Well, that's ultimate what he said, like I said I - -

734 **MORGAN:** Right, right. I'm sorry. I'm shortcutting that - -

735 **FRASHOUR:** No, that's fine, I just want to make sure that it's clear that it wasn't, I wasn't clear on
736 what he was saying.

737 **MORGAN:** Right, okay. He says that, the bean bags deployed and you don't remember hearing any
738 commands between MR. CAMPBELL saying that and the bean bag going off.

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739 **FRASHOUR:** I just don't know. I don't remember it, yeah, I don't remember.
740 **MORGAN:** And there's a short time frame between him turning and saying that and the bean bag
741 going off. Are we talking a quarter of a second, are we talking two seconds, are we talking 15 seconds?
742 **FRASHOUR:** No, like a uh, not 15 uh, like a two is how I imagine it, not a split second. That's in my
743 mind. That's how I yeah.
744 **MORGAN:** And other than not moving his hands from the back of his head to straight up in the air.
745 **FRASHOUR:** I'm sorry - - no I'm just trying to read this specific spot in the report here. Yeah, the
746 way I have it in the brief, that's still the way I remember it is that he was yelling (indecipherable)
747 statement, I continued to aim at him and then all of the sudden I saw a bean bag hit him. That's the best
748 I can describe that.
749 **MORGAN:** Other than uh, not moving his hands from the back of his head to straight up in the air, did
750 you see MR. CAMPBELL fail to comply with any commands?
751 **FRASHOUR:** No.
752 **MORGAN:** From your perspective why was the less lethal deployed?
753 **FRASHOUR:** To get compliance and to get him to put his hands up in the air.
754 **MORGAN:** Did it surprise you when the less lethal - -
755 **FRASHOUR:** Uh, I don't know if surprise is the right word, but well, yeah. Yeah.
756 **MORGAN:** Do you remember hearing any commands specific to the less lethal? Officer LEWTON
757 saying anything? Get your hands up or you will be bean bagged?
758 **FRASHOUR:** No.
759 **MORGAN:** Do you remember hearing that phrasing?
760 **FRASHOUR:** I just want to reemphasize one thing again. I heard all the commands because it was
761 right there and I read and I know he said like if you don't put your hands up you'll be shot. I know he
762 gave him warning and I'm sure I heard it, I just don't remember it.
763 **MORGAN:** And again, and I apologize for kind of beating this, but just to be very clear. Did you
764 remember processing, did you hear LEWTON giving the commands to the or the warning to the cover
765 officers bean bag, bean bag, bean bag, or anything like that?
766 **FRASHOUR:** No, I didn't hear that because the first time I knew anything about a bean bag being
767 fired is when I saw it hit him.
768 **MORGAN:** Okay. And if you, if he had said bean bag, bean bag, do you think that would have
769 processed with you as somebody who has a lethal weapon deployed?
770 **FRASHOUR:** Probably.
771 **MORGAN:** Did you feel this was a situation where the taser would have been appropriate?
772 **FRASHOUR:** Would have been appropriate?
773 **MORGAN:** Would have been appropriate and why not?
774 **FRASHOUR:** Uh, we would have had to be too close. You know and I say 15 feet and I don't know. I
775 wonder if that's not right. You know how high stress situation distances. The thought of
776 using a taser there didn't cross my mind, well, I had a job, but it didn't cross my mind. We were
777 behind a police car. Tasers aren't always effective and I don't know, even if you're at the
778 (indecipherable) feed of the wire, that's assuming you have a perfect shot and you had a perfect probe
779 placement, bulky clothing and they don't always work and I've seen them fail. I don't know that a
780 taser was - - I don't know. And he's, he even said he's armed. And uh, you know, a taser just thinking
781 about it now, when you hit someone with a taser which I've done a number of times, that's when you
782 get all of the sudden get really violent rapid movement a lot, people start kicking around and I'm just
783 looking at it now and I don't think that's what you want there either. So, I don't think a taser was the
784 right tool.

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785 **MORGAN:** Okay. What was the ultimate plan for getting MR. CAMPBELL into custody? Had there
786 been any discussion about we're going to do it at this location or we're going to do it from a high risk
787 prone position? Or had any of those discussions taken place with the custody team?

788 **FRASHOUR:** Discussions had not taken place. Uh, what I've commonly seen in other incidents,
789 situations where someone's come out quickly, or a little bit unexpectedly is that you get them in the
790 prone position because you want to control their movements, their body, and then you need to, then
791 you can adjust your custody team. I would speculate - - that stuff didn't happen, but I would have
792 imagined if you were going to probe him out and then pause and readjust our people because we need
793 to get out from behind the police car. I'm going for cover, but I can't (indecipherable) the cover with
794 the rifle from where I was. It wouldn't have been safe at all. We would have moved things around. I
795 believed what was going to take place was get him in the prone position and then adjust.

796 **MORGAN:** Okay. Did you feel like for the most part this was being handled like a high risk stop?

797 **FRASHOUR:** That would be, yeah, that would be accurate.

798 **MORGAN:** And was there any discussion at any point about modifying the procedures or modifying
799 the commands to take into account the fact that you're dealing with a suicidal subject rather than a
800 criminal suspect?

801 **FRASHOUR:** I don't think we have a difference in our - - we don't do it differently. We do it the
802 same way every time. Maybe slight modifications because of terrain features because mental people
803 can all of the sudden attack you just like a criminal could also attack you, so we would have done it the
804 same.

805 **MORGAN:** Was there any consideration or any discussion about taking CAMPBELL into custody?
806 At the point he's standing still, facing away, hands on the back of his head, was there any discussion
807 about taking him into custody just from that position?

808 **FRASHOUR:** No.

809 **MORGAN:** Why not?

810 **FRASHOUR:** Well, we don't train to do that. It does happen occasionally. Again, making adjustments
811 for situations. I mean that situation wouldn't have dictated that. Not when he's telling us he's armed.
812 Not when, not in that situation, you don't - - we don't want to walk up on him still standing with his
813 hands behind his head, no. There was no conversation. We wouldn't have done that either.

814 **MORGAN:** And what besides the fact that you believe he's armed, what other factors play into that
815 why that would not be a viable option for you?

816 **FRASHOUR:** It, it's just we don't train that way. It's just not the safest practice for everyone,
817 including him. Um, you have to adjust your team differently for approaching. Uh, you have backdrop
818 features if you have to shoot. Let's say it's totally, for example, if he stays standing and has his hands
819 on his head and the decision is made to approach and take him into custody. Well the lethal force
820 officer who have had to move, me. I'm still, you still have to have a lethal force officer, but now by
821 backstop is uh, assuming he didn't move and he's still facing south, my back is I believe is Prescott
822 Street, or an open field or something back there, it's not a wall. And when you prone people out your
823 backstop is the ground. It's at least safer for bystanders. Uh, uh, if all the sudden a subject is taken into
824 custody from standing and decides to run, it's much easier to do when you're standing. It's a lot harder
825 to get up off the ground and run. There's just a very good reason why we always do it prone out and I
826 don't see any reason why we would have done it different. Short of, which has happened. Somebody
827 has some kind of physical ailment or there's another emergency taking on right here and we just have
828 to grab this man right now. I mean those things happen. That didn't apply here.

829 **MORGAN:** Okay. And so just to be clear. MR. CAMPBELL'S hands are still on the back of his head
830 when the first bean bag round is deployed?

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831 **FRASHOUR:** Yes.

832 **MORGAN:** Tell me what happens from there. I know you said you see an impact and just tell me
833 what happens from there.

834 **FRASHOUR:** He stumbles forward. When I say stumbled, I think I said a half-stutter step. Not a full,
835 not a full step forward, but you know, I believe he was using his left foot, kind of stumbles forward to
836 catch a balance, like maybe his upper body leaned forward a little bit, but his hands staying on his
837 head. He brought his feet back square facing south. He regained his balance and stood back up.

838 **MORGAN:** Okay.

839 **FRASHOUR:** I want to uh, how the county described it in here, so I want to find something in here.
840 Okay. He keeps his hands on his head, oh, okay. He kept his hands on his head with that half-step and
841 he may have just been bean bagged again before he corrected himself and I know he was given
842 commands is what I said in my thing. I, I can't remember now. I said it there and I believe I probably
843 heard commands given.

844 **MORGAN:** And just to be clear, we're talking about commands being given after the first bean bag
845 round?

846 **FRASHOUR:** Yes, yes. That's what I said in my detective interview. I had no reason to believe I
847 remembered it different. I'm having a hard time remembering that now. He was given a chance to
848 comply. I think it was the first bean bag round, stumbled forward, hands still on the head, a second
849 bean bag round, but then regaining balance and very specifically, I mean righting, I mean in control of
850 his own body, standing straight, righting himself, bringing his upper body up straight, regained his
351 composure, all very quickly. That happened very fast, but then in reaching that left hand straight down
852 in the back of his waistband into his pants.

853 **MORGAN:** Okay. And that was after the second bean bag round you believe?

854 **FRASHOUR:** Yes.

855 **MORGAN:** Okay. When he first starts reaching down to the back of his pants, is he standing still at
856 this point?

857 **FRASHOUR:** Yes.

858 **MORGAN:** How quickly do you think those first two bean bag rounds were fired?

859 **FRASHOUR:** Uh, there was a - - well, not like the 15 seconds probably, but not, not like uh, gunfire,
860 not boom-boom, not like that. But there was a pause. I'm having a hard time, the time, a couple of
861 seconds again maybe.

862 **MORGAN:** Okay.

863 **FRASHOUR:** Now I felt like after the first he had a chance to comply, so there was time for him to
864 adjust himself and then there was the second.

865 **MORGAN:** Okay. And so uh, MR. CAMPBELL makes a statement, hands on the back of the head,
866 he's standing still.

867 **FRASHOUR:** Yes.

868 **MORGAN:** Bean bag goes off.

869 **FRASHOUR:** Yes.

870 **MORGAN:** It knocks him forward a bit.

871 **FRASHOUR:** Yes.

872 **MORGAN:** Or he moves forward a bit.

373 **FRASHOUR:** Yes.

874 **MORGAN:** Regains balance, hands are still on the back of the head, they haven't moved.

875 **FRASHOUR:** They may have slightly separated in motion of - - but I would say they were still on his
876 head.

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877 **MORGAN:** Okay. And does he actually bring them back together, even closer?
878 **FRASHOUR:** I don't know.
879 **MORGAN:** Hands are still basically on the back of his head.
880 **FRASHOUR:** Yes.
881 **MORGAN:** He's standing still.
882 **FRASHOUR:** Yes.
883 **MORGAN:** The second bean bag goes off.
884 **FRASHOUR:** Oh, okay. Okay. Uh - - that part, second bean bag. I have a hard time with the second
885 bean bag. I don't know if he yet fixed himself or if he was in the process of fixing himself when the
886 second bean bag went off.
887 **MORGAN:** Okay.
888 **FRASHOUR:** I definitely keyed in on him being totally in a balanced stable position when he
889 reached. That's where everything I remember from here on very clearly.
890 **MORGAN:** Okay.
891 **FRASHOUR:** Let me - - so he kept - - the first one he kept his hands on his head for sure after the first
892 one his hands were still on his head. Uh, and the way I said it before he was being bagged again and
893 then I know when he was bean bagged he was given commands and he was given a chance to comply.
894 Honestly, that's the best I can explain it. I don't want to keep guessing about it.
895 **MORGAN:** Right, we don't want you to speculate. From the time and whether it's after the second
896 bean bag (indecipherable), from the time he regains full composure and is now standing still with the
897 hands on the back of the head. Are bean bag rounds pretty consistently still going off?
898 **FRASHOUR:** I never knew of more than the two until um, I think until maybe even after the Grand
899 Jury reading documents. I never knew. I thought there were two.
900 **MORGAN:** Okay. And so at the time you are registering that the bean bag was continually
901 going as he - -
902 **FRASHOUR:** My understanding as he ran away it was continually fired. I have no memory of that.
903 No, I didn't know that at all.
904 **MORGAN:** Did it appear that any of those rounds after he takes his hand off his head, did it appear
905 that any of those rounds had any affect? Did you see any stumbles? Did you see any pain or reaction?
906 Did you see any of that?
907 **FRASHOUR:** No, no.
908 **MORGAN:** Other than the initial stumble from the first one, did that appear to you to be a reaction to
909 the bean bag?
910 **FRASHOUR:** Well, it had to have been, I mean, yeah.
911 **MORGAN:** Did it appear to be somebody who was surprised by sudden pain? How would you
912 describe? Or was it an involuntary reaction to the force hitting him or how would you describe that?
913 **FRASHOUR:** I don't know how to describe. I mean it was very basic. He got hit in the butt or right
914 below and took a very short step forward. I'd be guessing if I said it was because it hurt him because I
915 don't know.
916 **MORGAN:** Okay. After one or two bean bags we now get into a position where he's standing still,
917 hands on head.
918 **FRASHOUR:** Uh-huh. For sure after the second one he was in position, in that, yes.
919 **MORGAN:** Does he maintain that position for any length of time before that hand comes down?
920 **FRASHOUR:** He just adjusted himself. He got himself set is the way I - - like in an athletic stance is
921 the way I'm remembering it. His feet were uh, you know, shoulder width apart and he was looking
922 south and he was balanced and upright with his upper body. That's - -

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923 **MORGAN:** Okay. And does he maintain that position?

924 **FRASHOUR:** Just to set himself, no, he doesn't maintain that a length of time.

925 **MORGAN:** Okay. And then left hand comes down.

926 **FRASHOUR:** Yes.

927 **MORGAN:** And describe, verbalize - - I realize it's hard to verbalize, as best you can the track that
928 hand takes and where exactly it goes and - -

929 **FRASHOUR:** Yeah, I understand. The left hand comes off the head, reaches very deliberately again,
930 deliberate uh, I will have a hard time with time on this. It gets messed up in my mind, the speed of
931 things, but very deliberate movement of the hand. And I described it before, straight down the middle
932 of the back, I mean I'm watching the hand go down and it goes all the way down inside his pants,
933 inside his waistband, not grabbing his belt, he didn't grab his belt. Wasn't reaching for a wallet - - into
934 his pants in the middle, kind of on butt crack is where his hand went and that was uh as his feet were
935 still set is how I remember this and I remember thinking right away like oh what, phrase that actually
936 came to my mind was oh, my gosh what are you doing, don't do that, that's just dumb. And what I was
937 telling myself was he's grabbing his gun. I can't believe he's doing that, all those statements take place
938 like right away. Uh and as he does that, like right as his hand gets in his pants uh, he turns to his right
939 and starts to run and I am sure from the outside looking in that that was like almost one big fluid move
940 - - I'm sure that diving his hand in his pants and turning to run was pretty fast, but my mind broke it
941 down in real, in chronological. And uh, again, I had no idea continual bean bag rounds are being fired
942 until much later. He starts to run straight at the silver Volvo. I had already mapped out, I had been
943 there long enough to map out escape routes and safe places to cover for him. I knew that, just like I
944 was behind that car looking at his walk. I knew that that Volvo provided him hard cover. I knew that if
945 he bypassed that Volvo that brick wall, which I had also used as hard cover, it was hard cover for him,
946 protecting him when he was going to pull out a gun and start shooting. I knew, I did not know until
947 later, I did not know even at my detective's interview that the alcove was not a pass-thru alcove to the
948 back. I didn't know there was a wall. My understanding is there's a wall. I didn't know that. I didn't
949 know if he was going to just start running through and run through the other side and confront officers
950 on the back side. They would be taken by surprise because they're hearing things, but not knowing
951 what's going on. I was very aware of all of that. As he ran, he was running, but his left hand stayed in
952 his pants and I've seen people run away from the police before with baggy pants. I've never seen
953 anybody, well, I don't think I've ever seen anybody grab the back of their pants and run away. It's
954 always they grab their pants in front and run, it's easier to run that way. His right arm was pumping
955 and running, sprinting. His left hand was down the back of his pants. It stayed there and I believe he's
956 digging for that gun. Um, I, I tracked him with my rifle. I'm sure that I was behind the curve. When he
957 started running I think I had to catch up with the gun and get it on him again. And it's almost like I was
958 waiting for him to have a chance to have an empty hand. I think I, I think I was justified in deadly
959 force when the hand went in the pants based on all the information that we've been talking about,
960 knowing he's armed and yelling. Oh, I knew I was justified then, but that wasn't when my decision to
961 use deadly force was made, not when he first reached, not when he first ran, but when he continued to
962 run and continued to have a hand in his pants. It's like I was waiting for him to give up, but I knew he
963 cannot get to the front of the Volvo, the direction he was running, I can't let him get to the Volvo. And
964 he gets to the Volvo, his hand is still down in the back of his pants and I remember getting a sight
965 picture and I remember like going and taking my eye off the front site and looking back at the hand
966 again and it was still there and I remember thinking the word jumped into my mind, gun. And I
967 remember thinking that gun, I mean the way he's moving it, it looks like he's pulling, he's about to
968 pull it out. He's going to start shooting at the police. I cannot let him shoot at the police. I cannot let

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969 him do it from a position of cover behind that car. I've got to shoot him. I mean that just all came right
970 to my mind, I thought I have to shoot him and I did. It was almost like the training totally just kicked
971 over. I, to make it clear, it was certainly not an accident and I wasn't surprised when it happened, but it
972 almost, I almost didn't have to make a conscious thought to pull the trigger. It's like that decision was
973 made for me by everything he was doing up to that point and I knew I couldn't let him get behind that
974 car. I fired. My intended target was the middle of his back. That's where I put my front site, I
975 remember putting the front site on the center of his back at one time and he went down instantly pretty
976 much. Uh, let's see and he fell, the way he fell, the way his momentum carried him was straight in
977 front of the Volvo between the Volvo and a hedge. The hedge up against the wall of number 37. I
978 could see his shoe. There was no doubt, no doubt whatsoever that he was hit by a bullet. It wasn't,
979 there was no question and he went down he was hit and he wasn't moving, but I could see his shoe. I
980 aimed at him for a second. I think I lowered my rifle to reach, or to reach my microphone. Um,
981 because I was aware of over the radio Sergeant BIRKINBINE specifically, I'm pretty sure I knew it
982 was him was saying bean bags have been fired and I'm thinking uh, well, that's not an appropriate, it's
983 not bean bags, we need to make it clear. So I know that from I know like in the CAD at the time, I
984 know that the shot was fired in my mind, it might have been a couple of seconds before it's recorded
985 because I came on the air deliberately after the shot to say, no, shots fired, it's a lethal force shot and
986 he's down. I wanted to make sure that everyone out there knew that it was a lethal force shot, not just
987 bean bags again. So I might have taken my, I know I did. I took my rifle off for just a minute to say
988 that, to say shots fired lethal force, he's down and then I brought it back up to maintain cover on him. I
989 also know that I am the only long cover there so I can't just leave now. I need to keep covering him,
990 but I yelled, I yelled in generally to my right where all the other officers were, I fired, we need another
991 long gun because I need to be relieved, not in a, not in a panic, not in a get me out of here, but just
992 understanding the way our policy and our investigations go is that I need to be moved. I maintain cover
993 until relieved. I remember it as being very quickly relieved. I understand now that I actually
994 maintained coverage while Officer WILLARD and some others I think actually ran all the way to the
995 apartments to try to get eyes on him and when he came all the way back it just seemed from that point
996 it happened very fast. An officer with an AR did come up and relieve me. I made certain Sergeant
997 BIRKINBINE knew it was me. He confirmed well, are you the one that fired? Yeah. And he said
998 you're relieved. Officer WILLARD walked me out and uh, walked out I think Sergeant BIRKINBINE
999 said report to I don't know what he said. I was told to report to whoever and it might have been the
1000 captain on the other side of the building or a lieutenant. I walked around the corner, or I walked to the
1001 north and just slightly west towards where the police cars were with my rifle slung and I said uh, I
1002 fired, do you want me to make it safe? The gun. No uh, most people aren't trained in AR-15's, I didn't
1003 know who was going to be handling it. I didn't want an unsafe firearm. I also know you're not really
1004 suppose to - - it was going to be clear that I was going to unload it, but I asked, do you want this gun
1005 unloaded and made safe and that was told no, leave it just like it is and then Lieutenant RODRIGUES
1006 walked me to his car and said just put it in here. I left it as was with the safety on, loaded though with
1007 the chamber ground in the trunk of his car. It was (indecipherable) to him and he locked it in the trunk
1008 of his car. And Officer WILLARD and I were separated right away. As soon as we came and we didn't
1009 have any and we had no discussion other than he said are you alright and I'm yeah, I'm alright. And
1010 then we were separated and I never saw him for like a week or more, I never saw him, we didn't talk.

11 **MORGAN:** Okay. Let's back up here.

1012 **FRASHOUR:** Yeah, I'm sure you have a lot - -

1013 **MORGAN:** And kind of go through this step by step here. He reaches the left hand down uh and you
1014 said it does all the way into the pants.

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1015 **FRASHOUR:** Yes.
1016 **MORGAN:** Were you confident it was inside the belt line rather than in the back pocket of the pants?
1017 **FRASHOUR:** I'm confident. Yeah.
1018 **MORGAN:** And you said his right hand was pumping in a running motion basically?
1019 **FRASHOUR:** Yes.
1020 **MORGAN:** And did the right hand stay doing that the entire time once he started moving?
1021 **FRASHOUR:** Uh, it seems like it. I just remember specifically getting a glimpse of it pumping, so I'm
1022 assuming it was the whole time.
1023 **MORGAN:** You never saw it doing anything else?
1024 **FRASHOUR:** Like reaching or something?
1025 **MORGAN:** Yeah.
1026 **FRASHOUR:** No.
1027 **MORGAN:** And the left hand remained below the beltline the entire time?
1028 **FRASHOUR:** Yes. And again, I should clarify that, why other than the obvious reasons, that's
1029 alarming to me is I'm a defensive tactics instructor and I had specifically hidden guns, small ones, in
1030 the same spot where they can't be seen from just someone viewing the beltline where you have to grab
1031 them and I've done that to new hires to people at Advanced Academy. I've done that myself, so I was
1032 aware of that. I'm aware that it can be done.
1033 **MORGAN:** And describe you have, but just to be clear. Describe how the motion of that hand was
1034 different than someone grabbing or reaching for a spot in pain.
1035 **FRASHOUR:** Okay. Well, it just seemed too methodical if he was doing it on purpose. Uh, uh, a
1036 sharp quick pain that you're not waiting for, I would think someone would, their whole body would
1037 move in response, violently arch your, your know, arch your back and grab and your feet will move
1038 and it wasn't. It was he made a conscious motion with his hand down into his pants.
1039 **MORGAN:** Okay. And describe exactly what position MR. CAMPBELL was in at the moment the
1040 shot was fired.
1041 **FRASHOUR:** He was in the act of running. He was facing directly southwest, almost west because he
1042 was getting to the point in front of that car, facing straight away from me. Now as I'm, I can get he's
1043 facing directly away from me and I'm facing slightly southwest.
1044 **MORGAN:** Okay.
1045 **FRASHOUR:** Yeah. Um, his right hand was free, but his left hand was in his pants until I shot him I
1046 saw his hand come out as he fell.
1047 **MORGAN:** Okay. And did the left hand still appear to be - - what was the left hand doing in the
1048 pants? If you can tell me.
1049 **FRASHOUR:** It looked like he was trying to remove something and I believed it to be he was trying
1050 to remove a gun to fire on the police. I mean not just try to remove a gun, trying to remove it and fire
1051 on the police behind cover.
1052 **MORGAN:** And just kind of talking big picture for a second here.
1053 **FRASHOUR:** Yeah.
1054 **MORGAN:** Describe how you assessed the threat level of MR. CAMPBELL throughout the call. Did
1055 it move, was it at times higher and at times lower? Just kind of from the time you guys get the call to
1056 the time the shot is fired, explain to me how that changes.
1057 **FRASHOUR:** Sure. Well, I wasn't involved, apparently the call took place for like an hour before I
1058 was involved. So I'm not commenting on that part of the (indecipherable), but from when I got there,
1059 yeah, there may have been some ups and downs. Uh, you know, uh, uh, you know like the kids being
1060 released was bold. It was oh good, I mean it was a relief, these kids aren't going to be hurt today and

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1061 they're safe and there's not a hostage situation. That was positive. At the same time it's like well, they
1062 were too, way too young just to be released in the parking lot by themselves. Why isn't an adult
1063 coming out? Why is he releasing the kids? Well, maybe he's ready to make good on suicide by cop and
1064 he cares enough about the children to not have them be hurt. I was aware of both of those things. Yeah,
1065 he's let the children out, but he's not out and he's planning something. That's bold. Uh, yeah, I see him
1066 come out and uh, but he's not coming out normal so that raises it a little bit. And he's yelling back and
1067 certainly from the point he came out everything was one step up, everything just kept elevating as it
1068 (indecipherable). You know, I'm uh, he's out, there's a threat. He is a threat. It doesn't mean you
1069 act on it, but he's, I've got to be aware of him. Now he's walking too fast. Now he's uh, yelling at us,
1070 which turns out to be just fucking shoot me. And now he's not putting his hands up and now he's
1071 reaching and everything was just one more notch higher in my mind all the way up to where he got
1072 shot.

1073 **MORGAN:** And just to put it as bluntly and clearly as possible. Why did you shoot?

1074 **FRASHOUR:** Sure. I shot him because I believed he presented an immediate threat of death to the
1075 other officers at the scene and myself.

1076 **MORGAN:** And walk me through how you got there. What was your - - how did you get to that
1077 conclusion?

1078 **FRASHOUR:** Because uh, uh - - I had the information that he was in possession of a firearm from the
1079 beginning of the call. That he had tried to kill himself. That he was still armed. That he had mentioned
1080 suicide by cop. All of the factors that I know of what suicide by cop means. That I know a suicidal
1081 person is rational sometimes and could be threatening and aggressive and homicidal. That he himself,
1082 not just from someone else's word, sent a text message saying, "Don't make me get my gun." That was
1083 huge. Why would I not believe you when you're going to tell me you're going to get your gun. I have
1084 to believe you. He said that, that, the determined, the plan he appeared to have when he walked out of
1085 the apartment, I don't know what it was, but it looked like he had a plan. He knew what he was doing.
1086 The fact that he was looking out the blinds. Why are you looking out the blinds? There's no other
1087 reason than other than to see the police outside. Okay. The yelling at us, verbally telling us no, now
1088 I'm not going to do what you say. Uh, the refusing to put the hands up. Uh, the reaching in the back.
1089 Now, now because I believe he's armed because of all those things I just said, he told us don't make
1090 me get your gun. And the girl said he had it on him, on his person. Okay. She said he had it on his
1091 person and he said I got a gun. Okay, now he's reaching. Now he's digging for a gun. Uh, and running
1092 away. Well, running away, no matter why he's running is not complying. But I believe he was running
1093 for hard cover, uh, to shoot that gun to kill some cops before he gets killed. Maybe he's not suicidal
1094 anymore and he just wants to kill some cops. It doesn't really matter. I'm not going to let, I am not
1095 going to let that happen. And he's running at that car and he is going to pull a gun out because he told
1096 us he was going to pull a gun out. I'm going to take him at his word at that point. I'm going to assume
1097 that he's making a threat he's serious about it and I shot him.

1098 **MORGAN:** Okay. And can you go ahead and describe for me your understanding of policy 1010.10,
1099 the use of deadly force policy. What is required for deadly force?

1100 **FRASHOUR:** Okay. I had memorized it before. I know you know that from the class. I can't give it
1101 verbatim anymore, but I understand it. I understand I can fire when I have the probable cause to
1102 believe that someone is in a death - - in an imminent or immediate danger of death or serious physical
1103 injury. To affect a capture, if the, if to let the person escape presents a great risk of death or serious
1104 physical injury, weigh the risks. Um, I acted under the part that says immediate threat of death or
1105 serious physical injury.

1106 **MORGAN:** And what is your understanding of immediate?

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1107 **FRASHOUR:** Immediate meaning uh, it's going to happen right now. Right now, in a couple of
1108 seconds, I don't mean 30 minutes, okay. Uh, I also believe he was in the act of doing that. In the act of
1109 making good on, on the threat, pulling the gun out while moving to cover. That's immediate even
1110 though he's, I will never say, I haven't said I saw the gun and he certainly wasn't shooting at us, that's
1111 immediate too because it's happening, but when it's about to, I mean it was still happening. It was still
1112 happening right now and I know in action/reaction that when I, when the gun is pointed at me and
1113 already firing I am way behind the curve and I am not going to get shots off on him before he gets
1114 shots off on us.

1115 **MORGAN:** And do you remember, have you ever received any specific training from the bureau on
1116 what immediate means as applicable to the deadly force policy?

1117 **FRASHOUR:** Uh, well, I remember the wording was changed, was it imminent to immediate and I
1118 remember there was discussion informal discussion between me and Sergeant KELLOGG actually,
1119 he's retired, coming down to it, it's the same thing. Okay. I have received so much training over the
1120 years, I'm sure that's been covered, but I can't - - I can't believe it wouldn't have been covered and I
1121 can't tell you what it was one of what immediate is and it is hard to put it into words.

1122 **MORGAN:** Okay. And then you mentioned that you're concerned that the alcove was pass through
1123 and then he might be able to reach the officers in the back.

1124 **FRASHOUR:** Right.

1125 **MORGAN:** Did you have any reason to believe that the officers in the back were not behind adequate
1126 cover themselves?

1127 **FRASHOUR:** I had no idea because I, I had other than Officer KENNA who was not behind cover
1128 when I first approached him, he was tucked away a little bit, not what I would say was covered. I had
1129 also heard them moving their positions back there. I assume they're getting in the best positions they
1130 can, but I don't know what they're doing. That threat, I want to make clear, the idea of I don't know
1131 where he's going, if he can pass through, if there's other people in apartments, I was aware of those
1132 things, those are serious things, but those were secondary to what was going to happen to us in the
1133 parking lot right now. A gun is coming out and shooting now.

1134 **MORGAN:** Okay.

1135 **FRASHOUR:** I was aware of all of it. He got shot because of what he was doing right then, right now,
1136 not because he's gonna run to the other side and shoot other officers. I had it all factored in, but I can
1137 tell you very clearly I thought a gun was coming out right now to shoot at us right now.

1138 **MORGAN:** Did you have, I know you said you never got an answer to the question. Did you have any
1139 reason to believe there was anyone in apartment 37 once CAMPBELL exited?

1140 **FRASHOUR:** No.

1141 **MORGAN:** And did you have any reason to believe there was anyone in any of the other apartments
1142 that shared the alcove?

1143 **FRASHOUR:** Yes. Well, I saw people looking from upper story windows, looking, I mean I saw
1144 people looking from the apartments. Whether or not they shared, I don't know how they connected, if
1145 they connected to the same stairwell.

1146 **MORGAN:** Did you ever receive information that the other apartments that shared the alcove were
1147 vacant?

1148 **FRASHOUR:** No, I did not.

1149 **MORGAN:** And I know you said there's a secondary concern in your mind that uh, other people in
1150 the apartments could be in danger.

1151 **FRASHOUR:** Yeah. Well, when I said that before I think I was talking about number 37. I didn't
1152 necessarily believe it to be occupied, but I didn't know.

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1153 **MORGAN:** Okay.

1154 **FRASHOUR:** I think it came across in the transcripts as me worrying about all the other apartments.
1155 I'm aware of other occupied apartments, that was a lesser concern.

1156 **MORGAN:** Did you have, based on everything that happened on the call so far uh, did the possibility
1157 that MR. CAMPBELL was going to go into a stranger's apartment and take people hostage, did that
1158 play any role in your decision to deploy lethal force?

1159 **FRASHOUR:** No, I don't think it did.

1160 **MORGAN:** And I know you talked about, and I think you used the word running away here, but
1161 correct me if I'm wrong, in your mind MR. CAMPBELL was running towards cover.

1162 **FRASHOUR:** Yes.

1163 **MORGAN:** What about his actions led you to believe he was running towards cover rather than
1164 running to get away?

1165 **FRASHOUR:** Well, it all, it all goes down to back to his threats of using a gun, getting the gun, don't
1166 make me get it, I'm serious, or do you think I'm joking, don't make me get my gun. It has to do with
1167 the things he was saying like that. That has to do with the way he was reaching. It has to do with all of
1168 those other things that I already covered, all the way to the fact that he's filling his mission, his plan
1169 and it's getting kind of covered. And then there's some things about it that are just very hard to put
1170 into, like intuition that the training and experience, the hairs on the back of your neck and your
1171 conscience telling you. That too. I mean I've seen people run away from the police just to get away
1172 and he wasn't running away from the police just to get away. I have a hard time putting it into words.
1173 He just wasn't.

1174 **MORGAN:** You talked about you couldn't let him get behind the Volvo.

1175 **FRASHOUR:** Could not.

1176 **MORGAN:** Could not let him get behind the Volvo. That was, and forgive me if I'm putting words in
1177 your mouth that that was kind of a point of no return, that was the last right there.

1178 **FRASHOUR:** Yeah.

1179 **MORGAN:** Considering that you were armed with a rifle.

1180 **FRASHOUR:** Yes.

1181 **MORGAN:** Uh, highly accurate weapon at distance.

1182 **FRASHOUR:** Yes.

1183 **MORGAN:** You believed he was armed with a handgun.

1184 **FRASHOUR:** Yes.

1185 **MORGAN:** Were you in any way not confident that if he had pulled out a gun and begun shooting
1186 that you still would have been able to successfully neutralize the threat with your superior weapon?

1187 **FRASHOUR:** Right. Uh, no I wasn't confident that - - if I understand what you're asking and clarify
1188 please. I can't let him get behind the car because that car will stop the bullets from that rifle. Yes it is a
1189 very, uh, it can be a very accurate rifle, but the more of him hiding behind a car there is while he's
1190 shooting gun, the less of him I have as a target, I could have missed. I could miss. I am very confident
1191 with that rifle, very much. I know my abilities with it. I know my training with it, but I had much more
1192 of a target while he's outside of the car versus hiding behind it. That car will stop AR-15 rounds, the
1193 rounds we use, they will not penetrate it. It is a superior weapon and that's true, but it doesn't matter
1194 because his weapon is very deadly, very much just as deadly and maybe he wouldn't have been
1195 shooting at me. Maybe he would be shooting at the other officers, other places in the parking lot, but
1196 I'm the lethal cover for other, I'm protecting the other officers as much as myself. So, just because I
1197 have a better gun and a more accurate gun doesn't mean I can allow him to get himself into a better
1198 advantage. And I can't, there's no way I can allow him to have the upper hand. Did I?

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1199 **MORGAN:** I think that answers the question, yeah. Yeah. Did you at any point in the event, I guess
1200 specifically once he emerges from the apartment, did you consider the possibility that he was
1201 unarmed?
1202 **FRASHOUR:** Well, there's always that possibility. I didn't, you know, there's always that possibility
1203 and you know, I allowed him the opportunity to give up while he was walking out. I allowed him the
1204 opportunity to give up as he's backing up. And I allowed him to get bean bagged and give up. I
1205 allowed him to start running and stop running. He could have stopped and proven he was unarmed and
1206 complied at any point in that and he didn't. I'm always aware of the possibility that somebody's
1207 unarmed or armed. But at the point with the fact that he told us he was armed, at the point he started
1208 doing the physical things he did, there is no way I was going, I believed him to be armed. It wouldn't
1209 have been reasonable to believe otherwise.
1210 **MORGAN:** And you discussed obviously, I've asked a couple of times throughout this- -
1211 **FRASHOUR:** That's okay.
1212 **MORGAN:** - - the suicide by police angle. Did you consider at any point while the event was
1213 unfolding that MR. CAMPBELL was deliberately baiting you into shooting him?
1214 **FRASHOUR:** Meaning did I think he was unarmed and just baiting? I never thought him to be
1215 unarmed once he started those things. If I thought him to be unarmed I would not have shot him.
1216 **MORGAN:** And - -
1217 **FRASHOUR:** And to clarify looking back, I understand he had no gun on him. I totally think he did
1218 what he did to look like he could, to get shot deliberately in order to die.
1219 **MORGAN:** Okay. This is kind of difficult to phrase so bear with me.
1220 **FRASHOUR:** That's fine.
1221 **MORGAN:** The Grand Jury wrote a letter after this and one of the things they talked about was a
1222 training issue where to paraphrase, they felt that you were too technically trained - -
1223 **FRASHOUR:** Over trained?
1224 **MORGAN:** Over trained on the rifle and under trained on the decision making. And just tell me about
1225 that. Do you feel at any point in this, do you feel that you were so focused on having the target picture
1226 and the techniques of shooting a rifle accurately that it impacted your decision-making ability on
1227 whether or not to fire?
1228 **FRASHOUR:** No.
1229 **MORGAN:** And it's hard to articulate - -
1230 **FRASHOUR:** I understand.
1231 **MORGAN:** - - but if you could explain to me why not.
1232 **FRASHOUR:** No, I think they're incorrect. They don't understand, the Jury, they don't uh, they'll
1233 never understand unless they spend a number of years as a police officer, it's hard to explain that to
1234 people. As I've stated a number of times, even though I'm aiming, yes, I am very highly trained with a
1235 rifle and I'm very confident with the rifle. I'm very confident with a lot of police tactics and stuff. And
1236 yes, I was focused, but I was thinking and I think I've articulated I've thought about things and escape
1237 routes and possibilities. I'm thinking of those things while this is going on. I didn't ask for a time out
1238 so I could go over and think and come back. I'm thinking while I'm doing my job and I'm thinking
1239 how dumb it is for him to be reaching into his pants. Well, I'm aiming, but I'm not shooting him yet.
1240 I'm able to, I'm controlling myself. I'm, I see him get hit with the bean bag, but I don't reflectively
1241 jerk my trigger and shoot him by accident because I'm so focused that I got to get a shot off. I didn't
1242 (indecipherable) shoot him. The, you know, I was able to - - to think I was listening to the radio. I'm
1243 saying now I can't remember everything because I can't remember, but I heard it. I had my radio on
1244 and I listen to everything. I was able to think of these things. I was aware of it right at the shot to say

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1245 why in the world would you say bean bags were fired, let's make it clear that it was a lethal force shot.
1246 I think you can hear on the radio how calm I was right afterwards. I wasn't nervous and antsy and
1247 jumping around. I was calm during the entire thing because I'm confident in my training. That doesn't
1248 mean I was so focused that I was disregarding important information. I made my thought with a lot of
1249 information.

1250 **MORGAN:** Are you okay right now?

1251 **FRASHOUR:** Yeah.

1252 **MORGAN:** Do you know where the sergeants were located, physically located when you shot?

1253 **FRASHOUR:** I do now. I didn't know exactly. I believed them to be actually farther back near the
1254 (indecipherable) in the building, but I knew they were somewhere behind and to my right.

1255 **MORGAN:** Okay. And you said that uh, you said something along with being on the air about that
1256 was a lethal shot.

1257 **FRASHOUR:** Uh-huh.

1258 **MORGAN:** Or something like that. Do you remember saying anything else to any of the other officers
1259 at the scene?

1260 **FRASHOUR:** After the shot?

1261 **MORGAN:** At the car?

1262 **FRASHOUR:** After the shot?

1263 **MORGAN:** Correct.

1264 **FRASHOUR:** Uh-huh, I do. I said, shots fired, lethal shot and he's down. I uh, said I wanted, then I
1265 wanted to make sure everyone else knew it was me that fired. We need a (indecipherable) up here, I
1266 need to be relieved, or something to that affect. I identified my -- then my relief came and I put it, and
1267 I didn't know if, I actually thought it was Officer BOYLAN, he used to be an AR-15 operator. I
1268 thought it was him that relieved me until I found out later it was I believe Officer STEVENS relieved
1269 me as the AR-15 operator. I said, probably added a little bit of you want to start explaining and also
1270 because I wanted to make sure he understood the seriousness of why this man got shot. I told him he
1271 was reaching for a gun and he went behind cover. I didn't say I think he had a gun like I was trying to
1272 defend myself. I wasn't trying to justify it. I said to him he was reaching for a gun and he was behind
1273 cover. He said, he acknowledged, and he started (indecipherable) relief.

1274 **MORGAN:** Okay.

1275 **FRASHOUR:** Other than that and the conversation, the walk up with Officer WILLARD where it was
1276 very simple, are you alright? Yeah. Are you alright? Yeah. That was it and then checking in with
1277 ultimately uh, Lieutenant RODRIGUES, here's my gun. But in the conversations of the events that
1278 took place, none. None at all.

1279 **MORGAN:** When you were saying he was reaching for a gun, that was to HUGHES then
1280 presumably?

1281 **FRASHOUR:** Yeah, I mean it was to whoever relieved me. I believed it was BOYLAN.

1282 **MORGAN:** And were any other officers close enough to be able to overhear that?

1283 **FRASHOUR:** Yeah, all of them, the same officers were still right there.

1284 **MORGAN:** Okay.

1285 **FRASHOUR:** Well, yeah, they could have heard it. We were talking loud over the dog and such.

1286 **MORGAN:** Okay. And you described where CAMPBELL fell. Describe once he's down and how
1287 much of him you were able to see?

1288 **FRASHOUR:** I almost could only see, like, it must have been his left foot, the white shoe, maybe a
1289 part of his ankle, but he fell almost completely out of side behind the car.

1290 **MORGAN:** Okay.

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1291 **FRASHOUR:** Between the car and a green hedge, I think a green hedge, a hedge of plants.
1292 **MORGAN:** And did you see the K-9 deployed?
1293 **FRASHOUR:** This is going to take me a second to explain. I was very aware that a K-9 was on the
1294 scene. I talked with Officer ELIAS about positioning the dog and I've worked with JEFF ELIAS a lot.
1295 I knew the dog was on the scene. I heard the dog barking. I understand the dog was deployed. I had no
1296 idea the dog was deployed when he was shot. In fact, I can even tell you that even if I had seen the dog
1297 running I would have shot him anyway, it wouldn't have mattered because he was pulling a gun out.
1298 That wouldn't have weighed on my decision, I don't think. But I didn't know the dog was deployed
1299 until uh, and there was some questions about that in Grand Jury. And then the Chief read me that
1300 Grand Jury's letter. She called me on the phone and I said before the Grand Jury's letter was released
1301 to the public, tell me about it. She said, she read it to me and there was the part about the dog being
1302 released and I asked her, I said Chief, a dog was released and she said yeah, it was. And I didn't know
1303 that. But like some of the other things not uh, I have a picture in my mind now of MR. CAMPBELL
1304 falling and the K-9 in the air coming from my right. I honestly don't know if that is a picture I took in
1305 my own mind because I saw it or if I've created that in my mind with information and made it, oh, I
1306 guess there was a dog and I put a dog in there. But I remember a dog jumping in mid air uh, as MR.
1307 CAMPBELL was falling. That memory would be consistent with what I've heard that Officer ELIAS
1308 did let the dog go.
1309 **MORGAN:** And you said this, but uh, in your mind did you consider waiting to fire to see if the K-9
1310 would be effective?
1311 **FRASHOUR:** No. The way I see it is that Officer ELIAS also immediately recognized him,
1312 everybody used the tool they had right at that time to stop what they all believed to be was a big, big
1313 threat. Officer ELIAS it was letting a dog go. Officer LEWTON continued to fire bean bags. And I
1314 shot him with a rifle.
1315 **MORGAN:** And do you know why anyone else didn't fire?
1316 **FRASHOUR:** Well, we all had our different jobs. I was the designated lethal cover. They didn't have
1317 guns out, lethal guns and it happened real fast.
1318 **MORGAN:** And did anyone try to approach MR. CAMPBELL in that immediate aftermath after he
1319 fell?
1320 **FRASHOUR:** While I was still on the scene I never saw anyone approach him and I understand that
1321 while I was still on the scene officers actually moved to try and get a view, although at that point my
1322 focus on things was really different. But I never saw anyone approach.
1323 **MORGAN:** Did you uh, hear or did you participate in any of the discussions about uh the practicality
1324 of approaching him by uniform or the need to call out SERT?
1325 **FRASHOUR:** No. I was sitting in a police car, radio still on, I was hearing those things. I was hearing
1326 we were still giving him commands. I couldn't hear them, but I could hear that it was Sergeant
1327 BIRKINSINE saying we're still yelling at him. I remember when they called for SERT. I remember
1328 thinking uh, he's dead, we don't need to call SERT.
1329 **MORGAN:** And what did you base that conclusion on?
1330 **FRASHOUR:** Because I knew where I aimed and I was pretty confident I hit where I aimed and I
1331 know what that round does and I knew that there, it was at its lethal and there was almost absolutely no
1332 way anyone could survive a shot to the torso with an AR-15.
33 **MORGAN:** Had you conveyed that opinion to anyone while they were trying to determine whether to
1334 approach?
1335 **FRASHOUR:** No. I was uh, I did not communicate about the incident to anyone until the attorney was
1336 there.

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1337 **MORGAN:** Okay. And do you know who was in charge of the crime scene after the shot was fired?
1338 **FRASHOUR:** I saw, well, I saw sitting out the back, sitting out in the police cars. I still saw Sergeant
1339 REYNA moving around. I heard well, Captain DAY was in charge and I knew he was on the scene. He
1340 was in charge. I saw a number, I saw Sergeant WHEELWRIGHT walking on the scene. I heard
1341 officers setting up different things and there was a number of things still taking place. And ultimately I
1342 mean the detectives came and the Chief came. Everybody came.
1343 **MORGAN:** And other than what you've already described, the tactical information given to HUGHES
1344 when he arrived to relieve you, the information that it was a lethal shot and that you were the one who
1345 shot and then the comments to WILLARD, just about are you okay on the way back.
1346 **FRASHOUR:** Yeah.
1347 **MORGAN:** Any other discussion with officers on the scene about the incident?
1348 **FRASHOUR:** No.
1349 **MORGAN:** Who was your officer that you sat with?
1350 **FRASHOUR:** I originally sat with Officer TY GARRISON and I know him somewhat. He is actually
1351 a very, was very good friends growing up with my cousin. We were able to talk about family stuff, that
1352 type of nature, very little about police work at all and nothing about the call.
1353 **MORGAN:** And do you have any idea if anyone on the scene was maintaining a crime scene log
1354 after?
1355 **FRASHOUR:** I know that were later.
1356 **MORGAN:** Did you sign one or were you asked to sign one?
1357 **FRASHOUR:** No, no I didn't. I don't think I ever signed one.
1358 **MORGAN:** Okay.
1359 **FRASHOUR:** Oh and then, I'm sorry, then I was assigned to Officer CHRIS GJOVIK as an actual
1360 (indecipherable) and when he got there and again we didn't talk about the incident.
1361 **MORGAN:** Okay. That's all I've got there.
1362 **RENNA:** I've got about four or five questions. Do you want to take a break before we start?
1363 **FRASHOUR:** I've got time.
1364 **RENNA:** Alright for the tape this is BARRY RENNA. When you first arrived and things were
1365 developing still, how much communication was there among the officers that you were with?
1366 **FRASHOUR:** The officers at the car?
1367 **RENNA:** Yeah.
1368 **FRASHOUR:** Uh, there was, there was clarification things, making sure, making sure we understood
1369 the right apartment. Making sure we understood there was a man inside with a gun. At that point still
1370 children inside. There was, reiterating that type of stuff, making sure we all understood that. Officer
1371 LEWTON was still taking some part in setting up the overall picture because I remember him talking
1372 about having officers, I found later this did happen, but I didn't know that it ultimately did, but I
1373 remember him talking about having officers go into the apartment complex to the east so they could
1374 see a more direct line to the front door. That kind of conversation. Setting up, Officer KEMPLE talking
1375 about officers for (indecipherable). Those kinds of conversations which I can voice and then when the
1376 kids came out, reiterated some of that information again. I don't know why I asked, but I asked is the
1377 guy black and I don't know now, maybe I didn't understand that he was a black male because I asked
1378 him, is he black because I saw the black kids and I maybe I thought he was white, it doesn't matter, but
1379 I clarified. So I clarified the description. I clarified again, did he say suicide by cop. Is that, yeah, and I
1380 was told yes he did and I asked and there's a gun in his pocket. (Indecipherable) kind of clarifying our
1381 discussion and then pretty well understood, it was really easy to understand when we were out there
1382 whose role was what. The bean bag guy, the lethal cover guy and - -

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1383 **RENNA:** Okay. Was there any talk among your group there at the car that if he came out that he
1384 wasn't going back in?
1385 **FRASHOUR:** No. I never heard that.
1386 **RENNA:** Okay.
1387 **FRASHOUR:** I never heard that and I read where that was said. I don't think that was said in the
1388 presence of the officers in the car, I think it was said in the alcove somewhere. I never heard that.
1389 **RENNA:** And if it was said in an alcove it was never communicated either to the people at the car or
1390 among the people at the car.
1391 **FRASHOUR:** Correct. I certainly never received that communication.
1392 **RENNA:** I'm going to kind of jump around because Sergeant MORGAN kind of covered things pretty
1393 thoroughly, so I just made some notes.
1394 **FRASHOUR:** That's fine.
1395 **RENNA:** Up to the point, I'm going to address the point when MR. CAMPBELL came out of the
1396 apartment you said that you were alarmed at his appearance because he just came out.
1397 **FRASHOUR:** Yeah, alarmed at him appearing in front of me, yes, yes.
1398 **RENNA:** Correct. That he just came out of the apartment.
1399 **FRASHOUR:** Yes.
1400 **RENNA:** Would you have been less alarmed if you had information that he was coming out?
1401 **FRASHOUR:** Yes.
1402 **RENNA:** If that had been communicated to you.
1403 **FRASHOUR:** Yeah. I mean the coming out itself was a surprise to me. I would not have been
1404 surprised if someone told me he's coming out.
1405 **RENNA:** And how did - - describe for me if you can.
1406 **FRASHOUR:** Okay.
1407 **RENNA:** You were alarmed that he just appeared. I mean that he just comes out.
1408 **FRASHOUR:** Yeah.
1409 **RENNA:** And I think you already described how you felt. How did that translate through the rest of
1410 the time that he starts side stepping and then backing up?
1411 **FRASHOUR:** Oh, it, well, I mean it didn't really matter. Other than the initial alarm of there he is,
1412 okay. Okay, now we're done there he is. Now we'll just start dealing with him. I mean now I start
1413 picking up on the way he is presenting himself. The determination of his walk, the speed of his walk,
1414 his hands are already on his head, the things he's doing, didn't really matter I guess that he did come
1415 out. It was just a matter of oh, there he is and now that's a sign of what he's doing.
1416 **RENNA:** Would it have made a difference if you knew that he was coming out at the request of one of
1417 the officers at the scene as opposed to just walking out of the apartment?
1418 **FRASHOUR:** Throughout the whole course of the - - I guess it would have shown some compliance
1419 on his part and I would have registered that as some compliance on his part. It wouldn't have affected
1420 the end result, I can tell you that. I know that's not, I'm just, but yeah, it would have shown
1421 compliance on his part and it would have taken some of the alarm off I suppose of what was going on
1422 (indecipherable).
1423 **RENNA:** You indicated that you weren't aware that the apartments connected by that same alcove
1424 were vacant. If you had that during the moments, during the time that you were out behind the police
1425 car, would that have been helpful information for you to have?
1426 **FRASHOUR:** It probably would have been helpful, it certainly wouldn't have hurt. It probably would
1427 have been helpful to know, just to know where people are.
1428 **RENNA:** And my last question.

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1429 **FRASHOUR:** Okay.

1430 **RENNA:** You indicated that you gave MR. CAMPBELL several opportunities to give up or I think

1431 that's the word you used.

1432 **FRASHOUR:** Or comply.

1433 **RENNA:** Okay. If you had known that he was coming out at the request of officers at the scene uh and

1434 then he's got his hands on his head and he's backing up and he slows down and he stops a couple of

1435 times at the request of the officers. Isn't that what he was doing?

1436 **FRASHOUR:** Yeah, that is what he was doing. I (indecipherable) what you just asked.

1437 **RENNA:** Right. Isn't he in the process of giving up?

1438 **FRASHOUR:** Well - -

1439 **RENNA:** Isn't he in the process of complying is what I'm asking?

1440 **FRASHOUR:** I see what you're saying. Do I believe he was in - -

1441 **RENNA:** If you connect all those dots - -

1442 **FRASHOUR:** Right up to that point, right?

1443 **RENNA:** Up to the point and it sounds like up to the point when he reaches into his pants.

1444 **FRASHOUR:** Well, not up to that point.

1445 **RENNA:** Up to the point - -

1446 **FRASHOUR:** Up to the point of - -

1447 **RENNA:** - - of not raising - -

1448 **FRASHOUR:** - - and yelling. I would say the appearance. Up to the point of the yelling I would say, I

1449 know I want to say it's hard - - the outward appearance, absolutely, he was doing as directed. Yes. I

1450 don't think that was his mindset, but that's me what I think and what I believe, or what I believe now.

1451 Yes, he appeared to be compliant. I was uh, for instance, I certainly and it didn't, wouldn't have shot

1452 him when he walked out the door because that's not against the law, that's not non-compliant, that's

1453 not aggressive physical resistance or anything. You know, he came out and he backed up, but a point

1454 was reached when everything changed. So, I hope I'm asking, answering what you're actually asking

1455 and if not, please ask it again.

1456 **RENNA:** No, I think you're giving your explanation as to when the event changed from - -

1457 **FRASHOUR:** The event changed - while I was alarmed at his determination of walk and the speed of

1458 the walk, that in my mind didn't justify doing anything different to him.

1459 **RENNA:** Okay. I hope I didn't interrupt.

1460 **FRASHOUR:** No, go ahead.

1461 **RENNA:** My question is just tell me or describe for us if you will how his, you described the tone of

1462 his voice and when he turned. How is that not compliant?

1463 **FRASHOUR:** That's showing the intent to engage in resistance, aggressive or physical resistance. But

1464 he's showing, now he's showing the intent because he's verbalizing the intent to not comply mixed

1465 with right about in there somewhere he's not putting his hands up when told. So he's not doing it and

1466 saying uh, what (indecipherable) what he was saying, but I just perceived it as hostile.

1467 **RENNA:** You indicated to Sergeant MORGAN that you'd had people say things like uh, I want to

1468 comply but I can't because of - -

1469 **FRASHOUR:** Yeah.

1470 **RENNA:** - - maybe an injury or something.

1471 **FRASHOUR:** I've even had people complain because the ground is wet and they question whether

1472 they really need to get on the ground and you explain to them they do.

1473 **RENNA:** Alright. Have you ever had anybody yell at you?

1474 **FRASHOUR:** Yes.

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1475 **RENNA:** And how does that turn out?
1476 **FRASHOUR:** I have never shot anybody else, so I mean, but I've seen people bean bagged where
1477 they still didn't comply, they just didn't present lethal threats, or uh, yeah.
1478 **RENNA:** I don't have anything else. Do you guys have a preference, I don't know. Go ahead, Scott.
1479 **WESTERMAN:** Okay. Starting from the beginning I'll do the best I can. They asked questions about
1480 whether or not you considered SERT and things like that. When you first got to the scene and it was a
1481 welfare check and your understanding that there's an armed person in the apartment complex with girl
1482 or kids, or both.
1483 **FRASHOUR:** Right.
1484 **WESTERMAN:** Uh, without any other information would you or have you ever heard of anybody
1485 activating SERT under those circumstances?
1486 **FRASHOUR:** I would not have. I don't know that I've ever heard anybody ever doing it.
1487 **WESTERMAN:** What are you kind of waiting for then?
1488 **FRASHOUR:** Well, I've been on a number of scenes where you let people at the scene deal with it to
1489 the extent of their abilities and we hadn't done that yet. We hadn't uh, when I'm getting there, to my
1490 knowledge when I first got there I didn't know that had we made a phone call in and we
1491 (indecipherable) the house and we don't call SERT until we've tried that stuff.
1492 **WESTERMAN:** Okay. So you had no confirmation yet that any of the information you received had
1493 actually been accurate so to speak.
1494 **FRASHOUR:** No, I didn't.
1495 **WESTERMAN:** You don't know that the aunt that called got the information, was delayed in calling
1496 911 and you call in and the guy comes out and sits there and says no, I'm fine, this was so yesterday,
1497 we're fine. I mean that could have happened, right?
1498 **FRASHOUR:** Yeah, I didn't know -- I had no idea what the chain of, or I mean, there was an aunt
1499 there, yeah there was, but I don't know the chain of calls to dispatch and --
1500 **WESTERMAN:** But you're waiting for some kind of confirmation that there is in fact a barricaded
1501 subject or a hostage situation before you actually activate SERT. In other words, the information you
1502 received did not have --
1503 **FRASHOUR:** For example --
1504 **WESTERMAN:** Right.
1505 **FRASHOUR:** If there had been text message or phone calls from MR. CAMPBELL that says, I'm in
1506 here with a gun and I'm holding these kids hostage, I'm not coming out. Yeah, that's a SERT call.
1507 That didn't happen. Nothing like that happened.
1508 **WESTERMAN:** Okay. They talked a little bit about what you knew of his history or didn't know of
1509 his history at the time you were arriving.
1510 **FRASHOUR:** Uh-huh.
1511 **WESTERMAN:** Did his criminal history have anything to do whatsoever with you actually pulling
1512 the trigger at the time you did?
1513 **FRASHOUR:** Not at all.
1514 **WESTERMAN:** Okay. Did his race have anything to do with you pulling the trigger at the time you
1515 pulled the trigger?
1516 **FRASHOUR:** No.
1517 **WESTERMAN:** Had he, while standing with his hands behind his head or locked behind his head, or
1518 whatever, had somebody on the custody team said let's go up and take him into custody. What would
1519 you have said or done?

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1520 **FRASHOUR:** I don't think that's a good idea. I would like to think that I would have stopped that
1521 from happening. I would have said no, we need to reevaluate, but no not that.
1522 **WESTERMAN:** Have you ever seen somebody make a tactical decision kind of express that tactical
1523 decision and think wait a second, that's not good, let's rethink that.
1524 **FRASHOUR:** Yes.
1525 **WESTERMAN:** So had somebody - -
1526 **FRASHOUR:** Have I asked someone to rethink their tactical decision?
1527 **WESTERMAN:** Right.
1528 **FRASHOUR:** I know I have, I can't think of a specific incident.
1529 **WESTERMAN:** So had you seen somebody say let's go up while he's standing there with his hands
1530 up, not on his knees, not with his ankles crossed, nothing like that. Well, let's go back. Why do we
1531 have people go into prone or onto their knees with their ankles crossed? Why do we do that?
1532 **FRASHOUR:** To immobilize them.
1533 **WESTERMAN:** Okay.
1534 **FRASHOUR:** To give us an advantage and take away their advantage.
1535 **WESTERMAN:** A person with their hands up - - you're a defensive tactical instructor?
1536 **FRASHOUR:** I am one.
1537 **WESTERMAN:** So a person who stands with their hands behind their head standing up, are they
1538 restricted in any way, shape or form as far as their ability to attack a person?
1539 **FRASHOUR:** Not really. Other than the fact that he would have to turn around on us, but that's a
1540 very, that's a momentary, that's easy to do. His feet aren't restrained, his hands aren't restrained from
1541 actually fighting. There's no, yeah, there's no restraint.
1542 **WESTERMAN:** Going back when they talked about the Grand Jury comment and going back to the
1543 actual moment for which you pulled the trigger. In your mind with everything you observed, what
1544 would have happened had you waited one, two or three seconds? Did it just stop or is that the battery?
1545 **MORGAN:** Well, it's running, but it's flashing at us, so that's a new one. Why don't we take a quick
1546 break here and let's make sure we're on tape because I'd hate to redo it. It's 1:10 in the afternoon,
1547 1310.
1548
1549 **MORGAN:** Okay. This is Sergeant CRAIG MORGAN. We're continuing with the interview of
1550 Officer RONALD FRASHOUR on IAD Case #2010-B-0004 and his PPA rep, Sergeant
1551 WESTERMAN was just going through a few questions with him, so SCOTT, go ahead and continue.
1552 **WESTERMAN:** I think we left with what would happen had you waited one or two seconds longer?
1553 **FRASHOUR:** Shots would have been fired by him at the police.
1554 **WESTERMAN:** One of the things that was brought up was uh, you know, you had a superior weapon
1555 with great accuracy and he had a small weapon with not nearly as good of accuracy. So why wasn't
1556 waiting for him to fire his weapon an option?
1557 **FRASHOUR:** It's just so many (indecipherable) you just can't let that happen. Just because a weapon
1558 is not accurate doesn't mean bullets won't hit people. Alright maybe he's aiming at your head and he
1559 hits you in the chest or the other way around, it doesn't matter. You just, I don't know why in the
1560 world you would wait for anyone to start firing before you stop - - you can't. I have no training at all to
1561 allow someone to starting firing.
1562 **WESTERMAN:** You mentioned that the people in the apartment complex were a secondary concern,
1563 but if he were to have the opportunity to start firing would that be an additional concern for you?
1564 **FRASHOUR:** Yes, yes. You don't know where those bullets are going to go.
1565 **WESTERMAN:** When did you find out he didn't have a gun?

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1566 **FRASHOUR:** When?
1567 **WESTERMAN:** Yeah.
1568 **FRASHOUR:** Uh, I think just before the Grand Jury.
1569 **WESTERMAN:** Was that surprising to you?
1570 **FRASHOUR:** Uh, I mean, yeah, it was surprising. It was disappointing because I realized how that
1571 would look to the media and to people. At the same, yeah.
1572 **WESTERMAN:** Have you taken people into custody that you thought were unarmed and then later
1573 found them to be armed?
1574 **FRASHOUR:** I once uh, yes. Well, I once stood in front of a subject and talked to him for about five
1575 minutes, no farther than myself to Officer DOBLER, three or four feet, for about five minutes waiting
1576 for code option to get there and he was totally compliant. He was conversational, he polite and showed
1577 no - - he didn't alarm me. And when my sergeant got there and suggested rightly so that we search
1578 everyone we were talking to, my sergeant searched him and there was a Tech 9, gigantic, almost
1579 machine-gun looking pistol in front of his pants the entire time he was talking to me.
1580 **WESTERMAN:** How about the other way around. Have you heard or thought somebody was armed
1581 and when you went to take them into custody or search them you found them to be unarmed?
1582 **FRASHOUR:** (Inaudible response.)
1583 **WESTERMAN:** Does that mean that happens?
1584 **FRASHOUR:** That happens.
1585 **WESTERMAN:** As far as the dynamics between the communication team and the custody team. The
1586 communication team for example like in a hostage negotiation team, the communication team is
1587 typically in a van parked somewhere, right?
1588 **FRASHOUR:** Yeah.
1589 **WESTERMAN:** So in this particular case you may not have known, in fact you didn't know where
1590 the communication team was actually physically located. You thought they were one place and you
1591 found out later that they were someplace else?
1592 **FRASHOUR:** Yes.
1593 **WESTERMAN:** Okay. When typically from your training experience, does the communication with
1594 the subject transfer from the communication team to the contact or custody team?
1595 **FRASHOUR:** When the contact custody team has the contact with the subject visually and can start
1596 verbally addressing that person like in this case.
1597 **WESTERMAN:** So regardless of whether he was asked to come out even though that information
1598 could have been beneficial up front, once he came out of the apartment complex, the communication
1599 team is no longer in control of communicating with him?
1600 **FRASHOUR:** Correct.
1601 **WESTERMAN:** And if they are, for example, if he comes out still talking in the telephone, what's
1602 one of the first things that you've seen or you would do as the contact person at that point?
1603 **FRASHOUR:** Hang up and listen to the direction of the officers who are in front of you who are
1604 contacting.
1605 **WESTERMAN:** Uh, we talked about your being alarmed by his sudden presence, but you articulated
1606 that and I think you articulated it well enough. I want to make sure that that in and of itself had no
1607 bearing whatsoever on whether you fired, correct?
1608 **FRASHOUR:** Yeah. I'm sorry, I'm starting to get tired and I'm not listening very well. Can you say
1609 that again?

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1610 **WESTERMAN:** We talked a little bit about you being alarmed at his sudden presence coming out of
1611 the building without knowing if - - you weren't aware that he was coming out and all the sudden he
1612 came out.

1613 **FRASHOUR:** Right.

1614 **WESTERMAN:** That in itself didn't play any part in your actually pulling the trigger?

1615 **FRASHOUR:** No.

1616 **WESTERMAN:** Uh, now you've articulated why you pulled the trigger so I'm not going to go over
1617 that. And the last thing just kind of came up, I don't know if it was from Investigator RENNA or not,
1618 but have you ever taken somebody into custody that was compliant, that while
1619 you were in the process of taking him into custody he became non-compliant?

1620 **FRASHOUR:** Yes.

1621 **WESTERMAN:** So even though MR. CAMPBELL was compliant all the way up to this point, the
1622 from what I understand from you, the reaching into his pants and then running for hard cover, those
1623 were the two primary motivations behind your firing the (indecipherable)?

1624 **FRASHOUR:** Yes.

1625 **WESTERMAN:** That's all I've got.

1626 **MORGAN:** This is going to be DAVE DOBLER.

1627 **DOBLER:** Two questions. One is when you received information on the weapon that MR.
1628 CAMPBELL had you said there was a weapon in a sock.

1629 **FRASHOUR:** Yes. A weapon in his sock in his pocket.

630 **DOBLER:** In his pocket of what?

1631 **FRASHOUR:** In his coat.

1632 **DOBLER:** Of his coat. And when he came out what he wearing a coat?

1633 **FRASHOUR:** Yes.

1634 **DOBLER:** So did that register to you hey, I have information he has a firearm and it's in a jacket and
1635 he's wearing a jacket?

1636 **FRASHOUR:** Yeah. I don't remember how - - I was certainly aware of that, I don't remember how I
1637 broke it down in my mind. It's not like I said to myself, oh, look out, he's wearing a jacket and I know
1638 he's got - - but I certainly had that information and it had weight on everything.

1639 **DOBLER:** When he came out, he came out kind of into the middle of the parking lot and then
1640 basically north towards your location behind the car?

1641 **FRASHOUR:** Yeah. East from the alcove and north to us, yes.

1642 **DOBLER:** And then the way he ran back was toward the front of the Volvo, correct?

1643 **FRASHOUR:** Yeah, it was diagonal southwest back toward the Volvo and the apartment.

1644 **DOBLER:** The area he was running to, was there any sidewalk or anything that would indicate that a
1645 normal person would have used that area, like a sidewalk back to the apartments as opposed to the way
1646 that he came out? Which would you say would have been more convenient just for the average person
1647 going back?

1648 **FRASHOUR:** Well, he was going in an area that was between the wall and the car. I mean although
1649 you can't walk through there, you have to go around the car. I don't know that I could answer that
1650 question fairly on what any other normal person would do.

1651 **DOBLER:** Did it concern you that he came out one way and then now he's leaving quickly in a
552 different direction?

1653 **FRASHOUR:** Yeah, I mean I thought he was very specifically running to the car, if not, if he gets past
1654 the car there's the brick, there's the hard cover of the alcove and I know those things and he, both of
1655 them was where he was running to, the car being the first immediate one.

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1656 **DOBLER:** One quick question. My understanding is that due south the parking lot was kind of a field
1657 or (indecipherable) open area, is that right?
1658 **FRASHOUR:** Uh-huh.
1659 **DOBLER:** Had he just run towards the open area and pulled his hands up without a weapon, would
1660 you have fired at that point?
1661 **FRASHOUR:** No.
1662 **DOBLER:** So in other words if he was not - - it was a combination of reaching for the weapon
1663 and going for hard cover.
1664 **FRASHOUR:** Yes.
1665 **DOBLER:** It was the combination of the two because when he reached you didn't fire, is that right?
1666 **FRASHOUR:** That's correct.
1667 **DOBLER:** And you were hoping that he would change his mind or do something like that that would
1668 not precipitate the use of deadly force.
1669 **FRASHOUR:** Yes.
1670 **DOBLER:** And it was when that combined with the hard cover.
1671 **FRASHOUR:** Yes.
1672 **DOBLER:** Was what caused you to do what you did.
1673 **FRASHOUR:** Yes.
1674 **DOBLER:** Okay.
1675 **MORGAN:** Okay. Just one quick follow-up that came - - I promise we're done with the last couple of
576 wrap-ups here. You mentioned in response to a question that if you had gotten some sort of
1677 information, a text from him saying I'm holding the kids hostage, I've got a gun to their heads right
1678 now, I'm not coming out. That that would be a SERT call operative clearly.
1679 **FRASHOUR:** Yeah.
1680 **MORGAN:** And we talked earlier about the one text message that actually did occur on this case,
1681 don't make me get my gun - -
1682 **FRASHOUR:** Yeah.
1683 **MORGAN:** And that that really alarmed you and was uh, really played into your thoughts on the call.
1684 **FRASHOUR:** Yes.
1685 **MORGAN:** After hearing of that text message, don't make me get my gun, at that point did it enter
1686 your head that this might be a SERT call out?
1687 **FRASHOUR:** Uh - - not a SERT call out at that point. I've been on calls where we believe the person
1688 inside may be suicidal, may be armed, but we still make communication and then we decide to walk
1689 away. I was aware of the possibility depending on how the sergeant felt things were going or how that
1690 this could become a SERT. I don't think still at that point. It could become a SERT call, or we can get
1691 up and leave. And I remember thinking both those things.
1692 **MORGAN:** Alright and then just some wrap-up questions here. Have you talked with anyone else
1693 about this case or read or heard any of the news accounts of this incident that have influenced your
1694 perception of the events?
1695 **FRASHOUR:** Um, I have read almost everything there is on it. Like I said, the part about the dog
1696 running loose, I know I didn't know that. The picture I have in my mind of the dog, I think I saw that
1697 and as my mind has unraveled things I did see it, it is possible that I read it somewhere and put it in my
98 mind. The same with the get your hands up part. I believe now after some time I heard that, but I might
1699 have not. That could have been influenced with something else.
1700 **MORGAN:** Do you feel like the key events of the incident, the crux of it, do you feel like you still
1701 have an independent recollection?

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1702 **FRASHOUR:** Yes, I do.
1703 **MORGAN:** Do you participate in the EAP brief?
1704 **FRASHOUR:** The EAP? Yes, I did.
1705 **MORGAN:** Okay. Did anything you learned there, do you feel like any of that contaminated your
1706 independent recollections of the events?
1707 **FRASHOUR:** No. Not my independent recollections, no.
1708 **MORGAN:** Do you have any information that you believe would be relevant to this case which we
1709 haven't covered here today?
1710 **FRASHOUR:** No.
1711 **MORGAN:** Anything at all related to the call that you feel we haven't gone over here today?
1712 **FRASHOUR:** No.
1713 **MORGAN:** And anybody else you think we need to talk to about this call that we wouldn't - -
1714 **FRASHOUR:** I believe everybody - - no.
1715 **MORGAN:** And keeping in mind this is an administrative review, is there anything about this incident
1716 that caused you concern or that you want to address in an effort to improve future performance?
1717 **FRASHOUR:** No.
1718 **MORGAN:** Anybody have anything else? Okay. We'll go ahead and conclude the interview then. It is
1719 1:32 p.m.
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1721
1722 10b0004trs-frashour1, 10b0004trs-frashour2
1723 Transcribed 04/19/10 @ 9:00 p.m. Ruth Harnisch
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