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

7 **Interview Date:** 03/25/2010
8 **IAD #:** 2010-B-0004
9 **Complainant:** Portland Police Bureau

12 **Interviewed:** Officer Ryan Lewton DPSST #34674

14 **MORGAN:** Okay, this is Sergeant CRAIG MORGAN. It is March 25, 2010. It is 4:10 in the
15 afternoon. We are located in an IAD interview room on the 12th floor of the Justice Center. Present
16 with me is Officer RYAN LEWTON, his PPA Rep Officer DAVE DOBLER and my IAD partner
17 Investigator BARRY RENNA. We're here on IAD case number 2010-B-0004. The associated PPB
18 case number is 10-8325. Officer LEWTON has been advised that his conduct and/or the conduct of
19 any other bureau member present on January 29, 2010 at 12800 NE Sandy Boulevard is the subject of
20 this investigation. Officer LEWTON has reviewed information necessary to be reasonably apprised of
21 the nature of the allegations of the complaint. Officer LEWTON has been informed that he is a witness
22 in the case, and that Captain Ed Brumfield is in charge of the investigation. I have advised Officer
23 LEWTON that he could have representation present during the interview and Officer DOBLER is here
24 in that capacity. Officer LEWTON has been provided a copy of the Advanced Notice and Waiver
25 Form and has signed it. Officer LEWTON, under the authority of Captain Brumfield, I am ordering
26 you to answer all of my questions fully and truthfully. If you fail to respond fully and truthfully, you
27 may be disciplined up to and including dismissal. Do you understand?

28 **LEWTON:** Yes.

29 **MORGAN:** Okay. All right. What we're here to talk about today obviously is the officer involved
30 shooting at the end of January. So let's just start with some kind of basic background questions here.
31 What's your current assignment?

32 **LEWTON:** I'm currently assigned to North Precinct, afternoon pre-relief.

33 **MORGAN:** Okay. And how long have you been there?

34 **LEWTON:** Oh, on...at North Precinct?

35 **MORGAN:** Yeah.

36 **LEWTON:** Eight years.

37 **MORGAN:** Okay. And how long have you been employed by the Portland Police Bureau?

38 **LEWTON:** Eight years.

39 **MORGAN:** Okay. So you've been there pretty much since probation?

40 **LEWTON:** Yes.

41 **MORGAN:** Okay. Any prior police experience before Portland?

42 **LEWTON:** No.

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

44 **LEWTON:** Um, my assignment was, um, my unit number was 657, so I was working 650s.

45 **MORGAN:** Okay. And are you a utility car over at North?

46 **LEWTON:** Yeah, generally. I normally...they normally put me in the 650s though.

47 **MORGAN:** Okay.

48 **LEWTON:** But technically I'm utility.

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49 **MORGAN:** Okay. And at some point during the shift you responded to a call at 12800 NE Sandy
50 Boulevard. Tell me how it came about that you were assigned to that call.

51 **LEWTON:** Sure. I was on another vandalism call, and had a couple officers down there with me.
52 And, um, I was interviewing someone involved with this vandalism, and one of the officers came up to
53 me and says, "Hey, I'm going to clear," Officer QUACKENBUSH told me, "I'm going to clear, and go
54 to this other call." I said, "Yeah, go ahead. I'm okay here for now." So, he then clears and heads to
55 this call, so, um, I finished up with my investigation of the vandalism call, and I, um, heard something
56 like, he's got eyes on the place, and it kind of perked my interest. Um, so I pulled the call up and
57 actually saw the call was in the district that I was working in that day, so I made the decision to head to
58 the call. It was a welfare check, so I made the decision to head to the call.

59 **MORGAN:** Okay. And when you pulled it up on the computer, what else did you see besides that it
60 was a 650 call and that it was a welfare check?

61 **LEWTON:** I didn't really see much, just the address, I didn't really read through the call at all.

62 **MORGAN:** Okay. And so you responded code three up there?

63 **LEWTON:** Uh-huh.

64 **MORGAN:** Okay. And tell me what happens when you arrive.

65 **LEWTON:** When I arrived, um, I parked, um...and do you have a, like a...Can I show you my
66 diagram here?

67 **MORGAN:** Yeah. I think there should be one in the report. If not, we can grab you one real quick.

68 **LEWTON:** ...there's a diagram here...the back page here. Where is it? Right here. This is the
69 diagram I used for my detective interview. But, um, when I arrived, I actually parked right here.

70 **MORGAN:** Okay.

71 **LEWTON:** I contacted Officer BOYLAN, who was right here. This is the entrance to 12800 NE
72 Sandy. And I contacted Officer BOYLAN who was in the middle of this interview with, I'm guessing,
73 the 911 caller who actually started the call. Um, he was heavily involved in this interview with this
74 guy when I walked up to him. And I say, Hey, what's going on? And he told me that there was a
75 suicidal guy...he didn't give me a lot of information, but he told me there was a suicidal guy in
76 apartment 37, which I marked 37 right here.

77 **MORGAN:** Okay.

78 **LEWTON:** And he said that, um, suicidal guy, and he's got, there was a girl in there and her three
79 kids are in the house.

80 **MORGAN:** Okay.

81 **LEWTON:** And he kind of went back to continue to interview this guy. Um, so, I then go and contact
82 Officer QUACKENBUSH, who was right here. These are all alcoves, by the way. That's an alcove,
83 that's an alcove, that's an alcove. Each alcove goes to like four apartments, I think.

84 **MORGAN:** Okay.

85 **LEWTON:** Um, and I go contact Officer QUACKENBUSH, who was right here. Because he was
86 watching down here, watching this particular alcove right here, kind of taking cover in this alcove.
87 And I go and talk to him, and I said, You know, what's going on? And he tells me there's a suicidal
88 guy in apartment number 37 and, um, he wants to commit suicide by police. And...

89 **MORGAN:** Just to stop you real quick, did you have any idea where Officer QUACKENBUSH had
90 gotten that information? The suicide by police portion?

91 **LEWTON:** No.

92 **MORGAN:** Okay.

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93 **LEWTON:** Um, he...I then decided that we needed a sergeant, so that's when I got on the air and
94 requested a sergeant to respond to our call. And that's when Sergeant REYNA was dispatched to the
95 call.

96 **MORGAN:** Okay. And what was your thought process on that? Why did you decide that?

97 **LEWTON:** Um, it was just...we have a potential, possible, you know, um, hostage situation, maybe.
98 You know what I mean? Um, we needed some...we needed a supervisor on scene to kind of
99 coordinate larger things, if we needed to call more officers and that kind of stuff. We already had three
100 officers there. I felt like we needed a supervisor on the scene to kind of coordinate the call.

101 **MORGAN:** Okay. And let me just stop you real quick and kind of go back over a couple of things,
102 and then we'll have you keep kind of going through. Um, you said when you first pulled this up in the
103 CAD, you basically saw a welfare check and address and started going. Um, did you, on the way to the
104 call, was there any radio traffic about this call that gave you more information about it?

105 **LEWTON:** I don't recall a lot. Um, I...I mean, I was driving from 42nd and Sandy to 128th and Sandy
106 in rush hour traffic code three, so I...I was really focused on the traffic at that point in time. I don't
107 recall, um, any type of updates or radio transmission driving from 42nd to 128th.

108 **MORGAN:** Okay. And so when you first contact BOYLAN on the scene, and he kind of gives you
109 the quick update, is that the first time that you learn suicidal man, gun, kids are in there, all of that?

110 **LEWTON:** Yes. That's the first time that I really started learning what was going on the call when I
111 first contacted Officer BOYLAN.

112 **MORGAN:** Okay. All right. And who was the primary officer on the call?

113 **LEWTON:** At that point in time, Officer BOYLAN was the primary officer, but since it was my
114 district, my whole plan was to get there and to kind of take over that responsibility.

115 **MORGAN:** Okay. In your mind did you feel you were primary once you arrived?

116 **LEWTON:** Well, yeah, but he was really involved in this interview, so I just kind of let him go on
117 with this interview.

118 **MORGAN:** Okay. And you mentioned that you felt like there was a possibility that this was a
119 hostage situation. Um, explain to me what your thought process was in coming to that conclusion.

120 **LEWTON:** Um, I mean...I guess it was just a scenario that I had in my mind. I didn't really have any
121 facts that this was actually a hostage situation. Um, all I knew is that we had a suicidal guy that wanted
122 to commit suicide by police, and there was three people inside that apartment with him...three or four
123 people. Actually, there were three kids in there and the woman, inside that apartment with him. So, I
124 guess, hostage situation was something that just came to my mind that could have been a possibility.

125 **MORGAN:** Okay. All right. And did you feel at that time that you were dealing with a barricaded
126 suspect?

127 **LEWTON:** Um, I guess that thought has never crossed my mind, that we were dealing with a
128 barricaded subject.

129 **MORGAN:** Okay. So, go ahead. You talk to QUACKENBUSH, kind of get the scoop of what's
130 going on down there. And what happens next?

131 **LEWTON:** Right. While the sergeant's enroute, I go over here to the manager's office, to kind of
132 find out about who actually lives in 37. Um, and the manager told me, she pulled out her records and
133 everything, she went into her office and she pulled out these records, and she told me that there is like a
134 mother, an older mother, a daughter, and the daughter has three kids. This is what the manager told
135 me. Um, and she said the ages of the kids are 6, 5, and 3. And she even gave me their names. I
136 brought my notebook here too. I've got...

137 **MORGAN:** We'll get a copy of that at the end.

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138 **LEWTON:** Yes. And she gave me her name, and she gave me some possible telephone numbers for
139 the place. So that's the information I got. Um, and then by that time, I came back and around, and
140 that's when Sergeant REYNA had arrived.

141 **MORGAN:** Okay. And so, who briefed Sergeant REYNA when she arrived?

142 **LEWTON:** Um, Officer BOYLAN did.

143 **MORGAN:** Okay. And what info...were you there when that happens?

144 **LEWTON:** Yeah. And actually, the briefing was really quick because just as she arrived, as she was
145 walking up and Officer BOYLAN and I were kind of meeting her, I mean, it was seconds when we see
146 the female that lives in 37 come walking up to us.

147 **MORGAN:** Okay.

148 **LEWTON:** So we really didn't have any time to really brief at all.

149 **MORGAN:** Okay. So, let's just back up a second. From the time you arrived until the time Ms.
150 JONES walks out, ballpark for me, how long do you think you were there before that happened?

151 **LEWTON:** Fifteen minutes.

152 **MORGAN:** Okay.

153 **LEWTON:** Twenty minutes.

154 **MORGAN:** And that time was spent basically gathering info from the other officers and the manager
155 of the apartment?

156 **LEWTON:** Right.

157 **MORGAN:** Okay. All right. And then, in the call there is some information about officers trying to
158 ping the cell phone of the female.

159 **LEWTON:** Yes, I'm sorry.

160 **MORGAN:** Were you involved with that or was that other officers?

161 **LEWTON:** Yeah...other officers tried to...because that's some of the information that I got from
162 Officer BOYLAN when I first talked to him. He told me that we're trying to ping the cell phone to see
163 if she is actually in this area.

164 **MORGAN:** Okay. And, I know you said it was quick, and then Ms. JONES came out. What
165 information got shared with Sergeant REYNA?

166 **LEWTON:** Um, I was kind of standing behind, BOYLAN and REYNA were really talking to one
167 another, and I was just standing behind them, just kind of listening in. Um, I had heard her say
168 something like, we've got him calmed down now, and then she was like, don't go in there because
169 you're just going to aggravate the situation. And then she tells us that she left her, um...well, she also
170 says that he's definitely got a gun, and the last time she saw it, it was either next to him, somewhere on
171 him, or in his jacket. And those are the three things that I had in my mind about where this gun was,
172 um, and I never really got a description of the gun, so I don't really know what kind of gun it was. But
173 she said he definitely had a gun.

174 **MORGAN:** Okay.

175 **LEWTON:** And then she also said that she had left her three kids inside apartment 37 with him.

176 **MORGAN:** Okay. All right. And, again, that's BOYLAN primarily doing that interview with her?
177 Or REYNA?

178 **LEWTON:** Yeah, in fact, it was BOYLAN and REYNA kind of talking to her, and I was just kind of
179 standing behind them, just kind of listening in.

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180 **MORGAN:** Okay. And do you know if the information about, um, it turned out to be Mr.
181 CAMPBELL, um, being calm now...did that information get broadcast to the other officers on the
182 call?
183 **LEWTON:** Um, yeah, because...well, okay, so, I know, the only officers that were on the call right
184 now were us three, and then QUACKENBUSH, and I don't know if QUACKENBUSH ever learned
185 that he was calm now.
186 **MORGAN:** Okay. Do you remember later on in the call when it started kind of growing, and you got
187 more officers on the scene, do you remember if that information ever got broadcast at a later time, what
188 Ms. JONES had said about him?
189 **LEWTON:** I don't recall.
190 **MORGAN:** Okay. And, just backing up to BOYLAN's conversation with the dad, COURTNEY
191 JONES. Did you overhear any of that conversation, or was it more of BOYLAN breaking away from
192 the conversation to brief you, and then when he went back you walked away.
193 **LEWTON:** It was more of BOYLAN breaking away from the conversation to brief me.
194 **MORGAN:** Okay.
195 **LEWTON:** I never really, um, talked to the dad. I never heard anything, any statements he made to
196 BOYLAN.
197 **MORGAN:** Okay. So you were getting that information...the information that came from the dad,
198 you were getting through BOYLAN, not overhearing it?
99 **LEWTON:** Right.
200 **MORGAN:** Okay. All right. And so, again, just kind of continuing here, so now Ms. JONES is
201 talking to BOYLAN and REYNA and kind of giving them information on what's going on. What
202 happens from there? What's the next thing that happens?
203 **LEWTON:** Um, our...one of the plans that came together at the very beginning was to...first of all,
204 Sergeant REYNA made me go get my bean bag gun right about there just in case he came out of this
205 apartment, we could start addressing him with some sort of less lethal option.
206 **MORGAN:** Okay.
207 **LEWTON:** So that's when I went and got my bean bag gun, and I had it throughout the entire
208 incident.
209 **MORGAN:** Okay.
210 **LEWTON:** Um, and one of our, one of our kind of discussions was should we just put together a team
211 and make entry into apartment 37, um, because we didn't know really what we had. But we kind of
212 talked about that for a little bit, and Sergeant REYNA made the decision not to do that because of kind
213 of the general lay-out of the place that she had gotten from, I'm guessing, the female.
214 **MORGAN:** Okay.
215 **LEWTON:** Um, so we decided to, um, not do that.
216 **MORGAN:** Can you be more specific. What about the lay-out? What was the concern?
217 **LEWTON:** I don't recall. But I think there was a long hallway or something like that, after you lead
218 into the place, and it just wasn't a tactically smart decision to make entry into a long hallway and that
219 kind of stuff.
20 **MORGAN:** Okay.
21 **LEWTON:** Um, so that's when we formed our first initial custody team, and we moved...someone
222 moved my police vehicle, which was right here, up to about right here.
223 **MORGAN:** Okay.

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224 **LEWTON:** And, um, you know, I put a...I put a rectangle as if that's a vehicle, but I can't recall if
225 that's a...okay, I think that's someone's private vehicle that was parked in that space. I can't recall if
226 that's a police vehicle or a private vehicle, but this is my police vehicle right here.

227 **MORGAN:** And just since we're on tape, you're referring to the one that's kind of canted at an angle.

228 **LEWTON:** Yes. Canted at an angle in the center of the parking lot.

229 **MORGAN:** Okay.

230 **LEWTON:** Um, and at that point in time...oh, let's back up. Before we even moved into position, I
231 called for an AR, for an AR15 to come.

232 **MORGAN:** Okay.

233 **LEWTON:** And...

234 **MORGAN:** And explain to me, was that your decision or was that made consulting with the Sergeant,
235 or how did that happen?

236 **LEWTON:** No, that was my decision to make, and I...

237 **MORGAN:** What was your thought on that?

238 **LEWTON:** My thought was that, um, I've shot the AR before, and I know that they're more of an
239 accurate weapon. I'm not certified, but I know that they're more of an accurate weapon and, um, you
240 know, we didn't want to be...if we're going to put rounds, we didn't want to be putting them all over
241 the place like a shotgun. You know, a shotgun has a certain spread at a certain distances, you know.
242 And we wanted more of an accurate weapon there, especially at a distance.

43 **MORGAN:** Okay. All right. Very good. And did Sergeant REYNA have her AR out at this point?

244 **LEWTON:** Yes. When we first moved into position here, Sergeant REYNA moved up with her AR
245 until Officer FRASHOUR arrived.

246 **MORGAN:** Okay. And was that...

247 **LEWTON:** (phone rings) I'm sorry, let me turn this off

248 **MORGAN:** Do you remember if Sergeant REYNA deployed the AR after you had already asked for
249 one over the air, or was that before, or how did that come about? Do you remember?

250 **LEWTON:** Um, it...she deployed while...I believe she deployed it while...after FRASHOUR was
251 dispatched.

252 **MORGAN:** Okay.

253 **LEWTON:** So, she deployed it from when we called for one up until FRASHOUR arrived.

254 **MORGAN:** Okay. And so you called for an AR. It becomes clear it's going to take a little while for
255 one to get there.

256 **LEWTON:** Right.

257 **MORGAN:** So REYNA assumes that role until she can be replaced. Is that kind of...?

258 **LEWTON:** Yes.

259 **MORGAN:** Okay. All right. And so you called for an AR, um, you guys moved the car up, and who
260 is where at this point and what's going on?

261 **LEWTON:** Um, we also called for...I also called for a canine to come, and...

262 **MORGAN:** And then, same question, was that your idea, or was that from REYNA or...?

263 **LEWTON:** Um...well I know early on in the call, Officer ELIAS was originally dispatched to the
54 call, but he was somehow cleared, and we thought, in case this guy comes out, we could have a canine
265 option in case he runs or something like that. So, that's why I called for the canine officer. I believe I
266 called for the canine officer. And...

267 **MORGAN:** And your thought on that was just as a containment option?

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268 **LEWTON:** Yeah. Exactly.
269 **MORGAN:** Okay. Go ahead. Sorry, I keep interrupting, but we're covering stuff we'd have to get to
270 one way or another, so....
271 **LEWTON:** Um, so, here's my car here. ELIAS takes up a position right about here because there's
272 some dumpsters over there...there's a dumpster right here he was able to kind of move into position.
273 Um, Officer KEMPLE, who had come to the call moved up with me. I'm less lethal, and then, um,
274 Officer FRASHOUR and Officer WILLARD also come up here to this car here, because FRASHOUR
275 and WILLARD are together that night.
276 **MORGAN:** Okay.
277 **LEWTON:** And so FRASHOUR takes up a position with his AR at the front of the car here. And I'm
278 kind of more above the driver's window, or whatever, with my A...with my bean bag, and then
279 KEMPLE and WILLARD are somewhere back here, or something like that. I don't know exactly
280 where they were standing.
281 **MORGAN:** Okay. All right. And then besides the four of you, the other officers on the call, where
282 are they located at this point?
283 **LEWTON:** Um, at this point in time, um, Sergeant REYNA, Sergeant BIRKINBINE, BOYLAN, I
284 want to say QUACKENBUSH, are all in this alcove right here.
285 **MORGAN:** Okay. All right. And you knew that first hand having seen them...
286 **LEWTON:** Right. I can look over and I can see them in there.
287 **MORGAN:** Okay. All right. And, I know you used the phrase custody team. What was your, um,
288 what was your role at that point, at the police car? What did you interpret your role to be?
289 **LEWTON:** Um, a less lethal operator. Um, you know, in case less lethal rounds need to be deployed.
290 **MORGAN:** Okay. And then, I guess as a whole for the group, was there a plan as far as what you
291 guys were...how you guys were going to be engaged in this call?
292 **LEWTON:** Yeah. Well, my plan was that, um, I was less lethal, FRASHOUR was lethal cover, and
293 then WILLARD and KEMPLE were going to be like a custody team go hands, actually go hands on.
294 **MORGAN:** Okay. And had that been discussed or was that a conclusion you reached in your mind
295 just based on the equipment that was present and the officers that were present?
296 **LEWTON:** Um, you know, I don't recall actually discussing it, but that was just kind of the
297 conclusion that I had in my mind.
298 **MORGAN:** Okay. And do you believe every officer on the scene was on the same page as far as that
299 was the...
300 **LEWTON:** Yes.
301 **MORGAN:** ...that that was the roles. Okay. And were you assigned to the role of less lethal operator
302 would you say? I know you said Sergeant REYNA kind of told you to go grab it.
303 **LEWTON:** Uh-huh.
304 **MORGAN:** In your mind was that you being assigned to the role of less lethal operator?
305 **LEWTON:** Yes.
306 **MORGAN:** Okay. And who was in charge of the custody team?
307 **LEWTON:** Um, in charge of the custody team...like as far as the Sergeant goes?
308 **MORGAN:** Not necessarily...who in your mind was in charge of those four officers at the car?
309 **LEWTON:** Well, I kind of believe I kind of took primary there because I did...I actually made verbal
310 commands and that kind of stuff, but we really worked together as a team, so I...there was really no
311 one, no set person in charge of the custody team.

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312 **MORGAN:** Okay.

313 **LEWTON:** Um, but I mean, we were also under the command of Sergeant REYNA and, you know, I

314 guess, Sergeant BIRKINBINE, who were in the alcove there.

315 **MORGAN:** Okay. And what was your understanding of Sergeant BIRKINBINE's role on the call

316 once he arrived?

317 **LEWTON:** Um, you know, I...to assist Sergeant REYNA, and I know, he's a negotiator, so, I'm

318 guessing he was giving advice on, let's say, as far as negotiation and that kind of stuff.

319 **MORGAN:** Okay. Is it your impression, then, that Sergeant REYNA was the incident commander

320 from the time you guys briefed her and got her up to speed?

321 **LEWTON:** Yes.

322 **MORGAN:** Okay. And did Sergeant REYNA provide you with any specific guidelines on the use of

323 force?

324 **LEWTON:** No.

325 **MORGAN:** Okay. Any discussion of rules of engagement specific to the call?

326 **LEWTON:** Um, not that I recall.

327 **MORGAN:** And were you given any specific instructions about what to do if the subject came out of

328 the apartment on foot?

329 **LEWTON:** Um, we were not given any specific instructions from Sergeant REYNA, but my...I had

330 in my mind if he did come out, we were going to address him and take him into custody, and then

331 investigate from there as far as what we needed to do.

332 **MORGAN:** Okay. And what were you going to be taking him into custody for, in your mind at that

333 point?

334 **LEWTON:** Um, some sort of...probably going to be a mental hold.

335 **MORGAN:** Okay. And did you have any information at any point during the incident that

336 CAMPBELL had threatened anyone other than himself with harm?

337 **LEWTON:** Um, not that I recall.

338 **MORGAN:** And did you have any information at any time during the incident that CAMPBELL had

339 committed a crime?

340 **LEWTON:** Not that I recall.

341 **MORGAN:** Um, I guess going back to the same kind of thing, did you have any specific instructions,

342 or in your mind, did you come to any conclusions about if he came out of the apartment and it appeared

343 he was trying to flee, what the plan would be?

344 **LEWTON:** Um, no we did not have any...we did not have any type of instructions on what the plan

345 would be then, but I'm assum...but, you know, we did have the canine there, so, um, you know, I'm

346 sure the decision would be made pretty quickly about whether or not... what we were going...how we

347 were going to address that.

348 **MORGAN:** Okay. And do you remember any specific discussion about not letting Mr. CAMPBELL

349 back into his apartment if he came out?

350 **LEWTON:** No.

351 **MORGAN:** Okay. Never overheard that at all?

352 **LEWTON:** No.

353 **MORGAN:** Okay. Um, did you participate in or overhear any conversations about activating SERT at

354 any point prior to the actual shooting occurring on this call?

355 **LEWTON:** No.

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356 **MORGAN:** Okay. Had you personally considered the thought about calling out SERT on this?

357 **LEWTON:** I don't recall.

358 **MORGAN:** Um, so, okay, once you're in position now, are you being kept up to date with
359 information about what's going on with the contact team, for lack of a better term, from the alcove.

360 **LEWTON:** Yeah, um, I...well, information is coming in like bits and pieces, but I heard, I can't recall
361 if it was over the radio or if someone just said something to us, I believe it was over the radio, that, you
362 know, we're starting to get somewhere, and that they were using...I was under the impression that this
363 guy wouldn't answer the phone, that he would only text message back and forth. That's kind of what I
364 heard from over here, um, so that they were texting him and that kind of stuff, and the information that
365 I got was, we're getting somewhere.

366 **MORGAN:** Okay. All right. And, was any information being communicated face to face? Was
367 anyone walking from the patrol car to the alcove or back?

368 **LEWTON:** No.

369 **MORGAN:** Okay. So pretty much the two teams were separated at that point?

370 **LEWTON:** Yes.

371 **MORGAN:** And remained that way for pretty much the duration of the call? Is that right?

372 **LEWTON:** Yes.

373 **MORGAN:** Okay. So any updates you got would have been via the radio then?

374 **LEWTON:** Right.

375 **MORGAN:** Okay. And do you remember who was broadcasting that information on the radio?

376 **LEWTON:** I believe it was Sergeant BIRKINBINE, but I'm not 100% positive.

377 **MORGAN:** Okay. And anything besides the update about, we're texting, we're getting somewhere?
378 Do you remember any other updates?

379 **LEWTON:** No.

380 **MORGAN:** Okay. And were you aware the children were going to be coming out when that
381 happened?

382 **LEWTON:** No.

383 **MORGAN:** Okay. Tell me what happened with that.

384 **LEWTON:** Um, I mean they...we were just, we were sitting there keeping eyes on the place, and all
385 of a sudden the three kids just appeared from the alcove.

386 **MORGAN:** Okay.

387 **LEWTON:** And I had no indication that they were going to come out at all. So, what we did was we
388 started to, you know, call for them. Come on kids. Come to us. Come to us. And they ended up
389 running down this way, north, up the alcove to some other officers who were standing right here. And
390 then who eventually brought them out of the area. I think it might have been Officer BOYLAN or
391 something like that. I don't really recall exactly who was there, but they ended up moving them out of
392 the area.

393 **MORGAN:** Okay.

394 **LEWTON:** I don't know where they went after they came around the corner.

395 **MORGAN:** Okay. And what was your reaction to the kids coming out as far as what it meant to this
396 call? Did you feel like this made the call a more threatening call, a less threatening call?

397 **LEWTON:** Yeah, I thought...I thought there was...it was almost like...it was almost to me like it was
398 more threatening, like, this guy inside is serious. He's sending out these kids, and I, yeah, I thought it
399 was a little bit more serious after he sent the kids out.

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400 **MORGAN:** Okay. And so the kids come out, and what happens at that point? You're in position.
401 Do you guys just remain in position? What happens?
402 **LEWTON:** Yeah, we kind of remained in position, and we're watching, um, just kind of watching the
403 alcove and the windows of apartment 37.
404 **MORGAN:** Okay. All right. And any more updates coming at this point from the contact people?
405 **LEWTON:** Not that I recall.
406 **MORGAN:** Okay. Do you remember a specific update coming that he had texted, "I'm not playing.
407 Don't make me get my gun."
408 **LEWTON:** Yes. Actually, I'm sorry, I do recall that update.
409 **MORGAN:** Do you remember where in the sequence of events that update was?
410 **LEWTON:** I'm sorry, I can't recall if it was before or after he brought the kids...the kids were sent
411 out.
412 **MORGAN:** Okay.
413 **LEWTON:** I want to say it was after the kids, but I can't exactly recall on when that...when that
414 texting was done.
415 **MORGAN:** Do you remember how you got that update? Was that a radio broadcast?
416 **LEWTON:** Yes.
417 **MORGAN:** And what was your interpretation of that?
418 **LEWTON:** Um, that we have a serious, serious situation on our hands right now.
419 **MORGAN:** Okay.
420 **LEWTON:** And this guy...this guy...I took that very seriously.
421 **MORGAN:** Okay. And did you at any point during the call, did you get any background information
422 on Mr. CAMPBELL?
423 **LEWTON:** Um, actually...I talked to Officer BOYLAN...it might have been after I came out of the
424 manager's office, that he told me that this guy has had some gun charges in the past. Um, and so that's
425 when I kind of got some...and I think that...yeah, just some...a violent history or something like that.
426 I didn't actually specifically look at his PPDS, but Officer BOYLAN told me that he had had some gun
427 charges in the past, and he had kind of a violent history.
428 **MORGAN:** Okay. And do you know where BOYLAN got that information? Did he look at the
429 PPDS?
430 **LEWTON:** No, I asked BOYLAN. I go, did you read the PPDS and he said yeah, I actually read the
431 PPDS.
432 **MORGAN:** Okay. All right. Very good. Um, were you aware that officers were going to be
433 attempting to talk Mr. CAMPBELL into coming out of the apartment?
434 **LEWTON:** Um, I believed that was a situation that was going to happen. No one actually specifically
435 told me, but I just assumed that someone was going to try and talk him to come out of the apartment.
436 **MORGAN:** Okay. And, I'm sorry, I'm just kind of dropping back a quick second here. Um, once the
437 kids came out, did you have any reason to believe there was anyone else inside the apartment at that
438 point?
439 **LEWTON:** No.
440 **MORGAN:** Okay. And tell me you were thinking about? What the, I guess, the big picture...what is
441 this call now to you, now that the kids and the girlfriend are out?
442 **LEWTON:** Um, an armed, suicidal guy inside apartment number 37 by himself.

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443 **MORGAN:** Okay. And so you were saying you, I guess, assumed that the ultimate goal was to talk
444 him out of the apartment?
445 **LEWTON:** Yes.
446 **MORGAN:** Were you surprised when he actually appeared?
447 **LEWTON:** Yes, I was very surprised.
448 **MORGAN:** Okay. And tell me about that.
449 **LEWTON:** Um, he comes out of this alcove right here. He's facing away from us, so he's facing
450 south. And he is sidestepping very quickly. My first thought was that he's been arrested by the police
451 many times because he thinks he knows exactly what we want him to do. So he's sidestepping,
452 sidestepping to about the center, right there. And that's when I addressed him. I tell him, stop. And
453 then I tell him, walk back slowly towards the sound of my voice. So he starts taking these giant steps
454 and almost starts like running back towards the...walking backwards or running back towards the
455 sound of my voice. I'm telling him, slow, slow, slow down. And he's not doing it. He's not slowing
456 down. He's still coming back fast at me. I finally tell him, stop. And he stops. And this is like right
457 about here, right. And I tell him...I tell him, um, I tell him again, walk back slowly towards the sound
458 of my voice, because I want...the reason why I told him to stop was because he was coming at us way
459 too fast, and I wanted to slow the situation down and take control of it again. And, um, he then starts
460 walking slowly towards the sound of my voice 'til about right here, and this is probably about ten to
461 fifteen yards away from our police car. Probably ten. And I tell him, stop, again. And that's when he
62 stops.
463 **MORGAN:** Okay.
464 **LEWTON:** And he's facing south, um, with his feet, you know, kind of shoulder length apart,
465 standing behind with his hands inter, with his hands behind his head. And that's when I tell him, do
466 exactly as we say or you will be shot. And, um, he then turns to me...he then kind of holds like this
467 and kind of just turns around like this, and says something like, just go...he said something like, go
468 ahead and shoot me. Um, and I tell him...I tell him, um...and then he moves back, so he's not like
469 continuing to look at us. He looks back and says, go ahead and shoot me, and he moves back and starts
470 facing south again. Um, I tell him, put your hands straight up in the air, because my plan was to move
471 him into the, I guess, the high risk prone position that we're taught in defensive tactics. I was going to
472 have him go down to his belly with his arms out, palms up and cross his legs, and that kind of stuff. So
473 that was my whole plan. I tell him...so I was going to have him put his hands straight up in the air, and
474 then I was going to have him turn around and face me, and then I was going to have him go down to
475 the ground. Um, I tell him, put your hands straight up in the air, and he just kind of...he stays there. I
476 tell him...and I tell him again, I said really slowly, I said, put your hands straight up in the air. And he
477 just stays there again. Um, and he was not putting his hands straight up in the air. He was standing
478 there. And that's when I fired my first bean bag round at him.
479 **MORGAN:** Okay. All right. Let's back up a little bit, and then we'll kind of go through the incident,
480 this part of it, kind of step by step here. So, you're kind of surprised when he comes out. Do you
481 remember, did anyone get on the radio and advise that he was coming out?
482 **LEWTON:** You know what, I was so into dealing with him that I wasn't...I was so into addressing
'83 him that I looked at that as my main duty right then, and that's what I was dealing with. And I don't
,84 recall anybody getting on the air and saying, he's coming out.
485 **MORGAN:** Okay.
486 **LEWTON:** Um, at that point in time.
487 **MORGAN:** And describe for me the lighting conditions as he's coming out.

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488 **LEWTON:** Um, it's dark, but it's actually pretty well lit, um, in the apartments. Um, and there's also
489 a spotlight on him, too.

490 **MORGAN:** Okay. And did the spotlight stay where it was supposed to on him, sometimes when
491 people are moving you can lose them.

492 **LEWTON:** Yeah. And with the overhead lights...the overhead lights in the...from what I remember,
493 the overhead lights in this parking lot here are pretty bright. We had enough lighting.

494 **MORGAN:** Okay.

495 **LEWTON:** I mean, it wasn't full daylight, but it was pretty good lighting.

496 **MORGAN:** And you said he came out, kind of sidestepped 'til he cleared the cars.

497 **LEWTON:** Uh-huh.

498 **MORGAN:** Is he facing away from you the whole time that he's doing this?

499 **LEWTON:** Yes.

500 **MORGAN:** Okay. And are his hands on the back of his head from the first moment you see him,
501 pretty much?

502 **LEWTON:** Yes.

503 **MORGAN:** Okay. And that was on his own? Not in response to anyone's command?

504 **LEWTON:** Right.

505 **MORGAN:** Okay. What was he wearing?

506 **LEWTON:** Um, I think he was wearing, um, blue jeans, um, some sort of jacket, longer jacket, um,
507 but I don't really know the length of the jacket because I recall seeing his underwear, I believe, when I
508 was looking at his rear end. So, I don't know if the jacket was that long to be able to cover the rear
509 end, but, um, I think he was wearing black underwear. Black like boxers. Um, dark colored boxers,
510 but that's about it, that I can remember.

511 **MORGAN:** Okay. And would you describe...you're saying that you could see his underwear. Were
512 his pants sagging did you feel like?

513 **LEWTON:** Yeah, his pants were sagging, because that's the area that I was aiming for.

514 **MORGAN:** Okay. Was it a significant sag or how, I know it's kind of hard to describe...

515 **LEWTON:** Not totally significant sag, huh-uh.

516 **MORGAN:** Okay. And could you see any skin above the underwear?

517 **LEWTON:** No.

518 **MORGAN:** Okay. And you described it today as very quick, and then in your detectives interview, I
519 think you used the phrase actually, "almost jogging" backwards when he was coming back.

520 **LEWTON:** Yes.

521 **MORGAN:** How did you interpret that? What did that mean to you?

522 **LEWTON:** I mean...I felt...I felt as if, um, he was coming back really fast for my comfort, and it was
523 almost as if he was sucking us in. Do you know what I mean? To, you know, almost planning on
524 attacking us. So, that's why I wanted to gain more control of him and tell him to stop right out there
525 because he was moving very quickly at us, from my interpretation.

526 **MORGAN:** And just explain to me what you mean by you thought that he was...

527 **LEWTON:** I mean, closing, closing distance on us to, you know, get a better shot off or attack us or
528 whatever he was going to do. What, you know, I don't know, but that's what I thought.

529 **MORGAN:** Okay. And what was the first command you remember giving him?

530 **LEWTON:** Walk slowly toward the sound of my voice.

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531 **MORGAN:** And as far as you know, were any other officers giving commands when he first
532 appeared?
533 **LEWTON:** I don't recall.
534 **MORGAN:** Did he ever act, through his body language, did he ever seem confused about what you
535 guys expected him to do?
536 **LEWTON:** No.
537 **MORGAN:** Do you remember having to raise your voice to be heard over other officers who might
538 have been yelling at the same time or...?
539 **LEWTON:** No, I think my voice was...I have a pretty loud voice at times, so I don't think my voice
540 was...it was as loud as it was going to go from the beginning.
541 **MORGAN:** Okay. And you were giving loud commands?
542 **LEWTON:** Clear, verbal commands, yes.
543 **MORGAN:** Okay. And so, he walks backwards at a really rapid pace for awhile, while you're saying,
544 slow, slow, slow. When you tell him to stop, he does so?
545 **LEWTON:** Yes.
546 **MORGAN:** Okay. And it just took one time saying, stop, as far as you remember?
547 **LEWTON:** Yes.
548 **MORGAN:** Okay. And then you told him to start coming back again, slowly, and at that point his
549 pace is noticeably slower?
50 **LEWTON:** Yes.
551 **MORGAN:** Okay. And how far do you think he travels at that slower pace before he stops again?
552 **LEWTON:** Ten yards.
553 **MORGAN:** Okay. And the second time he stops, it was also at your request?
554 **LEWTON:** Yes.
555 **MORGAN:** Okay. And so, again, just because we're gesturing a lot, to be clear for the tape, when he
556 stops, what is the command you give him at that point? Or what is the statement you make at that
557 point?
558 **LEWTON:** I tell him, um, I said to him, do exactly as we say or you will be shot.
559 **MORGAN:** Okay. And what was your rationale for using that phrasing?
560 **LEWTON:** Um, that's, you know, how we're trained in bean bag school. It's just we're trying to give
561 a, some sort of, some sort of warning prior to deploying the, deploying the bean bag gun.
562 **MORGAN:** Okay. Did you have any reasoning when you gave that warning to feel that you were
563 going to be deploying the bean bag gun imminently?
564 **LEWTON:** At that point in time? Did I have any specific reasoning at that point in time, no.
565 **MORGAN:** Okay. And so you give that warning, that's when he, with his hands still on the back of
566 his head... were his fingers interlaced as near as you could tell?
567 **LEWTON:** I don't recall. I know...I think they were just clasped on top of each other. I don't think
568 they were interlaced. I think they were just on top of each other.
569 **MORGAN:** Okay. And he does, I guess maybe a half, forty-five degree, ninety degree turn?
570 **LEWTON:** Quarter turn or whatever, yeah.
71 **MORGAN:** Okay. And looks over his left shoulder?
572 **LEWTON:** Yes.
573 **MORGAN:** And basically says, go ahead and shoot me, then, or something to that effect?
574 **LEWTON:** Correct.

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575 **MORGAN:** How many times does he say that, do you think?
576 **LEWTON:** Just once.
577 **MORGAN:** And what was his tone when he was saying that?
578 **LEWTON:** Um, it was kind of like just a, um...go ahead and shoot me. It wasn't like...it wasn't
579 screaming, it was just a, just a, I don't care-type tone, I guess. Go ahead and shoot me.
580 **MORGAN:** Okay. And he says that once. Do you say anything in reply to that?
581 **LEWTON:** Um, no.
582 **MORGAN:** Okay. And after he says it the once, he turns back, so he's now facing directly away from
583 you again?
584 **LEWTON:** Right.
585 **MORGAN:** Okay. Hands still on the back of the head?
586 **LEWTON:** Yes.
587 **MORGAN:** Okay. And what happens at that point exactly?
588 **LEWTON:** I tell him, put your hands straight up in the air.
589 **MORGAN:** Okay.
590 **LEWTON:** And he does not do that. He still stands there with his hands behind his head.
591 **MORGAN:** Um, any verbal response from him at that point that you could tell?
592 **LEWTON:** No.
593 **MORGAN:** If he had made a verbal response, do you think you would have been able to hear it?
94 **LEWTON:** Yes.
595 **MORGAN:** Okay, and keep going.
596 **LEWTON:** I tell him again, I tell him again, put your hands straight up in the air. And he does not do
597 it again. He just stands there with his hands behind his head.
598 **MORGAN:** Okay. And, so two commands to do that?
599 **LEWTON:** Uh-huh.
600 **MORGAN:** How much time between the two commands, would you say?
601 **LEWTON:** I mean, two to three seconds, put your hands straight up in the air, wait for a response,
602 doesn't do it, put your hands straight up in the air.
603 **MORGAN:** Okay. And do you feel at that point that it's possible that there was some confusion as to
604 what was expected of him?
605 **LEWTON:** No.
606 **MORGAN:** Okay. And, where do you come to that conclusion?
607 **LEWTON:** Um, I think he understood the commands that I was giving him. Because I...because just
608 by telling him to slow down and stop, walk backwards to the sound of my voice, slowly, he did it. The
609 second time I told him to stop, he was following my commands then. I don't think there was any
610 confusion about when I told him to put his hands straight up in the air.
611 **MORGAN:** Okay. And so, after the second time, put your hands straight up in the air, he's still
612 motionless more or less at that point?
613 **LEWTON:** Yes.
614 **MORGAN:** With his hands on the back of the head, facing away from you?
15 **LEWTON:** Yes.
16 **MORGAN:** Feet still shoulder width apart roughly?
617 **LEWTON:** Uh-huh.

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618 **MORGAN:** Okay. Um, how long from the time you give the second command to the time you
619 deployed the bean bag?
620 **LEWTON:** Um, maybe two seconds.
621 **MORGAN:** Okay. Do you feel it was ample time to...
622 **LEWTON:** Put his hands...
623 **MORGAN:** ...physically respond to the request?
624 **LEWTON:** Absolutely, yes.
625 **MORGAN:** Okay. And just, again, just to be clear and to articulate it, um, what was your desire in
626 getting him to go from a position of hands on the back of the head to hands straight up in the air? Why
627 was that important to you that that happen?
628 **LEWTON:** Um, because I wanted to, first of all, I was going...it opens up the palms so I could see if
629 there is any weapons in the palms. And it also kind of...if he's putting his hands straight up in the air,
630 it will naturally lift your whatever type of clothing, jackets, that kind of stuff, up so when we turn him
631 around, we could check his palms and his front waistband area.
632 **MORGAN:** Okay. And did you believe at that time that Mr. CAMPBELL was armed with a gun?
633 **LEWTON:** Yes.
634 **MORGAN:** And what was that based on?
635 **LEWTON:** Based on the information that I received from the girl that came outside the apartment;
636 her telling us that he definitely has a gun.
637 **MORGAN:** And, again, just for articulation or explanation purposes, explain how him standing still
638 and not following the command to take the hands from the back of the head to straight up in the air,
639 how in your mind did that constitute aggressive physical resistance that would justify the use of less
640 lethal?
641 **LEWTON:** The totality of circumstances, with a person that I believed was armed, not following my
642 commands. Um, I felt that was...that would more than justify aggressive physical resistance, because
643 of the potential that he's armed, he's suicidal and he's not doing what I told him to do.
644 **MORGAN:** Okay. And do you remember any commands specifically in regard to the bean bag, other
645 than the, do what we say or you'll be shot? Any other reference to the less lethal?
646 **LEWTON:** No.
647 **MORGAN:** And did you specify less lethal in that command?
648 **LEWTON:** No.
649 **MORGAN:** Okay. And was there any thought given to, um, varying the command, do what we say or
650 you'll be shot, um, considering this was suicidal subject rather than a criminal suspect?
651 **LEWTON:** No.
652 **MORGAN:** Okay, and why?
653 **LEWTON:** Um, because everything was happening so fast that, um, I felt as if I needed to act at that
654 point in time.
655 **MORGAN:** Okay. And was there any discussion about taking him into custody in front of the car
656 where he had stopped in position, and just taking him into custody from that standing position?
657 **LEWTON:** Um, we wouldn't...I was not going to do that because it would have put...I believe that it
658 would have put the custody team – FRASHOUR, or riot, KEMPLE and WILLARD, where are we
659 going to go up and grab onto him – in a very dangerous situation because he was not controlled at all.
660 He was just standing there uncontrolled, just...I mean he could have done anything. He could have
661 turned, grabbed a gun and shot FRASHOUR, or shot WILLARD and KEMPLE. So, um, I was not

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662 going to go up there and put hands on a guy until we have him on the ground face down with his arms,
663 palms up.
664 **MORGAN:** Okay. And did you hear anyone else discussing, let's just go get him. Did you hear
665 anything like that in that few seconds interval?
666 **LEWTON:** No.
667 **MORGAN:** And what was your goal in deploying the less lethal?
668 **LEWTON:** My goal was to gain compliance, to have him realize that, okay, it's time to put my hands
669 straight up in the air now.
670 **MORGAN:** Okay. And do you remember from your less lethal training, um, was compliance
671 discussed specifically as one of the acceptable goals of deploying less lethal?
672 **LEWTON:** Yeah, I think that compliance is, um, with any of our tools, you know, whether it is
673 pepper spray or baton or taser, you know, once you've gained compliance, that's the ultimate goal I
674 think, I believe with any of our tools.
675 **MORGAN:** And you made reference to the, um, feeling the need to act right away. When you got
676 him into a position where he was not moving, not saying anything, holding steady, why did you feel the
677 exigency at that point? Why did you feel like it was important to move quickly at that point?
678 **LEWTON:** Because, um, because it goes back to, um, he was uncontrolled. He was standing there,
679 he was uncontrolled, he was not following our commands. And it goes back to, was he just trying to
680 bring us in...one of my thoughts was, was he trying to bring us in. Was he planning...is he going to
681 turn around and start shooting at us. Is he going to pull a gun out of his waistband and start shooting at
682 us. He wasn't doing what we were saying to, so, I mean, from the information that we had, he was
683 armed and suicidal and, um, I felt as if we needed to take immediate action.
684 **MORGAN:** And you said it today, and you mentioned it in your detective's interview, your ultimate
685 plan was to get him into a high risk prone position.
686 **LEWTON:** Correct.
687 **MORGAN:** For lack of a better term. Um, do you know if the other officers knew that was your
688 plan?
689 **LEWTON:** No, but I think...I think that we were all on the same page.
690 **MORGAN:** Okay.
691 **LEWTON:** We never...I never turned around and said, I'm going to bring him into a high risk prone
692 position, but I think we all had the same understanding of what we were going to do.
693 **MORGAN:** Okay. And at any point had a specific custody plan been discussed? Even before he
694 came out, hey, we're going to do this, behind the patrol car, hey, we're going to do this right there in
695 the open spot? Any discussions like that occur at any point?
696 **LEWTON:** No.
697 **MORGAN:** Okay.
698 **LEWTON:** And, again, because...I think it was because we were still surprised when this guy came
699 out, altogether, so we had not discussed really how, if he did come out, where we were going to put
700 him and that kind of stuff.
701 **MORGAN:** Okay. At the...again, at the position where he's stopped and kind of frozen, before you
702 deployed the bean bag, did you feel like a taser would have been appropriate at that point?
703 **LEWTON:** No. Because we were standing over a car, and, first of all, I was unsure about the distance
704 of the taser from where we were at. Second of all, we would have had to deal with taser probe and
705 wires and that kind of stuff over the hood of the car, and it was just not the optimal situation for a taser.

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706 **MORGAN:** Okay. And so, walk me through now. So you deployed the less lethal first round...
707 **LEWTON:** Uh-huh.
708 **MORGAN:** What's the reaction? What happens from there?
709 **LEWTON:** Um, the first round hits him in the rear end. He kind of takes it, kind of like...he kind of
710 like takes it and sucks it in, you know, and then there was a, probably a one- to two-second pause
711 where I believe that he was making a plan and thinking about what he was going to do next. Um,
712 because I'm sitting there watching him, because he just kind of takes it and just kind of, you know, just
713 kind of pauses. And then his hands start to come off his head, um, and he starts to take a step, and his
714 right shoulder kind of just kind of starts to move back towards this apartment 37. In my mind
715 that...my mind is that he was starting to run. He was going to start running. Um, and that's when I
716 fired a second bean bag round at him.
717 **MORGAN:** Okay. And what was your thought? What was the rationale for the second bean bag
718 round?
719 **LEWTON:** Um, again, to make him...to gain compliance. To make him, you know, put his hands
720 above his head.
721 **MORGAN:** Okay. You had mentioned you thought he was gonna be running. Why would him
722 running have been a problem in this circumstance?
723 **LEWTON:** Um, because...because he is now moving, and, um, I think it goes back to that, I believed
724 he was armed. We were having an armed, suicidal guy not doing what we were telling him to do, and
725 he was starting to move now. And, um, it was the option that I had available to me in my hands, and
726 that's, that's what I started using.
727 **MORGAN:** Okay. All right. And do you remember, did you give any additional commands between
728 the less lethal rounds at all?
729 **LEWTON:** No.
730 **MORGAN:** Okay. And after the second bean bag round, what happens from there?
731 **LEWTON:** Um, he then starts picking up speed a little bit. I fired a third bean bag round. Um, and
732 then he's now moving pretty quickly now, fourth, and then, as I marked on this thing here, I fired a
733 fifth, and then I'm still firing at the...at kind of his rear end area. And then when I fire my sixth bean
734 bag round, that's when I hear the gun shot to my left.
735 **MORGAN:** Pretty much simultaneous with your last round, would you say?
736 **LEWTON:** Yes, just about simultaneous.
737 **MORGAN:** Okay. All right. And, um, you said there was like a one- to two-second pause, probably
738 a two-second pause between round one and round two?
739 **LEWTON:** Uh-huh.
740 **MORGAN:** Um, are two, three, four, five, six pretty much as fast as you can?
741 **LEWTON:** Uh-huh, as fast as I can go.
742 **MORGAN:** Okay. And did they all appear to impact, as best as you can tell?
743 **LEWTON:** Uh-huh.
744 **MORGAN:** Any effect whatsoever?
745 **LEWTON:** No effect at all.
746 **MORGAN:** Okay. And besides running, anything else he's doing on the way back towards the
,47 apartment?
748 **LEWTON:** Um, I lost sight of his hands.
749 **MORGAN:** Okay.

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750 **LEWTON:** After his hands came down below his shoulders, I totally lost sight of his hands.
751 **MORGAN:** Okay. Um, did he appear to be running as fast as he was capable? It's obviously hard to
752 tell how fast someone is capable...
753 **LEWTON:** Yeah, he was moving pretty quickly when he got to...when he got to when I fired my
754 sixth bean bag round.
755 **MORGAN:** Okay. And besides his hands, did the rest of his body appear to be consistent with
756 someone running full speed?
757 **LEWTON:** Um, you know, I...I was so focused on his rear end that I don't know if I really can
758 answer that question. I mean, he...I guess there's a lot of varying different answers to that question. I
759 mean, but he was moving quickly. I'll say that. I don't know if he was full speed, but he was moving
760 quickly.
761 **MORGAN:** Okay. And what exactly was he doing when you heard the lethal round fired?
762 **LEWTON:** Um, moving towards the...moving towards the front of this car here.
763 **MORGAN:** Okay. And still running at this point?
764 **LEWTON:** Yes.
765 **MORGAN:** Okay. And you could not see his hands at the time the lethal...
766 **LEWTON:** No.
767 **MORGAN:** ...the lethal shot was fired?
768 **LEWTON:** No.
769 **MORGAN:** Okay. Um, what was your assessment of the threat level Mr. CAMPBELL posed?
770 **LEWTON:** Very high.
771 **MORGAN:** And what...explain that.
772 **LEWTON:** Um, again, because he was...I believed he was armed, I believed he was suicidal, I
773 believed that, um, that...and he was not doing what we were telling him to do. And I took that as a
774 very high threat level.
775 **MORGAN:** Okay. Do you know where the sergeants were when the lethal round was fired?
776 **LEWTON:** I think they were still in this first alcove here. I'm not 100% though.
777 **MORGAN:** Okay.
778 **LEWTON:** Actually, sorry, hold on for a second. All right. I know that at some point in time, um,
779 Captain DAY had called Sergeant REYNA, and I believe they went this way. So I want to say
780 BIRKINBINE was here. And then I want to say Sergeant REYNA and Captain DAY were somewhere
781 over here.
782 **MORGAN:** To the north side of the building, basically?
783 **LEWTON:** Yes.
784 **MORGAN:** Okay. All right. Um, did you hear Officer FRASHOUR give any warnings or say
785 anything before firing the shot?
786 **LEWTON:** No.
787 **MORGAN:** Okay. Did you hear him say anything after firing the shot?
788 **LEWTON:** Yes. Um, I kind of turned to look at him, and he goes...he looks at me and says, um,
789 something like, he was reaching for his waistband. I thought he was going for a gun.
790 **MORGAN:** Okay. And do you think any of the other officers were close enough that they would have
791 heard that statement by Officer FRASHOUR?
792 **LEWTON:** Um, I know that WILLARD and KEMPLE were standing right there, but I don't know if
793 they heard him say that.

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794 **MORGAN:** Okay. Um, after the lethal shot is fired, Mr. CAMPBELL falls kind of in front of that car
795 there, can you...do you have eyes on him at that point?
796 **LEWTON:** Um, I have eyes on his feet.
797 **MORGAN:** Okay.
798 **LEWTON:** Because he went down between this...the front of this car and some bushes, and the
799 distance between that little area that he fell is probably about a foot and a half.
800 **MORGAN:** Okay.
801 **LEWTON:** Maybe even...maybe, give or take a little bit, but all I could see was his feet.
802 **MORGAN:** All right. And did you see the canine deployed?
803 **LEWTON:** Yes. Um, I don't know exactly when Officer ELIAS sent his dog, but after CAMPBELL
804 gets shot with the lethal shot, that's when the dog actually catches up with him. Um, and then follows
805 him down to where he's...where he is...where he lays in front of the car there.
806 **MORGAN:** Okay. Um, and I know time is hard on this, but is the dog on him almost immediately
807 after the shot?
808 **LEWTON:** Pretty darn close.
809 **MORGAN:** Okay.
810 **LEWTON:** I mean, we're talking...we're talking...because I think he comes in, he gets shot, he hits
811 the hood of the car and then falls down to the front of the car, and that's when the canine is almost on
812 top of him, right after he hits the hood of the car.
13 **MORGAN:** Okay. Um, based on the distance and how far the canine had to travel and whatnot, is it
814 possible the canine was enroute when the fatal shot was fired?
815 **LEWTON:** It's possible.
816 **MORGAN:** Okay. Is it possible that it was released after the shot, or do you think he got...that would
817 have been too fast to get there?
818 **LEWTON:** I don't...I don't know. I think, you know, sometimes dogs take a little bit to get going,
819 you know, as far as getting their feet set and that kind of stuff, but, um, I don't know exactly when the
820 dog was sent.
821 **MORGAN:** Okay. Had there been any discussion about releasing the dog, um, if he got to a point
822 where he wasn't following commands, or was there any discussion with ELIAS about any of that sort
823 of thing before he came out?
824 **LEWTON:** No.
825 **MORGAN:** Okay. Were you surprised to see the canine when it appeared in your field of vision?
826 **LEWTON:** Um, no, I guess I kind of expected it. I wasn't really shocked.
827 **MORGAN:** Okay. And so, once Mr. CAMPBELL is down and you've got an eye on his feet, what's
828 going on at that point? What happens next?
829 **LEWTON:** Um, at that point in time, Sergeant BIRKINBINE comes up. He's right there like a split
830 second afterwards. And he moves FRASHOUR out, and brings HUGHES in, now our AR operator
831 because HUGHES was originally on the back, back area, I guess, somewhere around here. But he had
832 moved HUGHES back around to here to the custody team. Um, and then, um, Officer BOYLAN goes
833 and acquires a pair of binoculars to kind of get an eye, get a better eye on AARON CAMPBELL to see
734 what's going on with him. Um, and we kind of made the decision, I should say Sergeant BIRKINBINE
835 made the decision to activate SERT because of ...because of the way that the area that AARON
836 CAMPBELL was laying, it made it tactically difficult to get there without any type of armor or shields
837 or whatever.

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838 **MORGAN:** Okay. And there was a few minutes there after the shot was fired and before SERT was
839 activated...

840 **LEWTON:** Uh-huh.

841 **MORGAN:** What was going on there with...I know you said BOYLAN was getting the binoculars.
842 What else was going on?

843 **LEWTON:** Um, QUACKENBUSH and KEMPLE were kind of over here near this car against the
844 building here talking, trying to make communication with AARON CAMPBELL saying, move your
845 feet. Let me see your hands. That kind of stuff, to see if...to try to get him to move a little bit so we
846 could at least get his hands, and that kind of stuff. Um, QUACKENBUSH had to leave for some
847 reason, and I go over there with KEMPLE and I go over there, and I tried to also start making
848 communication with AARON CAMPBELL.

849 **MORGAN:** And no response?

850 **LEWTON:** No response at all.

851 **MORGAN:** Okay. Um, was there any discussion about the officers on scene approaching and taking
852 him into custody?

853 **LEWTON:** Um, there was a discussion, but specifically, I did not like going up there without any type
854 of shield because I didn't like the...I felt we wouldn't have adequate cover to go up there and do...and
855 take him into custody.

856 **MORGAN:** Okay. And it was your impression it was Sergeant BIRKINBINE's decision ultimately to
57 activate SERT?

858 **LEWTON:** Yes.

859 **MORGAN:** Okay.

860 **LEWTON:** Yeah, when I say that. I didn't like it, that's what I told Sergeant BIRKINBINE.

861 **MORGAN:** Okay. Um, and who was in charge of the crime scene after the shot was fired?

862 **LEWTON:** Well, okay, I think...after the shot...directly after the shot was fired, I would say Sergeant
863 BIRKINBINE because he came right up there...right up on us.

864 **MORGAN:** Okay. And then do you know...do you have any impression on who was running the
865 scene once, you know, once things calmed down, once SERT cleared out, as a crime scene?

866 **LEWTON:** As far as sergeants go?

867 **MORGAN:** Yeah.

868 **LEWTON:** Well, I know that after SERT came out and cleared, Sergeant WHEELWRIGHT came up
869 to me, and then assigned me with another officer, and we left the area, but, I mean, I'm guessing
870 Sergeant WHEELWRIGHT...

871 **MORGAN:** Okay.

872 **LEWTON:** ...came in and took control. I don't know.

873 **MORGAN:** Okay. And did you have any discussions at the scene with any other officers about what
874 you had witnessed or what had happened?

875 **LEWTON:** No.

876 **MORGAN:** How long do you think it was before you were separated and kind of given your partner
877 officer there?

878 **LEWTON:** Twenty minutes.

879 **MORGAN:** Okay. To your knowledge, was anyone maintaining a crime scene log?

880 **LEWTON:** Um, not that I know of. That...I wasn't part of that...

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881 **MORGAN:** Okay. Um, do you feel like if you had known that officers were about to request Mr.
882 **CAMPBELL** to come outside, and that you had a little more notice that he was about to appear, do you
883 feel like that would have ultimately affected the outcome of the call?

884 **LEWTON:** No.

885 **MORGAN:** And why not?

886 **LEWTON:** Well I'm gonna be honest and say I don't know. Because I don't know if it would have
887 affected the outcome of the call. Um, just because I don't know.

888 **MORGAN:** Do you feel like your commands or your less lethal deployment would have changed at
889 all, um, if you...

890 **LEWTON:** If he did exactly...if we knew he was coming out and he did exactly the same? No.

891 **MORGAN:** Okay. And how many times have you deployed less lethal in your career?

892 **LEWTON:** I don't know the exact number. Do you want me to give you a rough number? I would
893 say ten.

894 **MORGAN:** Okay. And how long have you been certified on it?

895 **LEWTON:** Six years.

896 **MORGAN:** Okay. So it's a fairly infrequent occurrence that you actually shoot it?

897 **LEWTON:** Yes.

898 **MORGAN:** Um, and then just one last kind of technical question here, and then I'll turn it over to
899 **BARRY**. Um, on your Use of Force Form, um, which I think is almost the last page in that packet
00 there, um, at the outset where you check the reasons for use, um, you actually checked physical
901 resistance, rather than aggressive physical resistance. Any explanation for that, or any thought as to
902 why you checked that one box?

903 **LEWTON:** Um, that...I...when I filled this out, I was sitting in Starbucks with my attorney, and it
904 was a couple days after the event. I was still emotional, you know, about the whole event, so I checked
905 that under the advice of my attorney. Just checking boxes, so, um, as far as what box I checked or
906 reason, I really don't have a reason why.

907 **MORGAN:** Okay. **BARRY**, you have anything?

908 **DOBLER:** Can we take a quick break?

909 **MORGAN:** Yeah, why don't we take five minutes. We'll go off tape here. It is about 5:20, and
910 we're going off.

911
912 **MORGAN:** Okay. This is Sergeant **CRAIG MORGAN**. We're returning from our break in the
913 interview with Officer **RYAN LEWTON**. It is still March 25, and it is now 5:35 p.m. And why don't
914 we start. Investigator **RENNA** has a couple real quick follow-ups and then, Officer **DOBLER**, you can
915 go ahead.

916 **RENNA:** Can you tell me again, how you became aware, or if you became aware, of any
917 conversations between Mr. **CAMPBELL**'s girlfriend when she described what his current mental
918 situation was the day that you guys were there?

919 **LEWTON:** Um, we were...I was...again, I was kind of standing behind Sergeant **REYNA** and
920 Officer **BOYLAN** when they were talking to, kind of interviewing, um, the girlfriend, and I was kind of
921 overhearing the conversation, so that's how I became aware of that.

922 **RENNA:** Okay. And what do you remember him being described as?

923 **LEWTON:** Um, she said that he was calm.

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924 **RENNA:** Okay. Did she...did you overhear anything about him being better today than the previous
925 day?
926 **LEWTON:** Hmm, that does kind of ring a bell a little bit, but, I mean, um, it does ring a little bell, but
927 I'm not 100% positive that's exactly what I heard.
928 **RENNA:** Okay.
929 **LEWTON:** I do remember that he...I do specifically remember that he...her saying that he was calm
930 now. So, I don't recall...again, I wasn't in their little circle. I was just kind of overhearing them.
931 **RENNA:** Well, I'm just...the reason I'm asking this is the information was originally broadcast, put in
932 the call in whatever fashion that the responding officers were getting information that he was suicidal.
933 **LEWTON:** Uh-huh.
934 **RENNA:** Just wondering...I'm asking if at some point, did you personally hear or was it broadcast
935 over the radio in some fashion, that that behavior had been the day before and that he wasn't displaying
936 any of that behavior at the time you were there.
937 **LEWTON:** No. Not that...I don't recall any of that being broadcasted.
938 **RENNA:** Okay.
939 **LEWTON:** Or at least getting any of that information, I should say.
940 **RENNA:** Okay. So, if that information was obtained, it wasn't broadcast or relayed to any of the
941 other people?
942 **LEWTON:** Not to me.
943 **RENNA:** Okay. Um, when you were talking about the totality of the circumstances...
944 **LEWTON:** Uh-huh.
945 **RENNA:** Um, one of the things that you included in there was the fact that he was suicidal.
946 **LEWTON:** Correct. In the totality of circumstances, when you were referring to aggressive physical
947 resistance?
948 **RENNA:** Yeah, I believe so.
949 **LEWTON:** And then, um...can I expand on that?
950 **RENNA:** Go ahead.
951 **LEWTON:** Um, you asked me, aggressive physical resistance. Um, he...and I said the totality of the
952 circumstances, um, I would also have to include the fact that he made that text saying, I'm going to go
953 get my guns, or I'm not playing, I'm going to go get my guns. And then, he turns to me and says, go
954 ahead and shoot me. Um, that statement alone, I believe, in this circumstance with everything else, is
955 aggressive physical resistance.
956 **RENNA:** Okay. And if you took... just a sec, let me just finish up here, if you don't mind. If you take
957 suicidal out of that equation, if the information is that he is not displaying any suicidal behavior, as this
958 event is progressing and unfolding, does that change things for you?
959 **LEWTON:** I think it might change the entire call. I think it might change...if he's not suicidal, I
960 think it might change the entire call altogether.
961 **RENNA:** To what?
962 **LEWTON:** To us maybe not even responding to the call. I don't know, I mean, but...I mean, I think
963 him being suicidal was a huge part of this call from the beginning.
964 **RENNA:** Did the information that was being communicated from the alcove from either Officer
965 QUACKENBUSH, Sergeant BIRKINBINE or Sergeant REYNA about things going better, that texting
966 was taking place, did that change...did that influence any of the group that you were with behind the
967 car? Were you getting that information?

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968 **LEWTON:** We got that information that things were going better, but, I mean, we were just kind of in
969 a holding pattern right here, just kind of waiting for things to happen, you know. So, I mean, we just
970 kind of just continued just to wait for things to happen, and it didn't really change what we were doing
971 at the car.

972 **RENNA:** Okay. I think that's all I've got.

973 **MORGAN:** Go ahead DAVE.

974 **DOBLER:** I just want to get some clarity on some things, and I'm not trying to beat a dead horse, but,
975 I don't know if it's clear to me on what one of your questions was. Initially when you showed up and
976 you were at the north end of the complex and you had some information that he was doing better.
977 Right?

978 **LEWTON:** Yes. Right here.

979 **DOBLER:** They were having a little huddle, and you were kind of eavesdropping on that, getting
980 information? Correct?

981 **LEWTON:** Uh-huh.

982 **DOBLER:** Okay. And then later on...was it later on, or about the same time, or before, that you got
983 the information that, I'm not kidding. I'm going to go get my gun.

984 **LEWTON:** This was later on in the whole, um, event.

985 **DOBLER:** So, initially everything looked like it was going okay. Then it started going south, started
986 going bad when the text came out that, yeah, I'm not playing around?

87 **LEWTON:** Right.

988 **DOBLER:** Okay. So when you're talking about the totality of the circumstance, did it appear that this
989 call changed from something that, okay, maybe we're doing okay, to now things are not going well.
990 This man has a gun and he's talking about going and getting his gun?

991 **LEWTON:** Yes.

992 **DOBLER:** Okay. Can you also talk about some of the other factors when you're talking about the
993 totality, because police, we're so used to saying the totality, but really explaining it to somebody that is
994 reading this, it's going to be different. So, kind of from start to finish, can you go over some of those
995 factors that you're considering as the totality of the circumstances?

996 **LEWTON:** We knew he was armed. We knew he was suicidal. We, um, he was not doing what we
997 were telling him to do. Um, we have the information about him going and getting his guns, and that he
998 was not playing around. And that we told him...or he turns and tells us, go ahead and shoot me. And I
999 tell him to put his...and he's walking, he's just assuming that he knows what we want him to do, and
1000 he's just doing it. He's not following any commands. He's not doing what we tell him to do. He's
1001 just doing what he thinks needs to be done, he's just doing what he wants to do, you know, and he's
1002 not doing what we tell him to do.

1003 **DOBLER:** You alluded in your earlier testimony where you said that he was kind of looking around.
1004 I think you mentioned, over his left shoulder?

1005 **LEWTON:** Yes. So he was getting...he was looking almost...looking directly at us, so he kind of
1006 turned around and looked to us, as if he was kind of gauging where we were at, you know. Plus, he
1007 had been around this entire area already, so he, I mean, he could have been formulating plans. So, he
1008 knew...he knew this entire area and we didn't know this area because we hadn't been up there.

1009 **DOBLER:** Okay. And when he initially started to run back, you had already given testimony that you
1010 believed that he was armed. Is that correct?

1011 **LEWTON:** Yes.

1012 **DOBLER:** And he was running back towards what?

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1013 **LEWTON:** He was running back towards this car right here, back towards this area right here, and we
1014 didn't know...we didn't know...we hadn't cleared this car. We didn't know...but we knew there was
1015 this car there, and I knew at least that it could provide cover for him, and I didn't...I also didn't know
1016 who else was inside this apartment right here. I hadn't actually physically been inside the apartment, so
1017 I don't know who else was in here, or...

1018 **DOBLER:** Did you know anything about that car? Did it belong to him, or a friend, or could there be
1019 something else in that car that maybe you didn't want him to get to?

1020 **LEWTON:** I knew nothing about that car, but there's a thousand possibilities.

1021 **DOBLER:** Okay. Um, can I just take a look at my notes here? I wanted to also mention, Sergeant
1022 MORGAN had asked the question, you know, which is a good question, is why not when his hands are
1023 kind of behind his head, why not just go up and approach him? Can you talk about cover and
1024 concealment and tactical planning in order to do that safely.

1025 **LEWTON:** It all comes down to control. Um, first of all, our cover, it's adequate cover. It's not
1026 behind a brick building. I mean, it's okay cover, but it's not great cover. Um, and we had not...I
1027 mean, we had not seen the palms of his hands, so we didn't know if he was carrying, had a gun, a small
1028 gun in his hands, you know, and he...there was no control. He wasn't controlled. He was just standing
1029 there. He had the position of power on us. If we...if we had moved beyond what cover that we had,
1030 these officers would have had zero cover. And all he needed to do was turn around and shoot at them,
1031 you know, and they wouldn't have had any cover at all. And, um, he was not controlled at all. That's
32 why we were not going to approach him unless he was face down on the ground with his palms in the
1033 air, and we knew that we had good control over him. And we had a position of...we had a position...it
1034 was just not tactically safe to go up there and just grab onto someone.

1035 **DOBLER:** You had mentioned earlier that your plan, your plan since you were basically the contact
1036 officer, giving the verbal commands, but in your mind your plan was to prone him out. Why do we
1037 prone people out?

1038 **LEWTON:** Um, it's the...I would say it's the best control we can have over someone in the field,
1039 because they're face down. I mean, just by their, you know, their muscle structure, you know,
1040 everything, all their muscles are face down to the ground, so they...you can't...they can't...if you go
1041 up and put them in, take them into custody, they can't fight you very well from a prone position.

1042 **DOBLER:** In a prone position, are their legs usually crossed so they can't get up and run?

1043 **LEWTON:** Yes. Legs are crossed, arms...palms are straight up from the ground...straight up in the
1044 air, and you usually have them put their ear, either ear, an ear on the ground to where they're looking
1045 away from you.

1046 **DOBLER:** So, why do you want them looking away from you?

1047 **LEWTON:** So they cannot see your approach to them.

1048 **RENNA:** You said that he was doing what he wanted to do. Explain that to me.

1049 **LEWTON:** He was making his own decisions about what he was going to do. I mean, because no one
1050 was giving...no one told him to come out and side step to us, he just did it. So, he was making his own
1051 decisions about what he was going to do.

1052 **DOBLER:** How many times did you tell him to stop?

1053 **LEWTON:** I told him to stop twice. I told him to stop right there, in the center area, or, I should say
1054 ten yards, and then I told him to stop again after another ten yards. So I told him to stop twice.

1055 **RENNA:** And did he do that?

1056 **LEWTON:** Yes.

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1057 **RENNA:** Okay. Um, after he first came out and he was doing those sidesteps, and you said that, if I
1058 remember correctly, he was backing up pretty fast.

1059 **LEWTON:** Uh-huh.

1060 **RENNA:** Large strides, after that, um, was he taking action that was going against what you were
1061 directing him to do?

1062 **LEWTON:** The only time he followed what I told him to do is when he was coming back at me really
1063 quickly, I told him to stop. That's the first time he did anything I told him to do. I told him to walk
1064 back towards the sound of my voice slowly. He did that too. And then I told him to stop again. That's
1065 the only time that this guy did what I told him to do.

1066 **RENNA:** Okay. I have one more question.

1067 **LEWTON:** Okay.

1068 **RENNA:** Um, have you ever had someone, other than Mr. CAMPBELL in this situation, say to you,
1069 go ahead and shoot me?

1070 **LEWTON:** No. And that's actually... goes back to the totality of the circumstances. I had never had
1071 anybody tell me that directly. I was thinking about it. I had never had anybody tell me, go ahead and
1072 shoot me. And when I've actually pointed the bean bag gun at them, because...I've never had that
1073 happen.

1074 **RENNA:** Okay.

1075 **MORGAN:** And just one more quick one from me, and then we've just got a couple kind of catch alls
76 at the end here. Um, you said it a couple times, both in relation to a discussion with your fellow
1077 custody officers about exactly what steps you were going to have to take to get him prone, um, and
1078 then again when I asked you if you considered issuing different commands rather than the standard, do
1079 what we say or you'll be shot.

1080 **LEWTON:** Uh-huh.

1081 **MORGAN:** ...since he was suicidal. Um, and your response I think in both those circumstances was,
1082 you know, he was coming out so fast and everything was just happening so fast.

1083 **LEWTON:** Uh-huh.

1084 **MORGAN:** My question is, um, from the time the kids came out to the time he came out, per the
1085 CAD, and we can look at the exact time, and it was roughly thirty minutes, um, what was going on at
1086 the patrol car at that point? Was there any planning discussion being done, or what exactly was being
1087 done at the patrol car for that, for that half hour?

1088 **LEWTON:** We were really...we were really just kind of focusing on the windows and seeing if we
1089 saw any movements in the windows and that kind of stuff. Um, we weren't really discussing a plan of
1090 how if he did come out, how we were going to take him into custody.

1091 **MORGAN:** Okay.

1092 **LEWTON:** Um, we...because it was a total surprise to us when he actually did come out. Now, um,
1093 if we did have...our previous information...if we did have information about him coming out, we may
1094 have then had a discussion about, okay, you know, KEMPLE and WILLARD, you guys are going to go
1095 hands on, you guys are the arrest team, and then from there on.

1096 **MORGAN:** Okay. In hindsight, do you feel there was ample time to discuss that tactical plan
1097 between the time the kids came out to the time he came out?

1098 **LEWTON:** Um...

1099 **MORGAN:** Was there enough of a break in the action to allow that to happen?

1100 **LEWTON:** There was a large break, but, um...there was a large break.

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1101 **MORGAN:** Okay. Did you have one more follow-up before...? Okay. And then just, oops, I'm
1102 sorry. Go ahead. We're jumping around on you here a little bit.
1103 **RENNA:** Um, you were there pretty early on.
1104 **LEWTON:** Uh-huh.
1105 **RENNA:** So, my question is, was there any...did you overhear, or were you part of any discussion
1106 about if Mr. CAMPBELL came out of the apartment, he was not going to be allowed to go back in?
1107 **LEWTON:** There was...what I recall now is that there was a...I kind of recall something, and I don't
1108 really know, I believe maybe it was with Sergeant REYNA or whoever it was with, I'm not really sure,
1109 but I...you know, to be honest with you, I don't...I kind of recall something about not letting him back
1110 in, but I don't really recall being actively engaged. It doesn't really come or strike my mind as an
1111 active conversation that I had with someone. I can't really think of who specifically it was with.
1112 **RENNA:** Was that discussed among the group of officers that you were with behind the car?
1113 **LEWTON:** Um, no, not with us there.
1114 **RENNA:** Among yourselves, outside the presence of a sergeant?
1115 **LEWTON:** Not that I recall.
1116 **RENNA:** Okay. Do you know if Sergeant REYNA communicated that to anybody that wasn't there
1117 early on like you?
1118 **LEWTON:** Not that I recall. I don't remember.
1119 **RENNA:** And what would...what would something like that be...why would that plan be there in the
20 first place?
1121 **LEWTON:** Well, if he does come out. You'd have to look at it tactically. I mean, I'm trying to
1122 answer your question here. Um, but, I guess, if he does come out, he could come out and take a look
1123 at what our set up is and that kind of stuff, and then go back in and get his guns and start firing on our
1124 positions, I guess. I don't...I...
1125 **RENNA:** Okay. That's all I've got.
1126 **MORGAN:** Okay. All right. Um, have you talked with anyone else about this case, or read or heard
1127 any of the news accounts of this incident, that you feel have influenced your perception about what you
1128 saw or observed?
1129 **LEWTON:** That have influenced my perception? No.
1130 **MORGAN:** Okay. Um, did you participate in the EAP debrief?
1131 **LEWTON:** Yes.
1132 **MORGAN:** Anything you learned there that you feel like that has contaminated your independent
1133 recollections at all?
1134 **LEWTON:** No.
1135 **MORGAN:** Okay. Do you have any information that you believe would be relevant to this case
1136 which we haven't covered here today?
1137 **LEWTON:** Just my notebook.
1138 **MORGAN:** Okay. Anything related to the call at all that we didn't discuss that we should have?
1139 **LEWTON:** No.
1140 **MORGAN:** Okay. Anybody else that we should talk to that you think we're unaware of?
41 **LEWTON:** No.
1142 **MORGAN:** Okay. Um, and finally, keeping in mind that this is an administrative review, is there
1143 anything about this incident that caused you concern or that you want to address in an effort to improve
1144 future performance?

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1145 **LEWTON:** No.
1146 **MORGAN:** Okay. Anybody got anything else? Okay, we'll go ahead and conclude the interview
1147 then. It is 5:54 p.m.
1148
1149 10b0004trs-lewton
1150 Transcribed 0402/2010 / 10:45 p.m. Gayle Laird (0402gl02)

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