

February 10, 2010

Michael D. Schrunk  
District Attorney  
Multnomah County Courthouse  
1021 SW 4th Avenue, Room 600  
Portland, Oregon 97204

Dear Mr. Schrunk,

We are Multnomah county Grand Jury 1, session 1. We began our service for Multnomah County on 1/12/10. Our service ended at 8:30 P. M. on 2/9/10, when we finished deliberation over testimony for Grand Jury Case #108, the police shooting of Aaron Campbell at the Sandy Terrace Apartments on 1/29/10.

After significant testimony in the Aaron Campbell case, study of the relevant laws, and deliberation amongst ourselves, we the grand jury determined that we could not indict Officer Ron Frashour on any criminal charge. That is not to say that we found him innocent, agreed with his decisions, or found that the police incident at Sandy Terrace was without flaw. What we found was that Officer Frashour's actions were consistent with the relevant laws and statutes regarding the use of deadly force by a police officer. After much discussion, we realized we could not indict for emotional reasons, when the legal reason indicated otherwise. This was very difficult for us as a grand jury, as our sympathies lie with the Campbell family and the mood of the community. As a group, we are outraged at what happened at Sandy Terrace.

We know something went terribly, terribly wrong at Sandy Terrace and that Aaron Campbell should not have died that day. He was not accused of a crime. The police were called to do a "welfare check" because Mr. Campbell was distraught over his brother's death and family members were worried about him. We feel that his death resulted from flawed police policies, incomplete or inappropriate training, incomplete communication, and other issues with the police effort. We feel strongly that something must be done to correct this, and the Portland Police Bureau (PPB) should be held responsible for this tragedy. However, the charter of the grand jury does not include indicting or censuring the Portland Police Bureau. We are hoping you can help make the police department aware of the problems we have observed. The public also needs to know what went wrong, and what measures will be taken to insure that this never happens again. We also feel that the recorded Grand Jury testimony should be made public -- in particular, that of Officer Frashour. By bringing information to the public, perhaps others will come to understand why there is no indictment. With understanding and a plan for correction, perhaps the community unrest over this case will ease; perhaps the healing process can begin.

As you know, it is not the Grand Jury's responsibility to assess actual guilt, assign punishment, or try a case. A grand jury is chartered to determine if, based on the evidence presented with no contradictory evidence, we feel that a jury would find the defendant guilty of the crimes with which they are charged. In the end, we were convinced that a jury would not convict Officer Frashour. In fact, we could find no crime committed. The use of deadly force by a police officer is considered justifiable under very specific conditions, and in this case the applicable conditions were whether or not Officer Frashour believed he or his fellow officers were in imminent danger. We found Officer Frashour to be a serious and sincere young man who was credible and honest in his testimony. In our deliberations we came to agree that he genuinely believed Aaron Campbell was armed and dangerous, and was running for "hard cover" in order to fire on the police. Later it was found that Mr. Campbell was

not armed, and that, sadly, will be Officer Frashour's issue to resolve within himself, probably for a very long time.

The Sandy Terrace police scene had many problems. Here are a few of our observations.

The command post where Officer Quackenbush was negotiating with Mr. Campbell via telephone, and the tactical unit in the middle of the parking lot, were only a few feet apart. Those feet were not in the line of any potential danger from Mr. Campbell in his apartment. Yet no one communicated to the tactical group, at least not to Officer Frashour, the status of the negotiation or that Mr. Campbell had specifically and emphatically said he was not going to hurt himself or anyone else. We felt this was a critical error, as knowledge of Campbell's statements could have made a difference in Ron Frashour's decision to use or not use deadly force. His testimony indicated he made his decision to shoot based on the information he had gleaned from PPB's CAD system while he was coming to the site and what he learned when he first arrived on the scene, prior to setting up his gun in the middle of the parking lot.

Apparently there were insufficient personnel on site to address the issues of a person in the midst of an intense personal tragedy, as was Mr. Campbell. If ever there were a case that required specially trained individuals and required handling with kid gloves, this was the one. No family members were brought in to help him. The closest was Officer Quackenbush, who was very effective as a negotiator with Mr. Campbell, and who clearly offered him moral support and sympathy.

The grand jury heard testimony from 30 witnesses or more, but one person we did not hear was Sgt Reyna, the officer in charge of managing the scene. While we did not need her testimony to determine if Officer Frashour should be held over for a crime, Sgt Reyna's testimony may have provided information that could answer some of the questions regarding why this incident went so wrong. It seems that each officer was given his or her small piece of the puzzle, but there was little evidence to indicate they were communicating and working as a team instead of as a group of individuals. Officer Frashour did not know about the negotiation phone calls with Mr. Campbell, or much about Campbell's mental state. Additionally, the tactical team did not take proper advantage of the K9 team on site. The purpose of the K9 team is to use the dog to take down the target, giving the police additional time to reach and subdue the subject. Testimony varied concerning whether the fatal shot preceded, coincided with, or followed the release of the dog, though Officer Elias clearly stated he released his dog prior to the fatal shot being fired. In his testimony, Officer Frashour stated that he never saw the dog running to attack Mr. Campbell. Had these two groups been better coordinated, Officer Frashour might have delayed his shot, waiting to see if the dog could successfully take Mr. Campbell down.

We learned that the AR 15 rifle is used to provide additional safety for the police by allowing the officers to be distanced from potential harm. The bullets used are not "armor piercing", do not pierce walls, and thus do not cause collateral damage. The shooter is trained to aim for large muscle groups of the target to ensure the target is taken down.

Officer Frashour was over-trained to be the shooter, and under-trained to reassess the situation based on changes in the available information. Training in correct use of the AR-15 rifle may have taken precedence over training in decision making regarding the use of deadly force with the AR-15. By his own testimony, Officer Frashour was so focused on keeping his sights on Mr. Campbell's "center of mass" that he really didn't digest what the other officers were saying to Campbell as he backed out of his apartment with his hands on his head. Frashour testified that he did not see the dog running to attack Mr. Campbell after he started running. While such intense focus may be required to correctly operate the AR-15, maintaining that level of focus and making life or death decisions at the same time may well be incompatible activities. It was dark, and hard to actually see details. Officer Frashour saw Campbell grabbing in the back of his pants the whole time he was running, thinking he was grabbing for a gun. But another officer standing near Frashour saw no gun in Mr. Campbell's waistband and couldn't see Campbell's hands at all after he began to run.

We know problems can be unavoidable in a large scene with many people and when things happen quickly. But, did this ever need to be that big of a scene? If so, why was SERT not called immediately? This was a 911 "welfare check" gone wrong. Aaron Campbell was not accused of a crime, yet he lost his life that day, and his Mother lost two sons that day.

Ultimately, the largest failure by the PPB was this: the decision to use or not use deadly force was left to one individual, Ron Frashour, an individual who may have been incompletely trained for this type of situation and over-trained in other areas, who had not received critical information updates, and may not have had sufficient background information about Mr. Campbell in the first place. We feel that Officer Frashour should not have been put into the position of making that life or death decision in those circumstances. No one person is responsible for this tragedy, and the errors of many people in the PPB need to be identified and addressed. In addition, PPB policies such as the lone-gunman approach need to be revised along with, possibly, some training and communication policy changes.

Portland deserves better.

Aaron Campbell deserved better.

Sincerely,

Grand Jury 1 Session 1 2010

IN THE MATTER OF THE INVESTIGATION) MULTNOMAH COUNTY  
OF THE DEATH OF ) DISTRICT ATTORNEY'S  
 ) OFFICE NO. 2187093  
AARON M. CAMPBELL, ) PORTLAND POLICE  
 ) BUREAU NO. 10-8352  
Deceased. ) GRAND JURY #108

VOLUME 1

**ORIGINAL**

GRAND JURY 1 PROCEEDINGS

The Grand Jury 1 testimony of the hearings conducted on Thursday, February 4, 2010, were transcribed from CD recording Provided by the Multnomah Country District Attorney's Office.

**APPEARANCES**

Conducting the examinations: Deputy District Attorneys  
Donald N. Rees and Glen R. Banfield.

(Official Pro Tem Court Reporter:)  
Debra K. Cheyne, C.S.R., A.A., B.A., M.A.  
23835 SW Delanois Place  
Sherwood, OR 97140  
503 625 1717

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MRKD. OFRD. RCVD. RJCTD.

None

1 (Thursday, February 4, 2010, 2:15 p.m.)

2 **GRAND JURY PROCEEDINGS**

3 MR. BANFIELD: And we are on the record.  
4 It is February 4th at Grand Jury No. 1. And we are on  
5 record with the Aaron Campbell investigation, DA Case  
6 No. 2187093, Senior Deputy District Attorney Don Rees  
7 and Deputy District Attorney Glen Banfield.

8 **ERIK KAMMERER**

9 was thereupon called as a witness in behalf of the  
10 Grand Jury, and after having been first affirmed, was  
11 examined and testified as follows:

12 THE WITNESS: I do.

13 MR. BANFIELD: And if I could ask  
14 everybody to just speak up as they talk. Since we have  
15 a microphone everything is being recorded, so keep that  
16 in mind.

17 MR. REES: Okay. And for the record if  
18 you could please state your name and spell your name.

19 THE WITNESS: Erik Kammerer, E-R-I-K,  
20 K-A-M-M-E-R-E-R.

21 **EXAMINATION**

22 BY MR. REES:

23 Q All right. And Detective Kammerer, could you  
24 please tell the members of the Grand Jury what your  
25 occupation is?

1           A     I'm a detective with the Portland Police  
2 Bureau. I'm currently assigned to the homicide detail.

3           Q     How long have you been a Portland police  
4 officer?

5           A     15 years.

6           Q     And how long have you been a detective?

7           A     Since '03, so almost seven years now.

8           Q     And as it relates to the investigation of the  
9 death of Aaron Campbell what is your role?

10          A     I am the lead investigator in the homicide  
11 investigation regarding the death of Aaron Campbell.

12          Q     All right. And are you familiar with the  
13 Portland Police Bureau's protocol when a police officer  
14 uses deadly force that results in the death of a human  
15 being?

16          A     Yes, I am.

17          Q     And so generally speaking, what type of  
18 investigation is triggered when that occurs; when a  
19 police officer uses deadly force resulting in the -- in  
20 the death of another human being?

21          A     The Portland Police Bureau terminology for  
22 that is an officer-involved shooting. It is a -- in  
23 this case where death has occurred, it is a homicide  
24 investigation, which is why homicide detectives are  
25 responsible for the investigation.

1           Q     And so what -- what does that entail,  
2 generally speaking?

3           A     Generally speaking, we're not at work when it  
4 happens. It usually happens at night, so we're paged  
5 out; we respond to the scene. We show up long after  
6 everything's happened. By the time we've arrived the  
7 involved officers have been separated. The witness  
8 officers have been separated.

9                     They are afforded union representation if they  
10 so choose, and the involved officers are afforded  
11 representation by an attorney, which was the case in  
12 this investigation.

13          Q     All right. And how is the scene handled or --  
14 or processed; is it any different than any other  
15 homicide investigation?

16          A     No. The scene is frozen. It's -- it's held  
17 until it can be forensically processed. We have  
18 criminalists from our forensic evidence division which  
19 come out to the scene. They will document the scene via  
20 photographs and video. We have multiple detectives that  
21 respond to the scene, two of which are responsible for  
22 documenting the -- the scene in a word picture and a  
23 diagram.

24                     The word picture is just a verbal -- or a  
25 written representation of what the scene looked like at

1 the time, things that can't be covered in photographs  
2 and video, such as temperature, moisture, whether the  
3 lights are on or off, things like that. We also have  
4 several detectives that respond to conduct interviews of  
5 all the officers involved, witnesses and involved  
6 officers.

7 Those interviews are recorded via audio tape,  
8 and later transcribed, and are put into the record as  
9 evidence. So they're just as thorough, if not more  
10 thorough, than any homicide investigation we do.

11 Q All right. One specific, I guess, difference  
12 would be the use of investigators from outside agencies;  
13 is that correct?

14 A Yeah. That is correct. All of our  
15 officer-involved shootings we have representation from  
16 the Multnomah County -- or the East County Major Crimes  
17 Team, which is comprised of detectives from Multnomah  
18 County, Gresham, Troutdale, Fairview, and I think Wood  
19 Villages may have a representative there.

20 We have outside agencies that -- detectives  
21 that come in and assist us with our investigation.

22 Q Okay. And a representative of the District  
23 Attorney's Office is also --

24 A Correct.

25 Q -- contacted, right?

1 A Yes.

2 Q And is on scene?

3 A Yes. A deputy district attorney does respond  
4 to the scene.

5 Q In -- in this case regarding the death of  
6 Aaron Campbell, what time were you notified that there  
7 had been officer use of (indiscernible) force?

8 A I was notified at about 6:37 p.m. on  
9 January 29th.

10 Q And that was last Friday evening?

11 A Correct.

12 Q And what information did you receive when you  
13 were initially contacted?

14 A When I was initially notified I was told there  
15 was an officer-involved shooting at 12800 Northeast  
16 Sandy and to respond to the scene.

17 Q Okay. And there's a -- a photograph from  
18 Google Earth. I guess it's a satellite image. Does  
19 that show that address?

20 A Yes, it does.

21 Q Can you -- feel free to stand --

22 A Mind if I stand?

23 Q -- up. Can you explain to the Grand Jury  
24 what we're looking at?

25 A This is Northeast Sandy Boulevard here, that

1 way to downtown, that way to Gresham. This apartment --  
2 series of apartments here there's alcoves leading into  
3 four apartments, so it would be two on this side, two on  
4 this side, one above (indiscernible), one below. These  
5 are two story. The third alcove down on -- just on the  
6 north side is Apartment No. 37, which is where Aaron  
7 Campbell was.

8 Q What -- what's the name of this apartment  
9 complex?

10 A It's the Sandy Terrace.

11 Q And this is a -- is it a two-story --

12 A Yes, it is.

13 Q -- apartment complex?

14 A Yes.

15 Q And do you know how many -- how many units  
16 are -- are attached to each alcove?

17 A Four. And so as you walk in they'll be an  
18 apartment, two apartments in front of you, and then  
19 stairs to two more apartments, the same layout.

20 A JUROR: So is 37 upstairs or  
21 downstairs?

22 THE WITNESS: 37 was downstairs, sir.

23 BY MR. REES:

24 Q And maybe you said, Detective. I'm sorry if  
25 you did. What information ultimately you -- you learned

1 about who lives at this location?

2 A We ultimately learned that a female named  
3 Adrianna Jones lives here with her three children. And  
4 Aaron Campbell had spent the night there the night  
5 before.

6 Q And what was the relationship between Mr.  
7 Campbell --

8 A They're boyfriend and girlfriend.

9 Q Boyfriend and girlfriend. And she has the  
10 three children there?

11 A Correct.

12 Q Okay.

13 A JUROR: And, I'm sorry. That's in No.  
14 37, or she's in a different unit?

15 THE WITNESS: No. 37.

16 BY MR. REES:

17 Q Go ahead.

18 A JUROR: What's your first name?

19 THE WITNESS: Erik.

20 A JUROR: Or her?

21 THE WITNESS: Oh, I'm sorry. It's

22 Adrianna, but she goes by Angie. A-D-R-I-E-N-N-A

23 (sic).

24 A JUROR: (Indiscernible.)

25 THE WITNESS: Yes, sir.

1 BY MR. REES:

2 Q And what -- you've been -- obviously, since  
3 that time you have been involved in overseeing the --  
4 the interviews of both the police witnesses and civilian  
5 witnesses who were there who live in the apartments and  
6 who saw what happened, correct?

7 A Correct.

8 Q And so just by way of an overview to help us  
9 kind of understand the big picture, what -- what have  
10 you learned about events leading up to when the police  
11 were called that afternoon of that Friday afternoon?

12 A On January 29th, 2010, at 1622 hours a female  
13 named Sherry Stewart called the Bureau of Emergency  
14 Communications via 911 and reported that Aaron Campbell  
15 was inside Apartment 37, was threatening suicide, had  
16 mentioned suicide by police, and was currently in  
17 possession of a handgun.

18 Also inside the apartment was Angie --  
19 Adrianna Jones and her three children. Do you want to  
20 do the 911 tape?

21 Q I'm still -- why don't you go ahead.

22 A Okay. Very good. The police responded. When  
23 the first officers arrived on scene they staged at a  
24 safe location at the north end of the apartment building  
25 there and were trying to make contact with Angie Jones

1 to determine her welfare. They didn't want to just go  
2 up to the door and knock on the door with a possible  
3 armed suicidal person inside, especially one who wanted  
4 to commit suicide by police as was relayed in the 911  
5 call.

6 We later learned that Angie Jones' father,  
7 Courtney Jones, was also on the scene. And after Sherry  
8 Stewart got done calling 911 she was sending text  
9 messages to Angie's phone, one of which was: Your  
10 father is outside. When Angie got that text message she  
11 came outside and saw the police there, who then made  
12 contact with her and talked with Angie, who relayed some  
13 of the history in the last 24 hours with Aaron Campbell,  
14 including two previous attempts at suicide with a gun.

15 She was able to describe seeing him in  
16 possession of the gun, what the gun looked like, and the  
17 last location she saw it, which was inside a sock, which  
18 was stuffed into the coat of a gold and black jacket  
19 that he was wearing when she exited the apartment and  
20 was contacted by the police.

21 At that time one of the officers was able to  
22 use Angie's phone and establish voice and text contact  
23 with Aaron Campbell. The voice contact was sporadic,  
24 but the -- the text contact seemed to work. The officer  
25 communicated with Aaron that he was concerned about the

1 children inside, at which point the children were  
2 then -- then came out of the apartment, all three of  
3 them.

4 A JUROR: What are the ages of the  
5 children?

6 THE WITNESS: I believe they're somewhere  
7 in the area of two, four, and six or seven.

8 A JUROR: Thank you.

9 THE WITNESS: At one point Aaron Campbell  
10 had sent a text, which was in the 911 call, saying  
11 something to the effect of don't make me bring my gun; I  
12 ain't playing.

13 A JUROR: Just a -- he said that he -- he  
14 was the one who sent the message?

15 THE WITNESS: He sent that text, yes, to  
16 Angie's phone.

17 A JUROR: Was that in response to a  
18 specific message --

19 THE WITNESS: I -- we --

20 A JUROR: -- that had been sent to him?

21 THE WITNESS: Let me have those.

22 A JUROR: (Indiscernible).

23 THE WITNESS: Yes, sir.

24 A JUROR: I think I just missed it.  
25 She -- she leaves the house after she gets a text that

1 says her father is outside?

2 THE WITNESS: Correct.

3 A JUROR: So he -- he lets her out, or he  
4 doesn't try to stop her, or --

5 THE WITNESS: There's no indication that  
6 he tried to stop her.

7 A JUROR: So she just --

8 THE WITNESS: But he also was not aware  
9 at this time that the police were there.

10 A JUROR: Gotcha.

11 THE WITNESS: She just left.

12 A JUROR: Gotcha.

13 A JUROR: Stewart was a neighbor?

14 THE WITNESS: Sherry Stewart is Angie  
15 Jones' aunt.

16 A JUROR: Does she live there too  
17 (indiscernible) somewhere?

18 THE WITNESS: She does not. No. Angie  
19 Jones had been in previous contact with her earlier in  
20 the day and had relayed the attempted suicide threats  
21 from the night before to Sherry Stewart.

22 A JUROR: So do we know if this -- this  
23 "don't make me bring my gun; I ain't playing" was in  
24 response to a specific message or not?

25 THE WITNESS: To the best of my

1 recollection without having those in front of me, it was  
2 possibly in response to a text message that Angie may  
3 have sent to Aaron saying something to the effect of,  
4 come outside; they want you to come out.

5 A JUROR: So it was to -- directed to  
6 Angie?

7 THE WITNESS: I'm not -- it's not clear  
8 at this time whether at that point he knew the police  
9 were outside.

10 MR. REES: And, ladies and gentlemen,  
11 again, we will be calling all of these individuals to  
12 testify and also provide all of those text messages --

13 A JUROR: Thank you.

14 MR. REES: -- to you on Tuesday.

15 MR. BANFIELD: Yeah.

16 MR. REES: But we just wanted to give you  
17 an overview to help you understand the testimony  
18 that's -- that's coming later this afternoon from one of  
19 the officers on scene. It's just for some context.

20 BY MR. REES:

21 Q And I -- I think we're set up now to play the  
22 911 call that Detective Kammerer has been referencing  
23 that was -- as I understand it, Detective, this 911 call  
24 is really the -- the trigger for police involvement in  
25 this situation at the apartments on Sandy Boulevard?

1           A     Correct. This is the 911 call that Sherry  
2 Stewart makes to the 911 call taker.

3           Q     And you said -- I think you said it was at  
4 1622. What -- what time is that?

5           A     4:22 in the afternoon.

6           Q     Okay.

7                   A JUROR: So when you play -- she goes  
8 outside after she gets the text saying her father's  
9 outside. Does she know that there's police outside or  
10 does she not know?

11                   THE WITNESS: She doesn't realize the  
12 police are out there until she comes outside and sees  
13 them.

14                   A JUROR: So which is why she's leaving  
15 the kids in there?

16                   THE WITNESS: Presumably.

17                           (9-1-1 Call was played for Grand Jury;  
18 see transcript of recording.)

19 BY MR. REES:

20           Q     So I think, Detective, you -- you were -- I'd  
21 asked you who the three involved officers were and --

22           A     -- and then their roles.

23           Q     Yeah.

24           A     And Officer Lewton was the -- the less lethal  
25 shotgun operator, the beanbag operator. Officer Elias

1 was the K9 officer on scene who had his K9 partner with  
2 him. And then officer Ron Frashour was the officer who  
3 fired the shot.

4 A JUROR: Could you explain to me what  
5 the beanbag business is about?

6 THE WITNESS: It's a -- it's a less  
7 lethal impact weapon. It's a -- basically, it's a piece  
8 of fabric with a weight on one end that's fired out of a  
9 12-gauge shotgun shell that allows you to gain pain  
10 compliance from distances further than the arm can  
11 reach.

12 A JUROR: Okay. Thank you.

13 THE WITNESS: You're welcome.

14 MR. REES: Those are all the questions I  
15 have for -- and, again, just to give you a little  
16 general overview before Officer Elias testifies this  
17 afternoon. Were there any other questions, folks?  
18 Okay. If not, thanks, Detective. We'll -- we'll see  
19 you again on Tuesday. Thanks for coming down.

20 THE WITNESS: Yes. Thank you.

21 MR. REES: I'll call Officer Elias.

22 **JEFFREY ELIAS**

23 was thereupon called as a witness in behalf of the  
24 Grand Jury, and after having been first affirmed, was  
25 examined and testified as follows:

1 THE WITNESS: Yes, sir.

2 MR. REES: And, Officer, we are being  
3 recorded, so I'm just going to ask you to keep your  
4 voice up. And if you would state your name and spell  
5 your name for us.

6 THE WITNESS: My name is Jeffrey Elias.  
7 The first name spelling is J-E-F-F-R-E-Y. The last name  
8 spelling is E-L-I-A-S.

9 EXAMINATION

10 BY MR. REES:

11 Q And just for the record, could you tell the  
12 members of the Grand Jury a little bit about your  
13 background, training, and experience?

14 A Yeah. I've worked for the Police Bureau for  
15 about -- well, I'll start out when I went to college  
16 down at -- graduated at Taft High School. Got my  
17 diploma. Attended Oregon State University for four  
18 years. I also went to Cal State University in  
19 Bakersfield for one year.

20 I was in the Marine Corps Reserves and was a  
21 reserve officer in the city of Phoenix while I was  
22 attending college. And so that's when I got hired there  
23 as an officer and was there, an officer, about two  
24 years. And then in '98 I transferred up here to  
25 Portland, and I worked here ever since.

1 I attended the Basic Police Academy and Less  
2 Lethal Beanbag School. I've had so many schools I can't  
3 remember. AR-15 certified. Canine handler.  
4 (Indiscernible) recognition. Expert evaluator. I'm not  
5 certified anymore, but I did go through the class, so I  
6 kind of did a lot of DUUI enforcement. A lot of it was  
7 for drugs. (Indiscernible) intoxicants. And I worked  
8 patrol for Portland eight years.

9 And I've been assigned to the K9 unit for the  
10 last three years where I work with a patrol dog that's  
11 trained to trail looking for fresh human scent.

12 Q So when you work in this assignment with the  
13 K9 does that mean you have a dog with you --

14 A Yes.

15 Q -- every time you go out on patrol?

16 A Yes. He's my partner.

17 Q Can you explain what that means when you said  
18 that your dog is trained to track fresh human scent?

19 A Basically, what we do is we go through a  
20 10-week class with the dog. And it consists of  
21 obedience. And you start -- the dog's a  
22 tracking/trailing dog. So you start with the basics by  
23 like dragging burlap sacks so you get the dog to learn  
24 to put his nose down and follow a track you leave with  
25 burlap.

1           And part of the burlap is -- a human is  
2 dragging the burlap so it's leaving, you know, tracks  
3 and the human scent, like skin grafts that fall off,  
4 sweat. Just all kinds of stuff. So the dog basically  
5 associates that over time after you do it over a  
6 consistent basis, and the dog will learn at the end of  
7 the track he gets a reward.

8           So he learns that when he goes from Point A to  
9 Point B he gets reward. And you move on to -- the  
10 reward is sometimes a sleeve, which he gets a bite, or a  
11 toy that you throw at him, or the piece of burlap you  
12 throw at him. So basically, my job is when someone runs  
13 from us that's what the dog is used for. We use him for  
14 his nose.

15           His olfactory system is so sensitive that  
16 that's my job is I'm trained to read the dog and use the  
17 dog for trailing or area searching. And the dog just  
18 associates over the 10 weeks when he finds a person he  
19 gets a reward. But we train for the dog not to actually  
20 bite each time, to get a -- a bark out. So it's like a  
21 bark and harass.

22           And it's basically the dog just learns to find  
23 a person, and he gets a reward, or, I mean, it's a game  
24 for them. So my dog's a nice dog. So he does his job,  
25 and he's there. I also use him for tactical stuff. If

1 somebody runs I can set him on a take. He'll take the  
2 person down, which I've done on several occasions.

3 So I'm comfortable with what my dog is capable  
4 with and not capable of. We have some dogs that are  
5 newer that maybe you wouldn't send your dog on a person  
6 cause you really don't know exactly what the dog is  
7 going to do because he doesn't have the experience. We  
8 get the basics. It's kind of like going through Boot  
9 Camp.

10 Like say he's a Marine. You get the basics,  
11 but you don't really learn to get out there until you do  
12 it. So a dog that has time out on the street gets the  
13 street experience, which is basically your bread and  
14 bacon. That's where the dog learns to do what he's  
15 doing, to build on those basic skills he got in the  
16 class.

17 Q What breed of dog is it?

18 A He's a German Shepherd.

19 Q And were you on a regular patrol then last  
20 Friday night?

21 A Yes, sir.

22 Q And are you assigned to a particular precinct  
23 or district?

24 A I'm assigned to the traffic division. And we  
25 work citywide. So if there's no overlap I have the

1 whole city. And we have mutual aid that we'll go out in  
2 the city if someone needs our help.

3 Q And so when the call came out on January -- I  
4 believe it was January 30th --

5 A Yes, sir.

6 Q -- 2010, regarding Aaron Campbell where were  
7 you with your dog?

8 A I was around the airport. We had just got a  
9 new dog shipped in. And the handler that went down  
10 there to pick it out had driven over to Alaska Airlines  
11 where the dog was shipped to, and he wanted my  
12 assistance in dealing with the dog.

13 Q So you're out by the Portland Airport. And  
14 what information generally did you receive?

15 A I just heard a call kind of developing where  
16 there was a person that had lost his brother earlier in  
17 the day and was contemplating suicide, possibly suicide  
18 by police. I heard that, too, over the air. And that  
19 there were kids in the apartment. The girlfriend was in  
20 the apartment.

21 But I also scan, so I hear bits and pieces of  
22 everything. So I kind of pick and choose the calls I  
23 want to go to if I'm not asked to go to a call. So I  
24 kind of heard it on the air kind of developing. But I  
25 was dealing with the dog, too, so I didn't go to the

1 call.

2 Q Okay. Can you explain what you -- you just  
3 said you kind of scan and you listen it all the calls.  
4 What are you talking about?

5 A I -- I'm responsible for all the precincts.  
6 There's three precincts now. So there's North Precinct,  
7 there's Central Precinct, and there's East Precinct.  
8 And Multnomah County I also scan, too, or listen to. So  
9 I have like my pack set on one channel, the main radio,  
10 either scanning or on 1-Net; whichever precinct I'm in  
11 I'll leave it on that net.

12 And I'll kind of get bits and pieces of  
13 everything that's going on in the city. So if I hear  
14 something where they need me I'll go if I'm asked, or if  
15 I hear a call that's developing, too, that I want to go  
16 to I'll go.

17 Q And what are you hearing? Are you hearing  
18 dispatchers, or are you hearing other police officers?

19 A Both. Police and dispatchers.

20 Q All right. So on this occasion are you  
21 hearing information then develop over time, both the  
22 initial call and then the subsequent --

23 A Yeah.

24 Q -- communications between police officers, and  
25 updates on the radio, and that kind of thing?

1 A Yes, sir.

2 Q And so --

3 A JUROR: I'm sorry. A question. You  
4 said this was January 30th. This was the 29th we  
5 started with. Is this the day after?

6 MR. REES: Yeah. I may have misstated  
7 the date. We're still talking -- we're talking about  
8 that --

9 A JUROR: So is it that afternoon?

10 MR. REES: -- Friday afternoon,  
11 January --

12 A JUROR: It is January 29th?

13 MR. REES: -- 29th.

14 A JUROR: Okay. Thank you.

15 BY MR. REES:

16 Q January 29th?

17 A Yeah. I don't know.

18 Q Yeah.

19 A I just know it was last Friday.

20 Q Right.

21 MR. REES: Thank you for catching that.

22 BY MR. REES:

23 Q So over what amount of time approximately  
24 would you say that this -- this information is -- is  
25 coming to you as you're monitoring the radio traffic?

1           A     Well, I logged on about 4:00 o'clock. And I  
2 got to the airport at like about 20 after four, a half  
3 hour after four. So I don't know. It'd been going on  
4 like 20 minutes or so. I can't say for sure. I can't  
5 recall to tell you the truth, exactly.

6           Q     Okay.

7           A     I just heard it going on.

8           Q     And -- and what, if you recall, what -- what  
9 was it that led you then to actually head in the  
10 direction of 12800 Northeast Sandy Boulevard?

11          A     I got a call on the radio thinking to have a  
12 K9 respond, and I actually asked for the primary's phone  
13 number so I could give them a call to see exactly what  
14 they had going on.

15          Q     Do you remember who called you there?

16          A     I can't recall.

17          Q     No. Okay. And did you directly contact then  
18 another officer?

19          A     Yeah.

20          Q     Who'd you contact?

21          A     I'm not sure. Detective --

22          Q     (Indiscernible) --

23          A     I can't recall.

24          Q     Did you get any --

25          A     I think it was --

1 Q -- additional --

2 A -- Officer Lewton, but I'm not sure.

3 Q All right. Did you get any additional  
4 information when you called him?

5 A Not that I can recall. He just said he wanted  
6 me down there. And I kind of got the gist of it  
7 listening to the radio, so I just headed down there,  
8 cause I'm going to ask him when I get there anyways  
9 what's going on.

10 Q And so you went to that location?

11 A Yes.

12 Q All right. And would -- there's a photo over  
13 your head there so feel free to use that if you want for  
14 reference if you want to show how you came into this  
15 area.

16 A Do you have a laser or something? Or do you  
17 want me to just point?

18 Q Just use your finger.

19 A Okay.

20 Q Or you can use that pen. Yeah.

21 A I came in -- I had to stop and use the  
22 bathroom real quick, because I knew this might be a  
23 while. So I stopped and used the restroom real quick,  
24 and I came down here. And I parked right around here.

25 A JUROR: (Indiscernible) street it's on?

1 THE WITNESS: Sandy.

2 A JUROR: Sandy is not (indiscernible).

3 THE WITNESS: Hang on a second. Oh. Is  
4 that Prescott? I like that one better.

5 BY MR. REES:

6 Q You -- you want to use that (indiscernible)?

7 A Hang on. Let me get my bearings. Okay. Now  
8 I know where I'm at. Sorry. Basically, I came this way  
9 with this going to be Sandy. This is Prescott down  
10 here. Sorry about that. And I was parked about down  
11 here. And the place in question was right here, 12800  
12 Southeast Sandy -- or Northeast Sandy. Sorry.

13 So this is the place I responded to. And I  
14 walked into this doorway here where Officer Quackenbush,  
15 Reyna, and Birkenbein were standing.

16 Q Okay. And feel free if you want to -- I don't  
17 know if you need to sit down or what you want to do  
18 there. But what -- what do you do when you get to that  
19 location?

20 A I'm fine. Oh. When I get there I talk to  
21 Officer Birkenbein, Reyna. And they were kind of going  
22 back and forth what they were going to do, devising a  
23 plan. And I noticed that Officer Quackenbush had phone  
24 contact via text messaging with Mr. Campbell that was --  
25 that I later found out was Mr. Campbell inside the

1 apartment.

2 I'd also learned just prior to my arrival that  
3 the -- prior to my arrival that the -- the children -- I  
4 guess there were three children inside the apartment --  
5 had been let go, including the girlfriend. There was a  
6 girlfriend, initially, and then three children. So I  
7 just made sure that he was the only one in the  
8 apartment, and basically trying to make a plan what we  
9 were going to do.

10 Q All right. At some point either at that time  
11 or on your way there did you also receive information  
12 about Aaron Campbell's history of violence?

13 A Yes. I heard on the air that he alludes,  
14 resists, I believe. I remember resisting for sure. And  
15 there'd been some weapon charges. I looked in the PPDS,  
16 and the way it came to me when it's inserted into the  
17 call I don't actually pull it up on PPDS. It's kind of  
18 staggered. But I saw that there was a handgun charge in  
19 there, resisting, and domestic violence stuff.

20 Q PPDS is what?

21 A Portland Police Data System.

22 Q And so what -- what is that that you're  
23 looking at?

24 A That -- that's a local system that we have  
25 that they enter all information that they get on police

1 reports, so basically, like people's pictures, cases,  
2 reports. It's all tied in now with our view so you can  
3 look up the actual reports that are written. It's just  
4 our basic system that's shared by other departments  
5 around the community.

6           And somehow it gets interfaced into the CAD  
7 file on my computer. So you can pull it up separately,  
8 PPDS, or they can -- the dispatcher can insert it into  
9 the -- the CAD system where it kind of gets broken up.  
10 It doesn't look nice and neat like it does with the  
11 PPDS.

12           Q     And so based on your training and experience  
13 with the combination of the information about this  
14 specific call on the 29th and then the information  
15 you're getting about Aaron Campbell's history in terms  
16 of what you just mentioned, what's -- what's going on in  
17 your mind; what are you thinking?

18           A     Well, there was also the mention of the -- he  
19 had a firearm, too. So I'm thinking worst case scenario  
20 that there's kids in the apartment, the girlfriend's in  
21 there, there's a firearm. So stuff actually seemed to  
22 get better as I got there since the kids are out.  
23 That's obviously a concern. The kids are gone, and the  
24 girlfriend's out, and he's by himself.

25                   A JUROR: If I could go back --

1 THE WITNESS: Yes, sir.

2 A JUROR: -- what it was compared with  
3 the radio or in the PPDS system?

4 THE WITNESS: I saw that it said there  
5 was a handgun arrest in there and resisting, which means  
6 he's resisted the police in the past. And I can't  
7 recall the alluding. Alluding means they run from the  
8 police. I can't remember if that was in there or not.  
9 I think it was said over the air.

10 We're seeing domestic violence, a  
11 domestic thing in there. And I think that's it that I  
12 can recall.

13 A JUROR: And -- and by handgun charge  
14 you just mean UYW, or what was the handgun charge?

15 THE WITNESS: I just saw he'd been  
16 arrested with a handgun before, yeah. So . . .

17 BY MR. REES:

18 Q What you're looking at, though, is historical  
19 data --

20 A Yes.

21 Q -- his past record --

22 A Yes.

23 Q -- correct? Okay. And so then just kind of  
24 picking up where you were. At the point of arrival you  
25 talked to some other officers who were already on scene.

1 What do you -- what do you find out that's happening at  
2 that point?

3 A Basically, reiterated, you know, if he's armed  
4 or not and what the girlfriend had said. I was told  
5 that, that he had a gun. So -- and everyone is out of  
6 the apartment. And the officers -- kind of set up the  
7 scene, if I use --

8 Q Do you want to use this chart?

9 A Yeah.

10 Q Sure. So let's just put this up here. Are  
11 you done with this?

12 A Yeah.

13 Q I'm sorry.

14 A Perfect.

15 Q You can stand on the chair if you want.

16 A Okay. Are you saying I'm short?

17 Q I would never say that.

18 A So basically, we're in this doorway here. And  
19 while I was talking to them there was actually a police  
20 car here and a police car here. And I was getting  
21 information. And while I was talking to them  
22 Officer Quackenbush that had the cell phone said that,  
23 hey. I just got a text that said something about, you  
24 know, go away, or I'm going to go get my gun. Have the  
25 police leave.

1           So that I can't say verbatim exactly what it  
2 was. But it was just like if the police don't leave I'm  
3 going to get my gun.

4           Q     And -- and who was that text message from?

5           A     That was Mr. Campbell.

6           Q     All right. And Officer Quackenbush is -- is  
7 on scene there?

8           A     Yes. He's in the doorway there or stairway,  
9 the first one to the south on Sandy. And they were  
10 talking about whether they're -- we're going to call  
11 SERT out or not, or basically, they want to see if he  
12 was --

13                   A JUROR: Called what?

14                   THE WITNESS: SERT.

15                   A JUROR: I don't know what that means.

16                   THE WITNESS: The -- the SWAT's team --

17 BY MR. REES:

18           Q     It's Specialist Emergency Response Team?

19           A     Yes.

20                   A JUROR: Okay. Thank you.

21 BY MR. REES:

22           Q     That's what Portland calls the equivalent of  
23 the -- of a SWAT team?

24           A     Special Weapons And Tactic (indiscernible).

25           Q     Okay. And what -- if you know the answer to

1 this question, why would that have been discussed at  
2 that point?

3 A Well, just in a high risk incident someone's,  
4 you know, barricaded, they deal with barricaded people.  
5 That's what they're trained to do. We are, too, but we  
6 like to try certain steps before that like loud hale him  
7 out, get phone contact, have him come out. And that's  
8 what we tried first.

9 And we do it all the time; we have people walk  
10 out to us. So we have steps that we take first prior to  
11 just calling SERT out, because, obviously, you can't do  
12 that each time. So I just got a little bit of  
13 information. And they were going to try to make phone  
14 contact with him, see if he wanted to hurt himself,  
15 again, and have him come out and talk to us, I guess.

16 So before they made contact with him again I  
17 came out here to utilize my police K9 and support these  
18 officers here.

19 Q You've got your dog with you?

20 A Yes.

21 A JUROR: Now, were you -- your bag was  
22 here, but --

23 THE WITNESS: That's fine.

24 A JUROR: But how -- what role would the  
25 dog play in this or potentially play in this?

1                   THE WITNESS: The dog's role in this  
2 would be if he were to come out to take off running.  
3 And like if he came out and started running I'd send the  
4 dog. It just gives us an extra -- an extra tool. I  
5 know he's a dog, and I really love him and stuff, but  
6 he's expendable; he's a tool.

7                   And if he can give us that extra second  
8 when he hits someone and he's on him and he's got a gun,  
9 you know, when a dog's on somebody and biting them they  
10 might have a plan of attack on us, but when the dog's on  
11 him it changes -- it puts -- I call it putting him on  
12 (indiscernible) plans.

13                   I mean, if they're thinking something and  
14 they're focused on what they're going to do, if you have  
15 a dog coming up on you, and it's on you, it's going to  
16 make you think twice about what you were planning to do,  
17 and just gives us time to react.

18                   A JUROR: So the police were in the --  
19 the first --

20                   THE WITNESS: -- alcove here.

21                   A JUROR: -- alcove. Thank you.

22                   THE WITNESS: Yeah.

23                   A JUROR: And he was in?

24                   THE WITNESS: Down here.

25                   A JUROR: Down here. Okay.

1                   THE WITNESS: So basically -- do you want  
2 me to get where everyone else was here?

3 BY MR. REES:

4           Q     If you -- if you -- if you know where they  
5 were you can. Otherwise, you can just kind of focus on  
6 where you were.

7           A     Okay. So basically, I -- they had a lone-gun  
8 here. They had Leslie (indiscernible) here. And there  
9 was another officer here, and I can't remember his name.  
10 But it was Officer Lewton was here, and Officer Frashour  
11 was here. And I didn't really have too much cover here  
12 where I can get a clear line of sight.

13                   So I actually moved one of the trash cans over  
14 a little bit and came back around here. Sometimes when  
15 my dog, people start loud hailing, giving orders to  
16 people, he gets really excited, so I didn't want to be  
17 standing right behind an officer and have an officer get  
18 bit. That happens sometimes.

19                   So I figured I had -- whenever I deploy my dog  
20 in situations I have full cover to cover me, cause I  
21 can't really protect myself because I'm dealing with the  
22 dog; that's my responsibility. So that's what these  
23 guys were doing. And I took a position here where I  
24 could see kind of everything here.

25                   If he were to run this way, this way, or come

1 running up there, come running at us. So that's where I  
2 just set up, right here. And I kind of stayed behind  
3 here, and I had the dog sitting out where he could see.

4 Q Okay. And maybe you said, but are -- are the  
5 two purple cars, are those patrol cars?

6 A Yes, sir.

7 Q All right. And then the -- the black outlines  
8 of the cars, does that show the parked cars in place as  
9 they appear --

10 A Yes.

11 Q -- when this occurred?

12 A Yes, sir.

13 Q All right. And so what are you seeing at  
14 that -- at that point when you take the position that  
15 you indicated? Are there any people walking around this  
16 parking lot, or is the area all cleared out?

17 A Yeah. It was -- it was brought to my  
18 attention which apartment it was. It was kind of right  
19 here where the green is. It was the third one down, and  
20 the shutters were down, the screen. The -- I think  
21 there were shutters. I can't recall exactly. But the  
22 windows were covered up with something.

23 And I kept getting updates that, you know,  
24 hey. Someone's looking through the screen at us or  
25 looking through the shutters. And that happened several

1 times, which heightens my -- which heightens my  
2 intensity, because I'm thinking, hey. The guy's trying  
3 to make a plan; he's looking where we're all at, and  
4 he's trying to figure out his plan of attack. You know,  
5 people look out for a reason, to see where everyone's  
6 at, kind of get a picture of what's going on.

7 And, you know, the part where he mentioned the  
8 gun and the prior stuff, which is -- I was pretty much  
9 ready for anything. I didn't know what was going to  
10 happen. There's people in all these apartments.  
11 They're all looking out. There's people walking around.  
12 There's a crowd of people down here. There's an  
13 apartment complex that runs in here to the east.

14 There's parked cars here. You have Prescott  
15 where there's cars driving by. So it's just a bad  
16 situation all around if shots get rung out, you know,  
17 where usually someone can get hurt in the community.

18 Q And so what happens?

19 A Basically, we're sitting there, and then all  
20 of a sudden I hear that -- I hear he's coming out. And  
21 so --

22 Q Who was that? Do you remember --

23 A I don't know who said that.

24 Q -- who said that?

25 A I don't.

1 Q But this is -- a voice said he's coming out?

2 A Yeah. It's one of these people right here.

3 Q And had he been, you know, sometimes in the  
4 movies or on TV you see (indiscernible) the police on a  
5 bullhorn ordering someone to come out. Had there been  
6 an order like that to your -- to your knowledge?

7 A I don't -- I didn't hear anything like that.  
8 I think it was more via the phone, the text messaging.

9 Q Were you surprised when he came out?

10 A Yeah, I was.

11 A JUROR: I'm sorry. And you said that  
12 you had moved so that they could loud hail him; did they  
13 not do that?

14 THE WITNESS: I don't think they'd done  
15 that yet.

16 A JUROR: Okay.

17 THE WITNESS: But that's -- loud hailing  
18 or phone contact. There was loud hailing done later  
19 that I remember specifically.

20 BY MR. REES:

21 Q Yeah. Okay. But I'm talking about at the  
22 moment he comes out why were you surprised?

23 A Because it went from like nothing to there he  
24 is. And where I was I was kind of right here, so I  
25 didn't have, you know, I didn't see him actually come

1 right out. I just -- when it was brought to my  
2 attention I -- I saw him right about here.

3 Q And when you -- when you first saw him do you  
4 remember what he was doing?

5 A He was walking backwards the first time I saw  
6 him to the sound of the officers' voices following  
7 directions.

8 Q And did you -- did you hear the officers tell  
9 him to walk backwards?

10 A Yeah. Come back to the sound of my voice or  
11 something. I can't recall exactly what it was.

12 Q Okay. And was he doing that?

13 A Yes.

14 Q Okay. And --

15 A He had his hands on the back of his head, his  
16 fingers interlaced.

17 Q Can you -- can you show us, if you remember --

18 A Yeah.

19 Q -- what he was doing?

20 A Just like this.

21 A JUROR: And he was walking backwards?

22 THE WITNESS: Yeah.

23 BY MR. REES:

24 Q Now, was that per the orders of the officers  
25 if you recall?

1           A     I can't recall right then. But I remember he  
2 was doing what they were telling him to do, but  
3 eventually it got to the point where it's like put your  
4 hands up, and he wouldn't put his hands up.

5           Q     Okay. But at that -- at that first moment is  
6 that something that you -- you had seen before as far as  
7 a way to control a person?

8           A     Yeah, like a standing frisk. You -- actually  
9 when you go up to people you have them put their hands  
10 around their head. You actually have hold of them,  
11 so -- but if you're standing off you want them to have  
12 their hands up.

13          Q     All right. And so --

14                   A JUROR: This they asked him to do; you  
15 heard that?

16                   THE WITNESS: I did hear that, not  
17 initially, but I remember right here he was told to put  
18 his hands up.

19                   A JUROR: So he's (indiscernible) -- he's  
20 continuing to walk towards the cars --

21                   THE WITNESS: Yeah.

22                   A JUROR: -- like (indiscernible) back  
23 (indiscernible)?

24                   THE WITNESS: Yes. And then he stopped.  
25 So . . .

1 BY MR. REES:

2 Q Stopped walking?

3 A Yeah.

4 Q And what about his hands?

5 A His hands were still right here. And that's  
6 when I started hearing the order to put your hands up;  
7 get your hands up.

8 A JUROR: So he stopped of his own  
9 accord, or he stopped because he was told --

10 THE WITNESS: He was --

11 A JUROR: -- to?

12 THE WITNESS: -- he was told to stop.

13 And that was right -- it was right around here  
14 somewhere. And as he started stepping back I actually  
15 moved my position, because I lost sight of him because  
16 he passed in front of the --

17 A JUROR: Yeah.

18 THE WITNESS: -- trash can here. So I  
19 came back around right here where I'd have a clear view  
20 of him.

21 A JUROR: This other trash can.

22 THE WITNESS: And those are big dumpsters  
23 when I say trash can.

24 BY MR. REES:

25 Q And so what happens then?



1 well, I'm not going to get into what he would have done  
2 if he put his hands up.

3 BY MR. REES:

4 Q Right. So what happens?

5 A What happens is he gets shot with a beanbag  
6 round, and I can't remember if it was one or two shots.  
7 I know it was one for sure. And he kind of stumbled  
8 forward. And I'm like, oh, good. He's going to go  
9 down, and -- which is the effect it has usually on  
10 people that get hit with a beanbag gun. It travels over  
11 three hundred feet (indiscernible) a second.

12 And it's -- it's an impact weapon. It's  
13 painful. And, obviously, it caught him by surprise.  
14 And that's the effect of it if you need to incapacitate  
15 someone briefly, and get their attention, and make them  
16 do what you order them to do. And he kind of went down  
17 like this. And I'm like, okay. He's going down. I'm  
18 not going to send the dog.

19 And all of a sudden he like stumbles, and he  
20 like takes off running. And before I can react, you  
21 know, action reaction, he started running and got some  
22 speed up, so I let the dog go. I gave the dog a take  
23 command.

24 A JUROR: And he's running which --

25 THE WITNESS: He's running directly this

1 way.

2 A JUROR: Right back the way he came?

3 THE WITNESS: Yes. Well, yeah. I don't  
4 know if he came back around -- I think he came this way,  
5 though. And -- because the first time I saw him he was  
6 right about here.

7 A JUROR: Does he turn around  
8 (indiscernible) then?

9 THE WITNESS: No. He's -- he's still  
10 faced away from us. And he takes off running.

11 A JUROR: Now, the take order, the dog  
12 would do what when he got to him?

13 THE WITNESS: He's going to bite him.  
14 He's going to attach himself to him. And I've seen him  
15 go for a leg, back, arm, just wherever he can get  
16 somebody in a set of circumstances. Basically, I wanted  
17 the dog to get him before he got to a position of cover  
18 and concealment, and so.

19 BY MR. REES:

20 Q You said -- you used the term "action  
21 reaction" --

22 A Yes.

23 Q -- when you were talking about releasing your  
24 dog. And feel free if you want to go sit down. What --  
25 what did you -- why'd you use that term? What does that

1 mean?

2 A Well, action reaction is just a fact of life.  
3 If someone has a plan and they know what they're going  
4 to do, they act upon it. There's -- you can only react  
5 so fast to it. I mean, they're going to do what they  
6 plan to do before you can react to it. And that is  
7 exactly what happened.

8 If I knew he was going to run, and it took me  
9 a second, you know, a millisecond to compute that he was  
10 running, it just takes -- it's just an extra second it  
11 takes to actually let the dog go to give him the take.

12 Q And so in that context then was it the case  
13 that by the time you gave the dog that command and let  
14 the dog go Aaron Campbell's already --

15 A He's already in run.

16 Q -- in flight?

17 A Yes.

18 Q So what happens then?

19 A As the dog's going and pursuing him he's  
20 running. His hands drop down. And I can't see his  
21 hands. And he just about makes it to the car there.  
22 And I can hear more rounds going off. But one sounded  
23 different. So I -- it's weird. In like a situation  
24 like that, like if you're out on the rifle range or the  
25 pistol range you can hear bullets go off.

1           But somehow when you're like under stress it  
2 doesn't sound like a real loud -- it just sounds -- it  
3 sounds different than it does when you're not in that  
4 kind of situation. But it was distinctly different than  
5 the beanbag round. I heard one distinctive pop.

6           A JUROR: One?

7           THE WITNESS: Yeah. And that's where  
8 that action reaction thing comes in, too. When he's  
9 running and his hands aren't where we can see him around  
10 his waistband, kind of going like this, you just --  
11 that's where people keep their weapons, pockets,  
12 waistband.

13           And like I said, if he's got a plan, and  
14 he's already talked about that kind of stuff he's going  
15 to do, and his hands are down there, he's going to react  
16 before you can react. It's that action reaction. So  
17 that's what I was concerned of him getting down there  
18 and getting behind the car or getting back in the  
19 apartment. And then the safety of the community, too.  
20 I mean, there's people everywhere.

21           A JUROR: The other officers knew you had  
22 a K9?

23           THE WITNESS: Yes.

24           A JUROR: And they knew the protocol for  
25 the use of that K9 as you've described it?

1 THE WITNESS: Yes. And, you know, a K9  
2 versus a gun, the K9 is going to lose, but it might give  
3 you that extra time to do what you need to do.

4 A JUROR: You'd already let your dog go  
5 then?

6 THE WITNESS: Yes.

7 A JUROR: How far was the dog from Mr.  
8 Campbell when you started here, when you heard the  
9 different shot? Can you . . .

10 THE WITNESS: Maybe around here  
11 somewhere.

12 A JUROR: And -- and was he --

13 THE WITNESS: I don't --

14 A JUROR: -- so -- and where was  
15 Campbell?

16 THE WITNESS: He was here. I mean --

17 A JUROR: So he was just a few feet from  
18 the dog?

19 THE WITNESS: Yeah. I mean --

20 A JUROR: Bono was just a few feet from  
21 him?

22 THE WITNESS: Yeah. He was -- he was  
23 pretty close to him.

24 A JUROR: No officers at the other end of  
25 the lot?

1                   THE WITNESS: No, because that's cross  
2 fire. And there were -- there -- to the best of my  
3 recollection there were some over here in case he went  
4 this way.

5 BY MR. REES:

6           Q     And so were you -- were you able to see what  
7 happened then as far as Mr. Campbell, or was he out of  
8 view?

9           A     After he went down?

10          Q     Yes.

11          A     He was out of view. Like I saw his feet.

12          Q     That's what I mean. Did you see him go down?

13          A     Yeah.

14          Q     You saw him go down. And then at that point  
15 could you see anything?

16          A     I saw my dog on him. And, you know, you asked  
17 exactly where the dog was when he -- in relation to  
18 where he was. I can't exactly remember. But it was  
19 somewhere around here.

20          Q     And so what do you do then?

21          A     The dog was on him. He hit him. And I can  
22 hear it. And I think I could see his tail a little bit.  
23 And I -- I knew he was on bite. And I looked at the  
24 officers, and I'm like, what do you want to do? Do you  
25 want to go get him? Or do you want to call SERT out or

1 what? I didn't -- we're going to make a hasty plan.

2 That's what I wanted to know, because I'm not  
3 just going to let my dog sit there and chew on someone  
4 for no reason. But if the dog's already on him and  
5 attached to him if we want to go out and do a rescue or  
6 whatever, then that was the time to do it with the dog.

7 We kind of talked for around 14, 15, 20  
8 seconds. And we weren't getting to a plan. We kind of  
9 slowed stuff up. And I said I'm going to take my dog  
10 off, because I just didn't want to leave the dog on him.  
11 I called my dog back. And we had a discussion what we  
12 were going to do.

13 And I got on the radio and asked someone to go  
14 grab my binoculars from my car to see if we could see  
15 his hands. Obviously, if you could see his hands then  
16 it's a little more safe for us to go up there. So one  
17 of the officers ran to my car and got a -- some nice  
18 binoculars out and tried to see if we could see his  
19 hands, and actually told him to go over here, and he  
20 looked this way, and he couldn't see his hands so.

21 A JUROR: Was he moving at all?

22 THE WITNESS: No.

23 A JUROR: Could you see well enough to --  
24 was the dog closed on him before he reached the door to  
25 the apartment (indiscernible)?

1                   THE WITNESS: I -- I don't know. I don't  
2 know. Possibly, possibly not. But then, again, if he  
3 gets around the corner and I can't see him, then my  
4 dog's just gone.

5 BY MR. REES:

6           Q     Can you explain why you didn't just  
7 immediately approach Aaron Campbell?

8           A     It all goes into the action reaction thing.  
9 You know, if someone's playing possum and they're laying  
10 there dead or acting like they're dead, and then they've  
11 got a gun, and they're holding it under them, and they  
12 hear you coming up, it just takes a second. He's going  
13 to get a round off before we can. So that's just --  
14 that's just life.

15          Q     And have you -- well, I mean, have you  
16 received specific training --

17          A     Absolutely.

18          Q     -- in situations where, in fact, that has  
19 happened?

20          A     Yeah. It's happened to me before. I think I  
21 talked about that yesterday in the Grand Jury, action  
22 reaction. Stuff happens before you can react.

23          Q     But I'm sorry. But I meant specifically --

24          A     Yeah. Like fats (ph) training?

25          Q     Let me just ask a question (indiscernible).



1 to turn around at any point?

2 THE WITNESS: Not yet. Just get his  
3 hands up.

4 MR. BANFIELD: And when you first arrived  
5 how many officers were already on the scene when you got  
6 there?

7 THE WITNESS: I can't say for sure how  
8 many there were. I know there were three with me here.  
9 There were three inside the doorway. And there was at  
10 least two in the back. And there were more coming.  
11 They were just going for more and more resources to  
12 come. And then we had cars.

13 It took a while to block Prescott to keep  
14 cross traffic. I mean, cross traffic was going there  
15 even after the shooting happened so. And there were  
16 still people there after in their apartments looking.

17 MR. BANFIELD: Civilians?

18 THE WITNESS: Yeah. It was a continuing  
19 civilian nightmare, basically.

20 MR. BANFIELD: About how many civilians  
21 could you tell were in the area?

22 THE WITNESS: Everyone in their apartment  
23 was looking out. And there were several people back  
24 here that I could hear talking. And I kept seeing cars  
25 driving by.

1                   A JUROR:  So as he's -- he's running  
2 away --

3                   THE WITNESS:  Yes.

4                   A JUROR:  -- arms were moving in the --  
5 in the way they would if he were running?

6                   THE WITNESS:  Yeah.  They were down --

7                   A JUROR:  Close to, some other kind of  
8 position?

9                   THE WITNESS:  Yeah.  And it's pretty -- I  
10 mean, it's not like a real well lit area.  I remember  
11 having a light under me -- or above me.  So that's why I  
12 moved the trash can so it was darker, so it wasn't like  
13 the best lit area.  It was -- it was dark.

14                   A JUROR:  So this is about 6:30?  
15 (indiscernible).

16                   THE WITNESS:  Five-ish.  And it was  
17 starting to rain --

18                   A JUROR:  Five-ish?

19                   THE WITNESS:  -- so it was cloudy.  It  
20 was -- it was dark.  Maybe not totally dark, but it was  
21 dark enough.  But we did have spotlights too, so.  But  
22 those are pretty directional.

23 BY MR. REES:

24           Q     If I could -- Glen asked you a question  
25 about --

1           A     Yes, sir.

2           Q     -- if you could see his waistband area.  And I  
3 think you said no.  Can --

4           A     He had his back --

5           Q     -- can you explain, though, what -- what your  
6 picture was and -- and why you couldn't see that?

7           A     Yeah.  I remember him having a jacket on, and  
8 he had baggy clothes on.  And if I can recall or not, I  
9 can't remember if it had a hood or not, but it was -- it  
10 was puffy, the jacket, so it covered him in the  
11 waistband area and baggy pants.

12                   A JUROR:  I've got a question.

13                   MR. REES:  Oh, okay.  But do you have a  
14 question for the witness?  All right.  So if there's no  
15 further questions -- I don't know.

16                   A JUROR:  I have a question.

17                   MR. REES:  You do.  Okay.  Go ahead.

18                   A JUROR:  The detective who spoke with us  
19 previously had said that -- or at least given some  
20 indication -- I don't really know right now, that some  
21 of the officer -- officers might have known in the pants  
22 what he was wearing, and that there could be a gun  
23 inside of a sock, inside of a jacket (indiscernible).

24                           When you're seeing what he's wearing in  
25 this -- in this scenario have you been told in -- did

1 the officers who were -- who were showing up expect a  
2 guy in this jacket with a -- who could have a gun?

3 THE WITNESS: I didn't know what he was  
4 going to be wearing. But I did hear something about a  
5 sock and a gun. I mean, it's not hard to hide or  
6 conceal a gun so.

7 A JUROR: Right.

8 THE WITNESS: So.

9 A JUROR: Okay.

10 MR. REES: Okay. So if there are no  
11 further questions.

12 A JUROR: Is that dog okay?

13 THE WITNESS: Yeah. He's fine.

14 MR. REES: We'll -- we'll go off the  
15 record. And then we'll resume testimony on Tuesday.

16 (End of digital audio recording. End of  
17 Volume 1.)

18

19

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25

1 STATE OF OREGON )  
 2 COUNTY OF MULTNOMAH ) ss.  
 )

3

4 I, Debra K. Cheyne, court reporter for Oregon,  
 5 hereby certify I transcribed the CD audio tape of  
 6 all testimony adduced upon the hearing of this  
 7 cause, before Grand Jury 1 for the County of  
 8 Multnomah, State of Oregon; that thereafter my  
 9 stenographic notes were reduced to typewriting under  
 10 my direction; and that the foregoing transcript,  
 11 pages 1 - 55, both inclusive, contains a full, true,  
 12 correct and accurate record of the audio tape and  
 13 all such testimony adduced upon the hearing of said  
 14 cause, and of the whole thereof to the best of my  
 15 knowledge and ability.

16 Witness my hand at Sherwood, Oregon, this  
 17 17th day of February 2010.

18

19

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23

24

25



*Debra K. Cheyne*  
 Pro Tem Official Court Reporter  
 CSR # 94-0291

IN THE MATTER OF THE INVESTIGATION) MULTNOMAH COUNTY  
OF THE DEATH OF ) DISTRICT ATTORNEY'S  
 ) OFFICE NO. 2187093  
AARON M. CAMPBELL, ) PORTLAND POLICE  
 ) BUREAU NO. 10-8352  
Deceased. ) GRAND JURY #108

VOLUME 2A

**ORIGINAL**

GRAND JURY 1 PROCEEDINGS

The Grand Jury 1 testimony of the hearings conducted at 8:52 a.m. on Tuesday, February 9, 2010, were transcribed from cassette recording provided by the Multnomah Country District Attorney's Office.

**APPEARANCES**

Conducting the examinations: Deputy District Attorneys Donald N. Rees and Glen R. Banfield.

(Official Pro Tem Court Reporter:)  
Debra K. Cheyne, C.S.R., A.A., B.A., M.A.  
23835 SW Delanois Place  
Sherwood, OR 97140  
503 625 1717

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MRKD. OFRD. RCVD. RJCTD.

None

1 (Tuesday, February 9, 2010, 8:52 a.m.)

2 **G R A N D J U R Y P R O C E E D I N G S**

3 MR. BANFIELD: It's February 9th, 2010,  
4 at approximately 8:52 in Grand Jury No. 1. We are  
5 starting testimony this morning into the investigation  
6 into the death of Aaron Campbell that occurred on  
7 January 29, 2010.

8 **JAMES QUACKENBUSH**

9 was thereupon called as a witness in behalf of the  
10 Grand Jury, and after having been first affirmed, was  
11 examined and testified as follows:

12 THE WITNESS: I do.

13 SPEAKER: Thank you. Have a seat.

14 MR. REES: We just need the first four  
15 pages. Can you do that?

16 And, Officer, for the record, and if you  
17 could please, and if you could also speak up into the  
18 microphone because we're being recorded. If you could  
19 state your name and spell it for us.

20 THE WITNESS: My name is James  
21 Quackenbush, J-A-M-E-S, Q-U-A-C-K-E-N-B-U-S-H.

22 **EXAMINATION**

23 **BY MR. REES:**

24 Q And what's your occupation?

25 A I am a police officer.

1 Q With the City of Portland?

2 A Yes, sir.

3 Q And how long have you been a Portland police  
4 officer?

5 A Just over 11 years.

6 Q And what were you doing prior to becoming a  
7 police officer?

8 A I went to school for music performance  
9 (indiscernible) University and New York State.

10 Q And what's your current assignment with the  
11 Police Bureau in terms of what part of the city you work  
12 in and what your responsibilities are?

13 A I work North Precinct, afternoon shift patrol,  
14 (indiscernible), so I start about 3:00 o'clock in the  
15 afternoon and get off at about one in the morning. And  
16 North Precinct currently is pretty much the northern  
17 half of the city north of I-84, including Saint -- from  
18 St. Johns all the way out to Gresham, Gresham.

19 Q All right. And your shift starts at 3:00  
20 o'clock in the afternoon?

21 A Yes.

22 Q Is that right?

23 A Yes.

24 Q And prior to this call at the scene at Terrace  
25 Apartments where the shooting occurred had you been

1 dispatched to any other calls?

2 A Yes.

3 Q What was that?

4 A I -- there was a disturbance at the 42nd and  
5 Halsey 24-Hour Fitness, and I showed up there. And  
6 there were already two or three other officers there,  
7 and the situation seemed to be more or less dealt with.  
8 And then I heard a dispatcher on the radio asking if  
9 anybody was available on the east side to cover. And I  
10 called. And I answered up for that.

11 Q And was that the call that went to 12800  
12 Northeast Sandy Boulevard?

13 A Yes.

14 Q All right. And that looks like it was  
15 originally dispatched at 4:22 in the afternoon?

16 A Yes.

17 Q Okay. And we're handing out to the Grand Jury  
18 a copy of what's called a CAD printout. And you have a  
19 copy as well. Can you explain what we're -- what we're  
20 looking at here?

21 A Yeah. This is basically the dispatch record  
22 when a 911 call is received. And I have some experience  
23 with this. Because I was a call receiver  
24 (indiscernible) out. When a 911 call is answered  
25 information typically pops up on the screen, gives --

1 gives the address, the location, the phone number.

2 And that's transposed into the system pretty  
3 much immediately, and then the call taker types in kind  
4 of shorthand, brief notes. That's sent to the  
5 dispatcher usually at a different console, and they  
6 broadcast that information over the police radio.

7 Q And what's printed out here, are you able to  
8 see this, then, in your patrol car on the video display  
9 terminal?

10 A Yes.

11 Q Okay. And can you explain for us then just  
12 starting with -- at 16:22:13 is the entry, and it says  
13 CK on Adrianna Jones. So if you could kind of explain  
14 what that means and then kind of take us through that.

15 A Sure. Basically, to kind of translate from  
16 the -- from the shorthand and the lingo we have, check  
17 on Angie Jones, who is a 23-year-old African American  
18 female. She has three kids. She has a suicidal  
19 boyfriend who tried to kill himself earlier. We don't  
20 know for sure if he's there or not.

21 Now they can't get ahold of Angie -- Angie  
22 Jones, and the boyfriend is armed with a gun.

23 Q Okay. And it looks like there's another entry  
24 just a few seconds later if you want to just continue  
25 with that?

1           A     Sure.  It says possibly the boyfriend wants to  
2 do suicide by police.

3           Q     And it gives the location as Sandy Terrace  
4 Apartments on the 37th.  What's that number, 41756,  
5 Boylan, John?

6           A     That means Officer Boylan was the first unit  
7 dispatched.  And that's his BPSPD number, or his badge  
8 number, because they're the same thing.

9           Q     Okay.  And then below that it looks like  
10 there's a description of Aaron Campbell?

11          A     Yes.

12          Q     And then what's this entry the 16:23:34?  It  
13 says father of Jones is ER to LOC?

14          A     Yeah.

15          Q     What's that?

16          A     The -- the information is that the father of  
17 Angie Jones is on his way to the location and will be in  
18 a dark gray Ford pickup.

19          Q     Okay.

20          A     That's that information.

21          Q     And below that is that you being dispatched  
22 yourself?

23          A     Yes.

24          Q     And what's the further information?

25          A     Unknown type of vehicle.  So they --

1 they're -- they didn't have any information as to what  
2 vehicle might be associated with either Angie or Mr.  
3 Campbell. And then they added that the subject, Mr.  
4 Campbell, had a brother that died this morning, and he  
5 was -- he's really upset about it, and he's distraught  
6 about it.

7 And, apparently, this information came from a  
8 niece by telephone. But that's -- that's still a little  
9 confusing to me. I'm not sure what that means.

10 Q Okay. But CO -- COMP is complainant. Does  
11 that mean -- so the person calling 911 got that  
12 information from a niece by phone; is that --

13 A Yeah.

14 Q -- what it turned out to be?

15 A Apparently, that's what that should mean.

16 Q About halfway through and at 16:27:06 it says  
17 flag resist/DOB IO. Can you translate that?

18 A Yeah. Basically, the dispatcher put in the  
19 information that they had, the name, the birth date, and  
20 found Mr. Campbell's police record, essentially, in the  
21 Portland Police Bureau Data System or PPDS. They found  
22 information. We have flags sometimes on certain people.  
23 They're supposed to alert us. It can be anything from  
24 they have a medical condition, or they're a chronic  
25 runaway, or they've had a violent history where they've

1 assaulted police officers in the past or been arrested  
2 for assaulting police officers in the past and things  
3 like that.

4 Or they've -- they've got instances when  
5 they've alluded. We have flags that say attempt to  
6 allude, things like that. So when the dispatcher put  
7 his information into the system it came back -- it came  
8 back with his police officer record. And there was --  
9 there were two flags on it saying that he was flagged as  
10 knowing -- having a history of resisting arrest and also  
11 having a violent domestic violence history.

12 Q On -- on the second page -- can you go to page  
13 2 -- is the heading. It starts Campbell, Aaron, Marcel.  
14 What's -- what's that block of information?

15 A That's the -- it's kind of a -- it's  
16 abbreviated. It's not as in depth as we get from our  
17 terminals, like in the station, for example. But this  
18 is sort of an abbreviated version of PPDS, Portland  
19 Police Data System, that we get on our NBC terminals  
20 when we're out mobile.

21 And that's basically his PPDS record, his  
22 Portland Police Data System record.

23 Q So this is his record of -- of past police  
24 contacts; is that right?

25 A Yes.

1 Q And what do you -- what are you seeing there?

2 A The first thing that jumps out to me is the  
3 two records from '08 where he was -- it -- it appears  
4 there's two different case numbers, one in which he was  
5 a suspect and one in which he was arrested for attempted  
6 murder with a handgun. In time and experience you scan  
7 these records and certain things jump out to you pretty  
8 quickly.

9 And that would be the first thing that would  
10 jump out to me. And then you start to notice other  
11 arrests for several arrests for assault, numerous  
12 arrests for assault. I count four. And then, of  
13 course, the -- the flag is up at the top. The domestic  
14 violence and resisting arrest flag is listed in the PPDS  
15 record as well.

16 Q Right. And -- I'm sorry?

17 A JUROR: What's the meaning of the  
18 (indiscernible)?

19 THE WITNESS: Typically, that means that  
20 he had an outstanding warrant for his arrest. And he  
21 was arrested for that. So that's not necessarily a new  
22 charge, but he had a failure to appear warrant or  
23 something like that where he got arrested. He got  
24 stopped and arrested.

25 A JUROR: Is it fair to presume that if

1 he was picked up for attempted murder and he was on the  
2 street a month later that he was not convicted?

3 THE WITNESS: That's -- yeah. That's --  
4 it's hard to say, uhm.

5 A JUROR: Does that relate to the  
6 (indiscernible) on all of that (indiscernible)?

7 THE WITNESS: Yeah.

8 A JUROR: Trying?

9 THE WITNESS: Yes. And anything that's A  
10 would designate -- would designate that they were  
11 arrested or charged. So we don't -- we don't have  
12 records from this. This is not a conviction record.  
13 This is an arrest record, a police contact record.

14 A JUROR: And the S (indiscernible)  
15 stands for? What does that stand for?

16 THE WITNESS: The S -- S would be a  
17 suspect. So sometimes police reports are written where  
18 there's a named or known suspect. So he -- there was  
19 some case somewhere where he was -- he was a named  
20 suspect.

21 JUROR: So technically that would just be  
22 one charge but listed twice, the suspect (indiscernible)  
23 arrest (indiscernible)?

24 THE WITNESS: The thing that's -- I'm --  
25 I'm not certain. The thing that's interesting about

1 that is -- is typically I would say yes. But there are  
2 two different case numbers. That's what's weird to me  
3 about it, because the case numbers are the numbers right  
4 next to it. So if he was both a suspect and he was  
5 arrested for the same thing usually it would be the same  
6 case number.

7 Does that make sense?

8 A JUROR: Uh-huh.

9 THE WITNESS: But it almost looks like  
10 two different -- two different things. And, of course,  
11 this just being the abbreviated version you'd have to  
12 plug in the case record number, and pull it up, and try  
13 to get into it further.

14 A JUROR: So if something similar happens  
15 you'd have two case numbers for a simple assault, 7914;  
16 is that correct?

17 THE WITNESS: Yes. Yeah.

18 A JUROR: Okay. Thank you.

19 BY MR. REES:

20 Q Now, is this -- in terms of the time frame is  
21 this information that we've just discussed information  
22 that you're getting while you're still in route from  
23 42nd and Halsey to the Sandy Terrace Apartments?

24 A Yes.

25 Q And so as a police officer over the last 10

1 years in route to this call you don't, obviously, have a  
2 complete picture of what's going on, right?

3 A No.

4 Q But what -- based on what you have learned up  
5 to this point as you're going to that location, what --  
6 what do you think? What -- in your -- in your mind what  
7 kind of call is this going to be and what are you  
8 preparing yourself for?

9 A I'm -- this -- this call stands out to me.  
10 And -- and it did that as being something that's  
11 potentially extremely dangerous. I've been -- I've been  
12 a cop for 11 years. And you start to get sort of a  
13 sense after going on call after call after call.  
14 Sometimes things sound -- information sounds more  
15 credible on some occasions than others.

16 And so far with all the information we're  
17 getting on this call this -- this is definitely one of  
18 those situations where the hair is starting to stand up  
19 on the back your neck (indiscernible) could be really  
20 ugly potentially. But, you know, the -- the things --  
21 the suicidal behavior, the threats of suicide by police,  
22 the fact that he had lost his brother earlier in that  
23 day. These are all really big red flags in and of  
24 themselves.

25 But then getting further information and

1 seeing that, you know, there's -- there's a history of  
2 violence and that sort of thing, then that's -- that ups  
3 the anti even more.

4 Q This term that was sent out earlier in this  
5 CAD report at 16:22:28 it says possibly he wants to do  
6 suicide by police. Is that a term you're familiar with?

7 A Yes.

8 Q What -- what is your understanding of what  
9 that term means?

10 A There's a -- there's a phenomenon that's --  
11 that's -- I'm -- I'm, of course, not a psychological  
12 expert (indiscernible). There's a well-documented,  
13 well-studied phenomenon where there are folks that  
14 they -- they've -- they've made the decision that they  
15 want to die but for whatever reason they don't have the  
16 ability or means or they don't want to do it themselves.

17 So they'll threaten to or set up situations in  
18 which they'll basically force the police to -- they'll  
19 force them -- they'll put the police in a situation  
20 where their back is up against the wall enough to use  
21 deadly force against them.

22 Q And how are you getting over to this location?  
23 Are you -- are you going with lights and sirens as fast  
24 as you can?

25 A Yes.

1 Q Do you know what time you arrived?

2 A Yes. I arrived at 16:33. So that would be  
3 4:33 a.m.

4 Q I'm sorry. Can you pick up your voice a  
5 little bit?

6 A Sure. 4:33 in the afternoon.

7 Q 4:33. Okay. So that's 10 minutes after this  
8 call originally comes out; is that right?

9 A It appears to be.

10 Q Did I do the math wrong?

11 A Yeah.

12 A JUROR: And 47.

13 BY MR. REES:

14 Q Okay. Almost 11 minutes. And --

15 A JUROR: Just -- so that's -- this is  
16 you (indiscernible) say on scene, and that's your  
17 number, and you're showing up (indiscernible)?

18 THE WITNESS: Yes.

19 A JUROR: Okay.

20 THE WITNESS: The 664. That would be my  
21 unit number.

22 A JUROR: All right.

23 A JUROR: 664.

24 A JUROR: Do you see that on there?

25 A JUROR: I see a 646.

1                   A JUROR: Yeah.

2                   A JUROR: Here it is down here, 664.

3 Thank you. (Multiple voices overlap.)

4                   THE WITNESS: And I don't know if they're  
5 going to -- you're going to play the dispatch tapes or  
6 whatever. But for the sake of brevity we use numbers  
7 so --

8                   A JUROR: That's fine.

9                   THE WITNESS: -- the dispatch will call  
10 646, which would be Officer Boylan. And then I'm called  
11 664, so anything relating to those numbers is going to  
12 have something to do with us.

13 BY MR. REES:

14           Q     And so you're the second officer to arrive on  
15 the scene after Officer Boylan, right?

16           A     Yes.

17           Q     And feel free if you want to use that picture  
18 behind you or the line diagram behind you, if you can  
19 show us -- if that shows where you initially went. Do  
20 you want to use that --

21           A     Sure.

22           Q     -- the photo?

23           A     Where I first -- when I first got -- this will  
24 probably show it better. Oh. Okay. The --  
25 Officer Boylan's car was about here, I'd say, about

1 where these -- these cars were at are police cars. He  
2 was there first.

3 Q This is Sandy -- this is Sandy?

4 A Yes. So kind of around the corner. There was  
5 a gentleman there. He appeared to be associated with a  
6 gray pickup truck, who I assumed was the person in the  
7 call who was supposed to be on their way there. And  
8 Officer Boylan was talking to him and just sort of  
9 getting some initial information.

10 And I pulled up behind him. I got out. I'm  
11 not personally familiar with this complex. This is  
12 new -- newer area. It's North Precinct. It used to be  
13 a part of East Precinct. So I recognized, obviously,  
14 that this was -- this was the building that I didn't  
15 know immediately where, exactly, where the apartment  
16 was.

17 So my thoughts initially were while  
18 Officer Boylan were -- was talking with the gentleman  
19 and trying to get more information I was going to try to  
20 sneak up and see if I could figure out where the  
21 apartment was so we knew -- we knew where we -- where we  
22 should be first of all.

23 From -- from my experience I've -- I've had  
24 some experience in the neighborhood response team for  
25 four years writing and executing search warrants and

1 things like that. And I -- I know there are  
2 typically -- there are certain threat factors when you  
3 want to consider -- when you're making an approach to a  
4 location.

5           So two of the biggest things that we always  
6 want to know about are if -- if there are children  
7 present, obviously, and if there are weapons. So those  
8 were my two biggest concerns. So I kind of pulled the  
9 guy aside while Officer Boylan was talking to him  
10 just -- just quickly to try to get as much information  
11 as I could and asked him specifically, you know, if  
12 there are kids in there.

13           And he said he thought that there were  
14 three -- three children inside the apartment. And then  
15 I asked him specifically about guns. I said, you know,  
16 we've got information that he might be armed. You know  
17 this firsthand or anything like that? And he said that  
18 he wasn't sure, that he'd kind of heard through third  
19 parties and kind of through the rumor mill there had  
20 been some information that he might be armed, but he  
21 didn't know for absolute certain that he might have a  
22 gun.

23           So then I also asked him if the -- the female  
24 half had a car. So if -- at, you know, at this point we  
25 don't even know for sure if she's there or if he's there

1 or how credible this information is. So I asked -- and  
2 he said that she didn't have a car. So then I -- I  
3 wrote down the information we had from PPDS from our  
4 data system.

5 It also lists associated vehicles. If you  
6 look at that record down here on the bottom, there were  
7 two records. It looks -- and it will give the license  
8 plate, the year, the color, make, model, and whether  
9 it's a two-door or four-door or SUV or whatnot. And it  
10 looks like Mr. Campbell had two vehicles that had been  
11 associated with him at some point.

12 And so I wrote down the license plate and a  
13 brief description really quickly on my hand of those two  
14 cars to go to check for them in the parking lot while I  
15 was up there. So I snuck up alongside the building.  
16 The parking lot was relatively -- it was pretty empty,  
17 so it was pretty easy to quickly scan and see that none  
18 of those cars appeared to be there -- neither one of  
19 those two cars, I should say.

20 So then if I could move this. There -- the  
21 way the building is set up where there are -- there's  
22 several alcoves, sort of, that lead up to the  
23 apartments. And peering into this first alcove I saw --  
24 I got a feeling for how they were numbered, that they  
25 would go sort of 29, 30, 31, 32. So from bottom up, and

1 then across, and then up again.

2           And so I moved down to this one and saw how  
3 they were numbered here. And so when I got up here, you  
4 know, I -- I determined that No. 37, which was the place  
5 we were concerned about, was going to be the next  
6 apartment here on the bottom level, just because of how  
7 the sequencing of the numbers and how the building  
8 appeared to be set up.

9           I figured out it was this lower apartment. So  
10 I stood right here for a pretty long time while other  
11 officers were arriving just to get eyes on the location  
12 and watch for movement inside of the apartment. Knowing  
13 that somebody may potentially be armed, you know,  
14 obviously, you try not to alert them to your presence.  
15 So you want to stay both concealed, but you also want to  
16 stay in a relative position of safety in case for  
17 whatever reason.

18           A JUROR: You're in uniform?

19           THE WITNESS: Yes. Yes. Somebody comes  
20 out and they decide, you know, if this was a situation  
21 where he did want to force a confrontation or something  
22 like that he could potentially come out or open a window  
23 and just start shooting at you.

24           So this is all brick building so  
25 that's -- from my -- to my opinion that was the safest

1 place to stand, and watch the apartment, and stay in a  
2 safe place, so if he did come out with a gun or  
3 something like that you'd be behind a pretty solid  
4 cover.

5 BY MR. REES:

6 Q And so as officers move in you're contacted by  
7 a supervisor, Sergeant Reyna?

8 A Yes.

9 Q Is that how she says her name?

10 A Yes.

11 Q Okay. And do you discuss with the Sergeant  
12 the situation and discuss what the strategy might be for  
13 making this a safe situation?

14 A Sure. There was -- there was some other  
15 activity that occurred just a little prior to that where  
16 we -- we again were still trying to determine if she was  
17 even there, if they were there.

18 Q So we did -- we did ask dispatch to ping her  
19 cell phone, which means they can -- I don't understand  
20 the -- the logistics of how this works, but in emergency  
21 situations they can try to get a GPS hit off a cell  
22 phone. So I thought let's give that a try and see if  
23 it's even in the area.

24 Q For the girlfriend of --

25 A Yes.

1 Q And did that work?

2 A It did. But there was some discussion about  
3 it, because they said initially they needed to know what  
4 cell phone carrier it was, and we didn't know. So --  
5 but they -- they were able to get around that somehow.  
6 And then they said with the particular carrier that she  
7 had that the information might not be realtime; it might  
8 be delayed; it might not be entirely accurate.

9 But we decided to try it anyway. So we got --  
10 we got some information back that it was somewhere in  
11 the area of -- I want to say it was somewhere in the  
12 area of Airport Way. And they said 143 hundred block,  
13 within 960 meters of that. And it was possibly moving.  
14 So that was some confusing information I got added to  
15 the mix a little bit.

16 A JUROR: And I'm sorry. That's about --  
17 that's about -- the detective's girlfriend's cell phone  
18 you said?

19 THE WITNESS: Yes. Yeah.

20 A JUROR: Okay. I'm sorry.

21 THE WITNESS: Just -- just, again, just  
22 trying to determine are these people even here, you  
23 know. Coordinating, you get a big thing set up and  
24 we're stuck there for hours on end and there's nobody  
25 (indiscernible).

1                   A JUROR: Okay.

2                   THE WITNESS: So -- but, yes, then  
3 Sergeant Reyna did come up. And we were trying to come  
4 up with a plan of how to approach and try to make  
5 contact in a safe manner.

6 BY MR. REES:

7           Q       And you can -- you can sit back down. And  
8 you -- you, in fact, then had a plan to try to get ahold  
9 of the girlfriend of Aaron Campbell, right?

10          A       We were -- we were trying to figure out how we  
11 were going to make a contact. And we were just starting  
12 to get people positioned and set up in the parking lot.  
13 And -- and on Sandy and have -- also we had a couple of  
14 officers on the back side of the apartment as well. And  
15 then somewhere in the middle of this the -- it turns out  
16 the girlfriend just walked out into the -- the parking  
17 lot just completely unexpected.

18                   I wasn't sure, absolutely sure, that she came  
19 out of that apartment. But she came from kind of around  
20 that corner. So I assumed that was probably where she  
21 came from. And I kind of waved her over to me. And she  
22 walked over to me. And I -- I just spoke to her really  
23 briefly. I said, did you just come from 37. I think I  
24 asked her her name, said are you so and so.

25                   And she said yes. I said -- I said, can you

1 come back here and talk to these officers, please. So I  
2 sort of passed her down to Sergeant Reyna and  
3 Officer Boylan. And then I went back to my spot there  
4 to continue watching the apartment.

5 A JUROR: Can I ask a question?

6 THE WITNESS: Sure.

7 A JUROR: Sergeant Reyna, when did she  
8 come on the scene?

9 THE WITNESS: She got there --

10 A JUROR: And you're -- you're down here  
11 by the -- close to the apartment, and Officer Boylan's  
12 out in the street.

13 THE WITNESS: Uh-huh.

14 A JUROR: And I guess other police  
15 officer cars are arriving?

16 THE WITNESS: Yeah.

17 A JUROR: Yeah. I'm just trying to  
18 keep -- trying to keep track of who's where when.

19 THE WITNESS: Yes. And that's hard to  
20 do.

21 A JUROR: Yes, it is.

22 THE WITNESS: I can speak to what I was  
23 doing. I mean, my -- my concentration was --

24 A JUROR: Yes. I understand.

25 THE WITNESS: -- a hundred percent on

1 watching that apartment --

2 A JUROR: I understand.

3 THE WITNESS: -- and -- and trying to get  
4 information and be prepared for whatever might come of  
5 that. But it looks like Sergeant Reyna showed up at  
6 5:22 according to dispatch.

7 A JUROR: 3607?

8 THE WITNESS: Yes. She'd be 3607.

9 A JUROR: Thank you.

10 BY MR. REES:

11 Q Okay. And so what -- what happens then after  
12 this female who -- who turns out to be the girlfriend of  
13 Aaron Campbell comes out? What -- what information gets  
14 relayed to you?

15 A There were -- well, we were setting up police  
16 cars in the -- in the parking lot. We were trying to  
17 set them up relatively close, but not too close so that  
18 he could maybe see them, because she'd -- she had  
19 indicated -- she said something to the effect that if he  
20 sees you guys he's going to freak. So try to stay out  
21 of sight.

22 So we were trying to set up kind of back to be  
23 prepared in case he came out or something, but also not  
24 to alert him that we were there. She at some point got  
25 a text from him saying, you know, asking her what was

1 going on, because he had thought she had just gone to  
2 the store or something like that, and then she had been  
3 gone for a little bit. So he sent her some text asking  
4 what was going on.

5 Then she sent him a text asking him to come  
6 outside. I don't know that anybody directed her to do  
7 that or not. I think she just took that upon herself to  
8 do that. I got my cell phone. I got a couple of  
9 numbers from Officer Boylan. I got the names of the  
10 kids and confirmed Aaron's name.

11 And I called his cell phone number, the number  
12 that was given to me as a cell phone number, and there  
13 wasn't any answer. We got the go ahead from the  
14 Sergeant that we were all in position, ready if he came  
15 out. I couldn't get him to answer. And then I called a  
16 second number that was supposed to be the home number.  
17 But I ended up talking to a woman that identified  
18 herself as Mr. Campbell's mother.

19 And I had a brief conversation with her. I  
20 said, I'm an officer with the Portland Police, and we're  
21 concerned about her. And she -- are you -- are you with  
22 him? And she said no. And I said is this -- is this  
23 his number? She said no. You know, this is -- this is  
24 my number, and I'm at home.

25 And -- and she was -- she was obviously really

1 concerned about what was going on. And I said, well,  
2 we're -- we're trying -- we're doing our best to try to  
3 figure out what's going on with Aaron and try to help  
4 him. But I have to get off the phone, and I need to  
5 just confirm that this is the best number for him.

6 And she confirmed that that cell number was  
7 his contact number. So I got off the phone with her.  
8 And then Officer Boylan relayed that he probably wasn't  
9 going to answer a phone -- from a phone number that he  
10 didn't recognize. So we got a -- we decided to try to  
11 use the girlfriend's cell phone to call him because she  
12 said he would answer that.

13 I called, and I called from that -- that --  
14 that phone. And I should back up just a second here.  
15 Just -- just before that she got a -- she got another  
16 text message from him that said -- that said don't --  
17 don't make me get my gun; I'm not playing.

18 BY MR. REES:

19 Q He sent that text to his girlfriend?

20 A Yes, to his girlfriend's phone.

21 Q And that information was relayed to you?

22 A Yes.

23 A JUROR: Did you (indiscernible)?

24 THE WITNESS: No. That was -- at this  
25 point the girlfriend was -- and I'm sorry. Yeah. This

1 is --

2 BY MR. REES:

3 Q -- Jones?

4 A Ms. Jones was with Officer Boylan and talking  
5 to him.

6 A JUROR: Okay.

7 THE WITNESS: And he -- he saw her get  
8 that text message, and then he -- he put it on the radio  
9 she just got that text.

10 A JUROR: Boylan saw the text?

11 THE WITNESS: I -- I believe so.

12 A JUROR: Okay.

13 THE WITNESS: Because he broadcast  
14 that --

15 A JUROR: Thank you.

16 THE WITNESS: -- on the radio so all --  
17 all the officers knew that she just got a text saying  
18 that.

19 A JUROR: I'm sorry. Does he know she's  
20 right outside at this time?

21 THE WITNESS: Mr. Campbell?

22 A JUROR: Yes.

23 THE WITNESS: I don't know.

24 A JUROR: No?

25 THE WITNESS: I think he was aware that

1 she left.

2 A JUROR: Uh-huh.

3 THE WITNESS: And I think he was  
4 wondering what was going on. And that -- that indicates  
5 to me that maybe he was starting to think something was  
6 up.

7 A JUROR: Right.

8 THE WITNESS: When he got -- when he sent  
9 that text.

10 A JUROR: Uh-huh.

11 THE WITNESS: But I couldn't say for  
12 sure, obviously.

13 A JUROR: So your understanding of the  
14 wording was don't make me get my gun?

15 THE WITNESS: Yes. Don't make me get my  
16 gun; I'm not playing.

17 A JUROR: Which implies he currently does  
18 not have it; is that correct? That's --

19 THE WITNESS: I --

20 A JUROR: It might be nearby --

21 THE WITNESS: Yeah. I -- I'm not sure.

22 A JUROR: -- but didn't currently have it  
23 on his -- on his person?

24 THE WITNESS: It's -- it's --

25 A JUROR: (Indiscernible) the text?

1 Once.

2 THE WITNESS: Sure. If -- if -- that's  
3 possible.

4 BY MR. REES:

5 Q Well, how would you interpret it?

6 A I -- I -- I've seen it both ways. I  
7 wouldn't -- I wouldn't necessarily interpret it a  
8 hundred percent that way. I've -- I've heard people  
9 make those kind of references and they've actually had a  
10 gun in their possession. So, apparently, getting it,  
11 reaching down and getting it from their pants or  
12 something like that. But I don't know.

13 I didn't analyze it too -- too in depth at  
14 that point.

15 Q But at any rate there's an entry on the CAD  
16 has it 17:30:13, 17:30:13, which I believe is the third  
17 page on the CAD report there?

18 A JUROR: I see that. That -- that comes  
19 after he's already texted or asking the girl what's  
20 going on, and she asks him to come outside, and I guess  
21 then he -- he responds --

22 THE WITNESS: Yes.

23 A JUROR: -- saying don't make me get my  
24 gun?

25 A JUROR: Is that text actually in here?

1 A JUROR: Uh-huh.

2 A JUROR: Yes. It says he texted to come  
3 outside; don't make me get my gun.

4 A JUROR: And just -- just a quick  
5 question because, I mean, obviously, you were dealing  
6 with (indiscernible).

7 THE WITNESS: Sure.

8 A JUROR: This setting up for a loud hail  
9 at 17:22 --

10 THE WITNESS: Sure.

11 A JUROR: Did -- did that happen? That  
12 probably didn't happen?

13 THE WITNESS: No, because we were able to  
14 make phone contact. But we were trying to set up in  
15 case we weren't able to get him on the phone.

16 A JUROR: Gotcha.

17 THE WITNESS: You know, to try to have a  
18 PA system ready or something and try to call him out.

19 A JUROR: It looks like this happens  
20 after Shelby came out. There's something up here by  
21 (indiscernible) it says daughter came out first.  
22 Appears to be okay.

23 THE WITNESS: Oh. That was Ms. Jones --  
24 Ms. Jones.

25 A JUROR: Oh. Okay.

1 THE WITNESS: Yeah. Because I believe it  
2 was --

3 A JUROR: And Ms. Jones is the neighbor?

4 MR. REES: No. Angie Jones is the  
5 girlfriend --

6 A JUROR: Oh, Angie Jones.

7 MR. REES: -- of Aaron Campbell. And  
8 it's his daughter because her father --

9 A JUROR: Oh.

10 MR. REES: -- was outside in the pickup  
11 truck, right?

12 THE WITNESS: Yes. It turns out --

13 A JUROR: Oh. The guy in the --

14 THE WITNESS: -- I guess the guy --

15 A JUROR: -- gray pickup --

16 THE WITNESS: -- in the gray pickup  
17 truck --

18 A JUROR: -- was her father.

19 THE WITNESS: -- was her dad.

20 A JUROR: Okay.

21 THE WITNESS: Yeah.

22 BY MR. REES:

23 Q Okay. So at this point then are you  
24 attempting to make contact with Aaron Campbell via  
25 either text message or phone, and are you ever

1 successful?

2 A Yeah. I tried calling, and he answered the  
3 first -- the first time. The phone was a Cricket phone,  
4 and the quality was somewhat poor for trying to have a  
5 conversation on that phone.

6 A JUROR: And that's the entry 17:32:38?  
7 It says Officer Quackenbush talking to suspect.

8 THE WITNESS: Yes.

9 A JUROR: Okay.

10 THE WITNESS: They -- they -- they  
11 broadcast, apparently, that I was able to get him to  
12 answer. And I'm just trying to find the part where I  
13 have that brief conversation.

14 A JUROR: I think it's on page 10.

15 A JUROR: So you got Angie's phone and  
16 were trying to call him?

17 THE WITNESS: Yes. Yes. Yeah. Called.  
18 Yeah. So we -- yes. So we had -- we had a brief  
19 conversation. I, you know, I introduced myself. I said  
20 my name is Jim Quackenbush. I'm a policeman with the  
21 Portland Police Bureau. We're outside. We're concerned  
22 about you. We don't have any information that there's a  
23 crime occurring.

24 We don't have any information that, you  
25 know, there's anything illegal going on, and I want to

1 make that clear. But we've been sent out here to check  
2 on your welfare. I -- I understand -- I talked to him a  
3 little bit. I did most of the talking. He didn't  
4 really respond. At this point I'm just trying to talk  
5 with him to try to establish some rapport with him.

6 But I said it's my understanding that you  
7 lost your brother this morning, and I'm really sorry to  
8 hear that. I told him that, you know, if it's -- if  
9 it -- if it means anything to you I lost both of my  
10 grandparents over the holidays recently, and I know what  
11 it's like to lose family, people that are very close to  
12 you, and I know how painful that is.

13 And he said something about -- to the  
14 effect that, you know, I -- I'm fine. You guys just  
15 need to go away; just leave me alone. And I said, well,  
16 we -- we'd like to do that, but we have to -- we -- we  
17 have to cover a few things first. I said first of all,  
18 you know, there's three little ones in there that we're  
19 concerned about.

20 We have some information that you have a  
21 gun, and you're threatening to hurt yourself, and we're  
22 just concerned about the situation escalating. And we  
23 know that you have three little babies in there, and we  
24 want to make sure that they're okay. And there was a  
25 bunch of jostling around.

1                   And I tried calling his name two times,  
2 Aaron, Aaron, and there wasn't any response. And then  
3 the phone went dead. And pretty much immediately after  
4 that I heard officers yelling that the kids were coming  
5 out.

6 BY MR. REES:

7           Q     And could you see the three little children  
8 running out of the apartment?

9           A     Yeah. I -- I saw -- I saw Officer -- I think  
10 it was Kemple -- grab two of the bigger kids and rush  
11 them out to the street. And then there was -- there was  
12 a little girl that was hardly old enough to walk with a  
13 binky in her mouth, kind of waddling down the side of  
14 the sidewalk.

15                   And somebody almost ran up to grab her, and I  
16 remember a sergeant or somebody saying, no. Wait. Just  
17 let her come to you. Let her come to you. And she just  
18 kind of waddled down the sidewalk. And somebody grabbed  
19 her. And then -- and then it looked like grampa was  
20 loading them up in the pickup truck around the corner.

21 BY MR. REES:

22           Q     And these are all children, then, in addition  
23 to the little toddler; I mean, they're all under the age  
24 of six probably?

25           A     I -- I would assume so.

1 Q Little kids?

2 A Very -- very small.

3 A JUROR: When these children came out of  
4 the -- of the apartment, did they run out, or did they  
5 just sort of walk out, or did they appear to be sort of  
6 frightened, or going out to play or?

7 THE WITNESS: I -- I didn't -- I didn't  
8 have that close of contact with them or go -- or go up  
9 and see them in that --

10 A JUROR: I notice this says kids walked  
11 out --

12 THE WITNESS: Yeah. I --

13 A JUROR: -- then came out.

14 THE WITNESS: Sure. I -- yeah.

15 A JUROR: I mean, it wasn't like they  
16 were frantically running away from --

17 MR. REES: Well, we can ask another  
18 officer.

19 THE WITNESS: Yeah. I -- I don't know.

20 A JUROR: Does that mean there's five  
21 children all together that were seen here?

22 THE WITNESS: No.

23 A JUROR: Or just two and then the third  
24 one?

25 THE WITNESS: Just two in the first --

1 A JUROR: Just two. Yeah.

2 A JUROR: Are you a trained negotiator?

3 Have you taken classes for that?

4 THE WITNESS: I've been through CIT  
5 training.

6 BY MR. REES:

7 Q Which is what?

8 A Crisis Intervention Team. We've all -- we've  
9 all been through a 40-hour class. (Indiscernible)  
10 class, and trying to help and deal with folks who are  
11 having mental health crises, we go over briefly the  
12 different types of mental illnesses, schizophrenia,  
13 bipolar disorder, severe depression, things like that,  
14 so we kind of get a handle on how those diseases  
15 operate.

16 And we also have -- the Sergeant from -- it  
17 was at the time Wayne Swiller (ph) from the Hostage  
18 Negotiation Team came in for a day and went over basic  
19 hostage negotiation skills, played some tapes, and  
20 talked about different scenarios and how to deal with --  
21 with different situations.

22 A JUROR: So at the time the three  
23 children came out (indiscernible) secure  
24 (indiscernible)?

25 THE WITNESS: Yes.

1                   A JUROR: Was there -- was -- is there  
2 concern by you or the Sergeant or anybody else that  
3 there might still be others in the apartment with him?

4                   THE WITNESS: I don't think so, not after  
5 that, no.

6                   A JUROR: At that point you're fairly  
7 sure he's there by him himself?

8                   THE WITNESS: Yes. Yes. So at that --  
9 at that point, you know, we were all -- that was --  
10 there was a big sigh of relief; that was a big moment  
11 for us, thank God. So Sergeant Birkenbein was there  
12 to -- who incidentally is a sergeant on the Hostage  
13 Negotiations Team. So he was there kind of -- kind of  
14 helping -- helping with the game plan to kind of --  
15 guiding me a little bit on what to say and that sort of  
16 thing. But --

17 BY MR. REES:

18               Q     I'm sorry. And so is there -- so now there  
19 are two sergeants on the scene, and as you say  
20 Birkenbein, specifically, is actually on the Hostage  
21 Negotiation Team with the Police Bureau?

22               A     Yes.

23               Q     Correct?

24               A     Yes.

25               Q     Okay. And just then looking at page 12 of

1 your -- of your interview you note that in discussing  
2 the situation with Sergeant Birkenbein at this point now  
3 that the girlfriend's out, the three little children are  
4 out, you believe that time was on your side, and that  
5 you could slow the situation down --

6 A Sure.

7 Q -- because now you're not maybe in such a -- a  
8 mode where you're trying to get the kids out and all  
9 that, right?

10 A Yes.

11 Q Okay.

12 A In fact, we -- we discussed the very high  
13 probability that we might just walk away from the  
14 situation.

15 Q Right. Do you have further communication  
16 after that, then, with Aaron Campbell?

17 A Yes. Once -- once we -- we -- Sergeant Reyna,  
18 Sergeant Birkenbein, and I talked a little bit about  
19 that point about is this a scenario where we can leave,  
20 you know, we thought if we do that we need to make sure  
21 that she's got a place to go; she's not going to go back  
22 with the kids, and then we're back to square one.

23 But we also felt like we couldn't -- we  
24 couldn't do that without kind of further solidifying his  
25 state of mind and finally figuring out where he was at,

1 and nailing down -- getting him to verbalize, you know,  
2 whether he was, in fact, suicidal or homicidal or not.

3           So once we -- once we discussed that, and  
4 Sergeant Birkenbein just reiterated he just wanted me to  
5 try to get more about his state of mind and how he was  
6 feeling and that sort of thing. I tried calling him  
7 back a few times once we were ready, and it was just  
8 going to straight voice mail again. He wasn't answering  
9 anymore.

10           So then we came up with the idea that we would  
11 send him text messages because we -- we -- we kind of  
12 joked about it, you know, everybody responds to a text  
13 message even when they won't answer their phone for some  
14 reason.

15           So it took me a few minutes. I had to figure  
16 out how to use this foreign cell phone, and it was set  
17 up goofy, so when you tried to send a text it started  
18 trying to automatically populate the word for you. And  
19 it was not working right.

20           Q     Okay.

21           A     So it took me a few minutes to figure that  
22 out.

23           Q     But -- but if you could just get to the text  
24 message?

25           A     Sure.

1           Q     What -- what did you send and what did he  
2     reply?

3           A     I sent him -- let's see. I said, Aaron, we  
4     need to know if you intend on hurting yourself.

5           Q     And did he respond to that?

6           A     He did. He said never. Wow, you guys text,  
7     too. You get kudos. So I took that as a good sign  
8     maybe he's okay. So then I sent him a text message back  
9     saying, thanks, Aaron, I appreciate your call. I'm  
10    truly sorry about your brother. Can you promise me you  
11    won't hurt yourself. And I signed it Jim.

12                     And then he responded, you're texting me and  
13    not calling me. That's real weird, Jimmy. So we kind  
14    of laughed again and we thought, oh. That's good. He's  
15    kind of joking around and stuff. Maybe this is -- maybe  
16    this is going to be all right. So then I -- I took  
17    it -- I took that opportunity, that invitation to call  
18    him.

19                     And I called him. And -- okay. There was  
20    like some bleed-over where there was -- there was like a  
21    woman on the line talking, having a different -- a  
22    totally different conversation. So he was -- he was  
23    saying some things that I -- it sounded like he was  
24    trying to talk, and I couldn't quite understand what he  
25    was saying.

1           And I was -- I was talking to him. I said,  
2 you know, that we just needed to make sure you're okay.  
3 We're, you know, we're willing to consider the  
4 opportunity to just leave and leave him alone, but we  
5 need -- I would like to know where his state of mind  
6 was. I wanted to know if he was intent on hurting  
7 himself, if he felt like hurting other people; if he had  
8 a gun we needed to be concerned about that.

9           And I said, you know, we don't want -- we're  
10 not going to go in there. We'd like to try to find a  
11 way for you to come out and talk to us, and maybe we can  
12 get you some place where you can get some -- some help  
13 or some crisis tools or some things like that. And  
14 he -- he -- he was saying things here and there, but I  
15 couldn't understand what he was saying.

16           And then the phone disconnected again. And  
17 just like with the kids almost immediately I heard  
18 officers yelling that he was coming out of the  
19 apartment.

20 BY MR. REES:

21           Q     You -- you had not asked him to come out?

22           A     No. I -- I had started to go into -- I had  
23 started to go into the -- the idea that, you know, we  
24 didn't want to go in there to talk to him. That we  
25 might want to, you know, look into the possibility of

1 him coming out of the apartment and told him to come  
2 out.

3 Q Okay. But did you ever when you were on the  
4 phone with him or by text ever say, you know, Mr.  
5 Campbell, you need to come out of that apartment right  
6 now?

7 A No.

8 Q Or something like that?

9 A No.

10 Q You did not do that?

11 A No.

12 Q So were you surprised when you heard the  
13 officers yelling he's coming out?

14 A Yes.

15 Q Could you see him coming out or did you first  
16 hear the officers say he's coming out?

17 A At -- at first I just heard the officers  
18 yelling he was coming out. Where I was at, just like  
19 with the kids in this alcove --

20 A JUROR: So you're still in the alcove.

21 THE WITNESS: Yes. This whole time. And  
22 I kind of switched my roles -- excuse me -- I kind of  
23 switched roles. At some point we moved back here, and  
24 I'm -- I'm back here in the corner walking around,  
25 trying to get good phone reception and trying to talk to

1 him on the phone while we have officers out here in this  
2 area set up on the apartment.

3                   So I can see -- my -- my vision is  
4 obviously limited when I look out. Same thing when the  
5 kids came out. I could just see, you know, I heard them  
6 yelling that they were coming out, but I'm back here, so  
7 I see them about when they get to that point. So I  
8 didn't -- I didn't see him physically come out of the  
9 apartment.

10                   I just saw him when he was starting to  
11 back up towards the police cars.

12 BY MR. REES:

13           Q       And where -- can you show us on the diagram  
14 where that would be, approximately, where you actually  
15 saw him?

16           A       Approximately, somewhere in this vicinity.

17           Q       And what's he -- what's he doing when you see  
18 him?

19           A       He was doing this. He had his hands here  
20 laced behind his head, and he was backing up.

21                   A JUROR: So you think he'd backed up  
22 like 30 feet then?

23                   MR. REES: Well, I -- I don't know if you  
24 can answer that question.

25                   A JUROR: Oh.

1 THE WITNESS: Yeah. I don't think I can  
2 answer --

3 MR. REES: He either saw it or he didn't  
4 see.

5 THE WITNESS: I didn't see.

6 A JUROR: If I can just help myself  
7 picture this.

8 THE WITNESS: Sure.

9 A JUROR: You're back in this alcove. At  
10 this point it's -- it's Sergeant Reyna who's in charge  
11 of the whole situation; is that correct?

12 THE WITNESS: We had two sergeants there.

13 A JUROR: I see.

14 THE WITNESS: So they -- I think  
15 they're -- I think they're both kind of coordinating  
16 different things, but I'm not sure.

17 A JUROR: But where would they have been  
18 at this point or do you know where they were located?

19 THE WITNESS: I don't know where Sergeant  
20 Reyna was during -- at this point in the conversation  
21 I'm pretty sure it was just Sergeant Birkenbein and I  
22 back there --

23 A JUROR: Okay. So --

24 THE WITNESS: -- when I was on the phone.

25 A JUROR: -- neither sergeant, then, may

1 have seen him come out; is that correct?

2 BY MR. REES:

3 Q Again, I would just caution you --

4 A Yeah.

5 Q -- only to answer --

6 A JUROR: Well, sergeant Birkenbein  
7 couldn't because he was with you in the alcove?

8 THE WITNESS: I -- yeah. I don't -- I  
9 don't know for sure so.

10 A JUROR: So -- so the two kind were  
11 together coordinating as this is happening?

12 THE WITNESS: Sure.

13 A JUROR: Okay.

14 THE WITNESS: I think so. I -- my focus  
15 again, it's -- it's hard to speak to what other people  
16 were doing, because my -- my focus was 110 percent on  
17 just trying to --

18 A JUROR: But -- and there was a lot  
19 going on --

20 THE WITNESS: -- establish something with  
21 Mr. Campbell --

22 A JUROR: -- a lot going on in the  
23 background that you were not really --

24 THE WITNESS: Oh, yeah.

25 A JUROR: -- involved in.

1 THE WITNESS: Sure. Sure.

2 A JUROR: More people coming --

3 THE WITNESS: Yeah.

4 A JUROR: -- and --

5 THE WITNESS: My little piece was just  
6 trying to -- trying to talk to Mr. Campbell.

7 BY MR. REES:

8 Q Okay. And just to conclude in terms of what  
9 you actually saw with your own eyes and heard with your  
10 ears, what -- what do you see and hear there in the --  
11 in the parking lot just as you -- you initially saw Mr.  
12 Campbell backing with his hands behind his head what --  
13 what happens?

14 A I can -- I can only see really the very top of  
15 his body. We've got cars and all kinds of other stuff  
16 here and buildings, so it's just real brief. I see him  
17 backing up just a little bit with his hands on top of  
18 his head, and I can see the upper part of his body. And  
19 then there's this, you know, I hear -- I hear the  
20 officers.

21 They're shouting the usual commands, you know,  
22 back up slowly to me, you know, do -- do -- do as you're  
23 told or you'll be shot -- you may be shot. We believe  
24 you might be armed; you may be shot. They -- they start  
25 to order him down onto the ground, and there appears to

1 be some kind of hesitation and some movement forward.

2           And it was -- it was strange. It was like  
3 this pause. He starts to move forward, and the hands  
4 start to come down. And then I started to hear these  
5 popping sounds, which from where I was standing I  
6 believe they're Leslie Four rounds, the beanbag gun  
7 being deployed, and then he starts to move forward, and  
8 then I pretty much immediately lose sight of him.

9           And then pretty -- pretty close after that  
10 there -- there are a few more popping sounds. I  
11 couldn't say how many of those little popping sounds  
12 occurred. But there was a loud boom, which was quite  
13 obvious to me it was a lethal round (indiscernible)  
14 somebody employed a lethal round.

15           A JUROR: Can you -- can you explain  
16 moving forward. You said he moved forward. Did he  
17 just --

18           THE WITNESS: Sure.

19           A JUROR: -- what you saw?

20           THE WITNESS: Yeah. Again, it was just  
21 real brief, and my vision -- my vision was pretty  
22 obstructed. But it would be easiest probably to show  
23 it. It was -- it was something along these lines where  
24 he was kind of like this, and there was a hesitation,  
25 and there's a lot of shouting going on. I can't make

1 out everything that's being said.

2 JUROR: A lot of shots going on from  
3 other officers --

4 THE WITNESS: I -- just --

5 A JUROR: -- in general?

6 THE WITNESS: In general, yeah. And then  
7 there's this sort of -- sort of motion where I see the  
8 hands come forward. And then, again, from where I'm  
9 sitting I pretty much immediately lose sight of him once  
10 they're off his head.

11 A JUROR: Okay.

12 THE WITNESS: And then there's this kind  
13 of a motion forward. And then -- and then almost like  
14 he took off running or something, but quickly went out  
15 of my view.

16 A JUROR: So, again, to help me visualize  
17 this --

18 THE WITNESS: Sure.

19 A JUROR: -- so he -- with his hands on  
20 his head as the hands come down is that when the popping  
21 starts?

22 THE WITNESS: It's all -- it -- yeah.  
23 Somewhere -- somewhere in there is when that started.

24 A JUROR: So as soon as his hands come  
25 apart it's -- it's a very short time until the popping

1 starts. And one of the commands you said was to lie  
2 down?

3 THE WITNESS: I don't know that it was to  
4 lie down.

5 A JUROR: To get on your  
6 (indiscernible) --

7 THE WITNESS: It was -- I think they were  
8 telling him to get down --

9 A JUROR: -- to get down.

10 THE WITNESS: -- on his knees.

11 A JUROR: To get down.

12 THE WITNESS: Yeah.

13 A JUROR: So it's possible that would be  
14 considered that kind of a motion -- it looked like that  
15 could be -- oh. I -- he was doing this or just --

16 THE WITNESS: No. Yeah. I didn't  
17 interpret it that way. Again, it's -- it's a split  
18 second thing --

19 A JUROR: Oh.

20 THE WITNESS: -- that I just saw. But --

21 A JUROR: But that's -- but this was  
22 when --

23 THE WITNESS: -- I didn't interpret it --

24 A JUROR: -- all kinds of other commands  
25 are being shouted out?

1 THE WITNESS: Sure. I -- I can hear  
2 shouting going on. And it's hard for me to -- to  
3 distinctly say what was being said.

4 A JUROR: Did you see the dog there?

5 THE WITNESS: I'm sorry?

6 A JUROR: Could you see the police dog?

7 THE WITNESS: No. I couldn't see -- I  
8 could hear the dog barking, but I couldn't see the dog  
9 from where I was at.

10 A JUROR: So you --

11 THE WITNESS: But it looked like -- it  
12 looked like kind of like he was going to run, was just  
13 going to take off running. It didn't look like he -- it  
14 was -- if that -- if that helps. That was my  
15 interpretation of his movement was that not -- I'm --  
16 I'm getting down on the ground --

17 A JUROR: So (indiscernible) came down,  
18 moved forward -- (indiscernible)--

19 THE WITNESS: I'm going to --

20 A JUROR: -- (indiscernible) --

21 THE WITNESS: I'm out of here and I'm  
22 taking off. That's -- that was my personal  
23 interpretation. But again, a brief split second kind of  
24 visual thing.

25 A JUROR: And this precedes the firing of

1 the less lethal rounds?

2 THE WITNESS: Yes.

3 A JUROR: Because I thought you said  
4 something about before (indiscernible) -- I'm sorry.

5 THE WITNESS: Oh. I'm sorry. No.  
6 The -- he was kind -- there was the pause. There was  
7 the hesitation.

8 A JUROR: Uh-huh.

9 THE WITNESS: And then there was at  
10 least -- at least one, kind of (indiscernible) pause. I  
11 don't know if it was just he wasn't doing what -- they  
12 didn't interpret he was doing what he was supposed to be  
13 doing or what, but somebody employed a less lethal  
14 round.

15 A JUROR: Gotcha. And you had said  
16 before they gave -- you heard the -- the usual sort of  
17 commands (indiscernible) telling him what to do, but  
18 at -- at this -- I know this is a really tense moment  
19 and it happens really fast.

20 THE WITNESS: Yeah.

21 A JUROR: You hear what's going on. But  
22 at that point you can't really make out what's being  
23 asked of him? Is he maybe being asked (indiscernible)  
24 things and doesn't know how to respond?

25 THE WITNESS: Yeah.

1 MR. REES: Again --

2 THE WITNESS: I don't know.

3 MR. REES: -- I just -- try to  
4 (indiscernible) speculating --

5 (Multiple voices overlapping.)

6 MR. REES: I'm sorry. There's a  
7 recording, too. We don't want to talk at the same time.  
8 But we can -- that's a good question for another  
9 witness.

10 Okay. Are there any other questions for  
11 the Grand Jury? Glen, did you have any? Okay. Thanks,  
12 Officer. We'll call the next witness unless anyone  
13 needs a break? Okay. Thank you.

14 ADRIANNA JONES

15 was thereupon called as a witness in behalf of the  
16 Grand Jury, and after having been first affirmed, was  
17 examined and testified as follows:

18 THE WITNESS: Yes.

19 SPEAKER: Thank you.

20 MR. REES: Go ahead and take a seat. And  
21 I'm going to ask you to -- to speak up if you could loud  
22 and clear, please, so the Grand Jury can hear you, but  
23 also because we're recording this. There's a microphone  
24 right there by Mr. Banfield.

25 THE WITNESS: Okay.

1 MR. REES: And so if you could speak up a  
2 little bit, okay?

3 THE WITNESS: Okay.

4 MR. REES: All right. And let's start by  
5 having you state your name and spell your name.

6 THE WITNESS: My name is Adrianna Jones,  
7 A-D-R-I-E-A-N-N-A. But I go by Angie, A-N-G-I-E.

8 MR. REES: All right. Thanks, Ms. Jones.

9 EXAMINATION

10 BY MR. REES:

11 Q And how old are you?

12 A 23.

13 Q 23.

14 A Uh-huh.

15 Q How long did you know Aaron Campbell for?

16 A Uhm, 2006, 2003.

17 Q Since 2003, so about seven years.

18 A Uhm . . .

19 Q And you had some children with him, right?

20 A Uh-huh.

21 Q How many kids did you have with Mr. Campbell?

22 A I have two children with Aaron Campbell.

23 Q And how old are they?

24 A Five and four.

25 Q All right. And is it -- is it right that

1 during that -- that time that -- that you have known  
2 him, had children with him, he was also married to  
3 another lady, right?

4 A No.

5 Q No?

6 A No. He was only been married to her for two  
7 years.

8 Q Just for two years?

9 A Yeah.

10 Q And when -- when did that happen?

11 A Let's see. Her son is two, so (laughs) back  
12 when . . . two years ago, I guess, or sort of like three  
13 (indiscernible) -- I don't know. Her son just turned  
14 two, so it was when she was pregnant with him.

15 Q Okay. So some -- some -- somewhere around two  
16 or three years ago he got married to this other lady?

17 A Yeah.

18 Q Was he still seeing you at that time?

19 A No. We broke up before they got married.

20 Q Okay. Now, it's my understanding that you  
21 live in the -- the apartment, No. 37?

22 A Uh-huh.

23 Q At 12800 Northeast Sandy Boulevard, right?

24 A Yeah.

25 Q At the Sandy Terrace Apartments?

1 A Yeah.

2 Q How long have you lived there?

3 A I'd say about almost two years.

4 Q All right. And who -- whose name is that  
5 apartment in?

6 A His mom's, Marva Davis.

7 Q When you say his, is that Aaron Campbell's  
8 mom?

9 A Yeah. Aaron Campbell's mom.

10 Q So his -- Aaron Campbell's mom, does she pay  
11 for the apartment?

12 A No, I do.

13 Q Okay. But it's in her name?

14 A Uh-huh.

15 Q And then you pay the rent?

16 A Uh-huh.

17 Q And you've got Aaron's two kids?

18 A And my younger daughter.

19 Q And then you've got a little -- she's just  
20 a -- a little -- a little toddler or?

21 A Yeah. She's two.

22 Q She's two?

23 A Uh-huh.

24 Q Anyone else live in the apartment besides you  
25 and the three kids?

1 A No.

2 Q Okay. Now, is it correct that you would still  
3 see Aaron --

4 A Uh-huh.

5 Q -- occasionally over these last two years?

6 A Yeah. He would come over and like take our  
7 oldest daughter to the school bus or just come and spend  
8 the night because he wanted to spend time with his kids.

9 Q Okay. And how did you in these last two years  
10 or so how would you say you've gotten along with him?

11 A Uhm, we were fine. He would either come spend  
12 the night, or he would come pick up the kids and take  
13 them to the movies or whatever, but we were -- he was  
14 getting better (indiscernible) when we were together.

15 Q Okay. So I think the detectives had asked you  
16 about his -- his violence --

17 A Uh-huh.

18 Q -- towards you. And you said there were too  
19 many times to count?

20 A Uh-huh.

21 Q Is that right?

22 A Yeah.

23 Q And when -- when was that? Was that more like  
24 when you guys were still together?

25 A Yes. That was back when we were together.

1 Q Okay. Now, how long had it been, do you  
2 think, since you had seen him at the Sandy Terrace  
3 Apartments before this -- this time we're -- we're  
4 talking about now?

5 A It probably was like a month, maybe, like a  
6 month or three weeks.

7 Q It's like -- would that be early, early  
8 January, late December, something like that?

9 A Yeah. It would be like late December.

10 Q Okay. And then since that -- after that time  
11 in late December when you saw Aaron Campbell when was  
12 the next time that you saw him?

13 A He came to my house like before -- when --  
14 before Friday?

15 Q Yeah.

16 A He came to my house on Wednesday.

17 Q On Wednesday. So that would be Wednesday,  
18 January 27th?

19 A Uh-huh.

20 Q And that's -- that's just the Wednesday before  
21 the -- before the Friday when this all happened, right?

22 A Yes.

23 Q Okay. And were -- were you surprised that  
24 he -- that he showed up?

25 A Well, he texted me in the middle of the night

1 and said he was on his way. When -- he always does  
2 that. He had a key to my house, so either way he would  
3 have come. And I know he's going through everything  
4 with his brother in the hospital. He was at the  
5 hospital with his brother, so I guess he had got into an  
6 argument with his brother.

7 That's why he left the hospital and just  
8 needed to come to my house to have somebody to talk to.

9 Q All right.

10 A And talk with his kids.

11 MR. BANFIELD: And he got into an  
12 argument with his brother that was sick in the hospital?

13 THE WITNESS: Uh-huh. Yeah.

14 BY MR. REES:

15 Q And how was he when -- when he came to see you  
16 then on Wednesday?

17 A Uhm, he was fine. He was kind of depressed,  
18 but when he came to the house he just laid on the floor  
19 and went to sleep.

20 Q So that was Wednesday night?

21 A Uh-huh.

22 Q Okay. And then the next day was Thursday?

23 A Uh-huh.

24 Q And what happened on Thursday?

25 A Then on Thursday I had to get up because my

1 youngest daughter had a dentist appointment at OHSU. So  
2 I got the kids up, and we got dressed and left and went  
3 to the bus stop. And he stayed at my house.

4 Q Okay. And then what happened?

5 A And we went to OHSU. I took my daughter to  
6 the dentist, and we went to go see his brother, Timothy.  
7 And then probably around like one or so his mom dropped  
8 us off at the house. And he was still there.

9 Q He was still there?

10 A Uh-huh.

11 Q And what was he doing?

12 A He was just in my house watching TV or on his  
13 computer. And I think he might have been drinking.

14 Q Why -- why do you think that?

15 A Because -- well, there was like wine bottles  
16 on the, you know, on the floor, and stuff like that.

17 Q Okay. And you -- you told the detectives that  
18 at some point he started asking your little daughter if  
19 she'd be sad if her daddy died?

20 A Uh-huh.

21 Q When did that -- when did that -- when did he  
22 start talking like that?

23 A It was later that night. They were going to  
24 go get a pizza. And before they left he asked her if he  
25 died would she be sad. And she said no. And then I was

1 like why would you ask a five year old that? And he was  
2 like, see; they don't need their dad. And I'm like  
3 she's only -- she's only five. She doesn't understand  
4 what you're really asking her. So . . .

5 A JUROR: Can I ask a question?

6 MR. REES: Sure.

7 A JUROR: And what was the status of  
8 Aaron's brother at this time? Was he still --

9 THE WITNESS: He was -- as far as we knew  
10 he was still alive.

11 A JUROR: Still alive.

12 THE WITNESS: Uh-huh.

13 A JUROR: Okay.

14 A JUROR: Because we're talking about  
15 Thursday night; is that right?

16 THE WITNESS: Uh-huh.

17 MR. REES: It's Thursday night and --

18 A JUROR: And the brother's name is Tim?

19 THE WITNESS: Uh-huh.

20 BY MR. REES:

21 Q So he asked this question of your  
22 five-year-old daughter, and had you ever before that --  
23 did you ever know Aaron Campbell to be maybe someone who  
24 had thought about suicide?

25 A Uhm, not to me he hasn't, because he -- he

1 comes around when he wants to. So I know there was a  
2 time before. But I have found out he was in the -- the  
3 mental hospital, because I guess he tried to take a  
4 whole bunch of pills or something. But I wasn't around  
5 him at the time, so I had heard that from his mom.

6 Q Okay. And so you -- he had pizza for dinner,  
7 right?

8 A Yeah. Uh-huh.

9 Q And was he drinking alcohol?

10 A Yeah. He was drinking his wine, like the  
11 little bottles of wine that you get at the store, like a  
12 dollar seventy-nine, whatever.

13 Q Is that like a, like a small bottle of --

14 A Uh-huh.

15 Q -- wine? Is that what that is?

16 A Yeah.

17 Q And you said that around this time, around the  
18 time of getting this pizza you saw that he had a -- a  
19 sock --

20 A Uh-huh.

21 Q -- in the back pocket of his jeans?

22 A Uh-huh.

23 Q And what -- what'd you think about that?

24 A Well, I was like why -- like who carries a  
25 sock around in their back pocket? And he didn't say

1 nothing. He just left and went and got the pizza.

2 Q What did you think it was, though?

3 A I don't -- I didn't really know. I was just  
4 like, okay. A sock. I mean, that was a crazy thing  
5 anyways, so I'm just like, okay. Maybe he has a reason  
6 for having a sock in his pocket.

7 Q And then so that Thursday night what happens?  
8 I'm just going to kind of move you up in time unless you  
9 think of something important here that happens. But it  
10 looks like the -- the kids go to bed, all three kids,  
11 and it's getting later like 11:00 o'clock on Thursday  
12 night?

13 A Uh-huh.

14 Q And is he still drinking alcohol?

15 A Yeah. He asked me what time the -- the 76 gas  
16 station store closes. And I was like, I don't know.  
17 Like 10:30 or 11. And it was close to 11:00 o'clock.  
18 So he wanted me to go to the store. And I was like no.  
19 And so he went to the store before it closed, and he  
20 bought a couple more bottles of wine, and he came back  
21 and then just kept drinking.

22 Q And you -- you said in the interview that  
23 there were bottles and cans of alcohol everywhere in  
24 your apartment; is that right?

25 A Yeah. On the living room floor, yeah.

1           Q     So did you get the impression that he -- he  
2 had been kind of drinking throughout the afternoon and  
3 the evening?

4           A     Yeah.

5           Q     Did that seem to be affecting his behavior at  
6 all?

7           A     Not really, cause he used to drink like hard  
8 liquor, but then he moved down to alcohol -- I mean,  
9 moved down to wine, so I didn't really think, you know,  
10 wine would take an effect on him like if he was drinking  
11 like Hennesey or something with more, you know, alcohol  
12 volume in it. But then he started, you know, being  
13 depressed and crying and just talking about how he felt  
14 about his brother.

15          Q     And what did he -- so what did he say as  
16 you -- as this is, I guess, maybe -- maybe is this like  
17 midnight; towards the end of the evening with you on the  
18 couch; what's he talking about?

19          A     Well, we were sitting on the couch, and he was  
20 drinking. And he was talking about how he felt about  
21 his brother. And he was like, you know, the movie John  
22 Q, where he was, you know, Denzel was going to give his  
23 son his heart. And he was saying that he wanted to do  
24 that for his brother, but his brother wouldn't let him.

25                   And so he was just saying how depressed he was

1 and how bad he felt that his brother was dying, and that  
2 he should have showed him better when they were younger.  
3 And that's when he was like -- he was like I'm going to  
4 kill myself in front of you so that you can have  
5 something to tell people or give something to some  
6 people to talk about.

7 Q And did he -- did he say anything when -- when  
8 he was making these statements about maybe having the  
9 police kill him?

10 A Uhm, he had -- he did say like earlier or  
11 before he pulled the gun out he was like maybe I should  
12 go rob a bank and then hide the money somewhere and have  
13 the police kill me cause he say if he killed his self he  
14 knew he would go to hell and he wouldn't be able to be  
15 with his brother. So if he had somebody else do it then  
16 he would go to heaven and be with him.

17 MR. BANFIELD: And when did he say this?

18 THE WITNESS: It was -- I think it was  
19 before -- when he pulled the gun out they  
20 (indiscernible).

21 BY MR. REES:

22 Q But he was saying that -- is this right --  
23 that if the police killed him --

24 A Uh-huh.

25 Q -- then it wouldn't be a sin, and he could go

1 to heaven and be with his brother, but if he killed  
2 himself he'd go to hell --

3 A Uh-huh.

4 Q -- and that he wouldn't be with his brother?

5 A Yeah.

6 Q And he's just saying this to you as you're  
7 sitting on the couch. What -- what are you thinking as  
8 he's saying these things?

9 A I'm trying to talk him out of it, like, I'm  
10 like think of your kids. You have four kids that need  
11 you. And he's just like they don't need me. There's  
12 plenty of kids out in the world who's grown up without a  
13 dad. And I'm just like you don't need to do this. Like  
14 think of how your mom would feel losing two sons, and  
15 I'm just like I hope -- I'm thinking like what can I do  
16 to try to, you know, I'm trying to talk him out of doing  
17 it and --

18 Q And is he listening to you?

19 A He was -- he was listening, but he wasn't  
20 listening. He was like it don't matter. He's like  
21 nobody cares about me, nobody loves me like my brother  
22 does.

23 Q Did you try to tell him that his brother was  
24 still alive in the hospital?

25 A He -- he -- we didn't find out that his

1 brother was dead until the next morning so.

2 Q Yeah. So that's what I mean. So at that time  
3 did you tell him, hey --

4 A Yeah.

5 Q -- your brother --

6 A Yeah.

7 Q -- is still alive?

8 A Yeah.

9 Q What did he say about that?

10 A And he's like, well, you don't understand.  
11 He's still going to die. He's like I feel it in my  
12 heart he's -- he's about to die. And he's like there's  
13 nothing that anybody can do to stop him from dying so.

14 Q And so what happens?

15 A And so after when he tried to -- when he said  
16 he was going to shoot himself in front of me, then he  
17 was like, no. I'm not going to do it. I'm just going  
18 to go sit in my car and do it.

19 Q Okay. Well, but tell us cause they -- so he  
20 says he's going to do it in front of you.

21 A Uh-huh.

22 Q So what does he -- what does he do there on  
23 the couch?

24 A Then he took the sock out of his pocket, and  
25 like he still had the sock on the bed, but he pointed

1 like -- but it was on the -- the back part of it. And  
2 he put the -- what's the part? The barrel?

3 Q The barrel?

4 A Yeah. To the right side of his head. And I  
5 was sitting on the left side of him. So he put it to  
6 his head, and he was going to do it. And I'm like  
7 pushing him away with my foot because I really didn't  
8 want, you know, his brain to splatter all on me if he  
9 was going to do it.

10 Q And did you think that was going to happen?

11 A I mean --

12 Q I mean, you're pushing him away. So at that  
13 moment --

14 A He was going to do it. He was going to do it.  
15 I'm just like trying to push him away and tell him not  
16 to do it.

17 Q And how's he holding the gun?

18 A He was holding it like -- like this. I  
19 could -- all I could see was his sock. But I know he  
20 has the -- I seen the barrel part of it like to his  
21 head, to his temple.

22 Q So just for the record he's pointing the  
23 barrel directly to the temple --

24 A Uh-huh.

25 Q -- of his -- his head?

1           A     Yes.

2           Q     And does he say anything while he's doing  
3 that?

4           A     No. He was just crying and drinking his wine.  
5 And --

6           Q     And you're pushing him away?

7           A     Yeah. And trying to talk him out of --

8           Q     And so then what -- so then what happens?

9           A     And then after that he took it from -- away  
10 from his head, and he put it back in the sock, and put  
11 it in his pocket, and got his car keys, and said he was  
12 going to go and just kill his self in his car.

13          Q     And did he go into the car?

14          A     Yeah. Then he left out the house, and he went  
15 to his car. And I followed him. And him just sitting  
16 in the car. And I was standing on the other side of the  
17 gate still inside of the apartment. And he was sitting  
18 in the passenger side. And we seen a police officer  
19 rode by. So he was just sitting there like nothing, you  
20 know, and he was just sitting in his car.

21                   And then I seen him banging the gun on the --  
22 on the dashboard, because I guess it wouldn't go off or  
23 something. Well, that's what he told me after he came  
24 back in the house to get another bottle of wine.

25          Q     He said the gun wouldn't -- wouldn't fire?

1           A     Yeah.

2           Q     When he pulled the trigger?

3           A     Yeah. He said the bullet wouldn't go in  
4 the -- in the -- what do you call it?

5           Q     The chamber?

6           A     The chamber. Yeah, that. So -- but then he  
7 said when he hit it on the dashboard then it went in  
8 there, and he said that he seen it, that it was right  
9 there.

10          Q     Now, let me ask you something. He's -- he's  
11 drinking, he's acting crazy?

12          A     Uh-huh.

13          Q     He says he wants to die. He holds the barrel  
14 of the gun right to his head. He tells you he's pulling  
15 the trigger and stuff. Why didn't you call the police?

16          A     Because I knew if I called the police when it  
17 was just me, him, and the kids then it could have turned  
18 out the same way as it turned out on Friday. And I  
19 tried to call his mom, and I -- and I tried to call a  
20 few other people, but nobody answered the phone. So I'm  
21 like maybe I can just talk him out of trying to do it.

22                     And then he won't, you know. And then maybe  
23 after he goes to sleep I could try to get the gun away  
24 from him or something.

25          Q     And so what -- can you explain what you mean

1 by that, that you were afraid if he came out and it was  
2 you and the babies sleeping in the apartment, and the  
3 police show up it's going to end the same way; why'd you  
4 think that?

5 A Because I know -- the way he was, he wasn't  
6 drunk the next day on Friday. He was drunk that night.  
7 And I know he really was in that depressed mode to where  
8 he really, you know, thought he wanted to die. And so  
9 it was no telling what -- what had turned out that night  
10 while he was under the influence, and if he would have  
11 seen, you know, police come up to him it could have been  
12 way worse than what happened on Friday.

13 Q And -- and by "way worse" do you mean that  
14 because you think he might have actually killed a police  
15 officer or killed you?

16 A It could have -- it could have possibly been a  
17 shootout. Anything. I don't know. But I just was  
18 thinking like maybe I could talk him out of doing it,  
19 and then get the gun away from him, and then probably  
20 try to call, you know, his mom or somebody the next day,  
21 and come and talk to him.

22 Q Okay. So and I interrupted you. He's, I  
23 believe you were telling us he went to the car. You see  
24 him hitting the -- the gun on the dashboard. He comes  
25 back and says it won't shoot. What -- what happens

1 then?

2           A       And then he grabbed his other bottle of wine,  
3 and he went back outside, and he went back to the car.  
4 But that time I didn't follow him. Then at that time I  
5 got on the phone and called my best friend and was  
6 telling her what was going on. And then she -- she was  
7 like -- I was like what should I do. And she was like,  
8 you -- I don't know.

9                   She asked if I wanted her to come get the  
10 kids. But she didn't come because I guess her boyfriend  
11 was scared or something. And so after I got up -- I had  
12 hung up on her cause he had came back to the door and  
13 knocked on the door. And he came back in the house  
14 again.

15                   And he was like the gun still won't shoot.  
16 And then -- so then that's when we were standing outside  
17 in front of the apartments by the stairs, and I kept  
18 asking him, I was like do you want to just sit down and  
19 talk about it? I was like whatever you want to say I'll  
20 stay here and listen to you if you want to talk.

21                   I mean, he was like, no. I don't want to  
22 talk. He was like I just want to die. And then he  
23 started looking up at the sky and talking to God and  
24 asking like, thinking about how his friend Larry had  
25 killed his self. And that's when he was like, oh. I

1 think he put the gun in his mouth and killed himself  
2 that way.

3 And so he -- and then he was trying to get me  
4 to go back in the house. He was like just go in the  
5 house and be with your kids. He was like, I'll be all  
6 right. And I was like, no. I was like, we'll just sit  
7 downstairs and talk.

8 Q And so what happens?

9 A And then he finishes his bottle of wine and  
10 threw the bottle on the ground. And then he walked away  
11 from me down the apartments back towards his car. And  
12 then after he was standing on the side of the  
13 apartments, and that's when I was walking towards him  
14 slowly, and I heard the gunshot in the air.

15 And that's when I thought he had shot himself,  
16 because he was like -- he stumbled back. And then he  
17 sat down on the stairs.

18 Q When you heard the gunshot did you -- did you  
19 think he shot himself?

20 A Yes.

21 Q What did he say?

22 A After -- he sat on the stairs for a about a  
23 couple -- he sat on the stairs for a couple of minutes,  
24 and then when I was like I started screaming. I was  
25 like, what'd you do, what'd you do, because I really

1 thought he'd shot himself. And then I almost fainted.  
2 And so he came towards me and caught me before I fell to  
3 the ground.

4 And he just kept saying the gun wouldn't  
5 shoot. And he was like, well, when I shot it in the air  
6 it went off. And he said he heard ringing in his ears  
7 still. And we sat outside. I had to sit down for a  
8 minute because I had to, you know, I really thought he  
9 had shot his self in the head.

10 And then we walked back in the house and I  
11 heard him take the bullets out of the gun. And then he  
12 put the gun back in his -- in his pocket. And we went  
13 in the house and --

14 Q I'm sorry to interrupt. But in his pocket,  
15 his jacket pocket or his pants?

16 A Yeah. In his jacket pocket.

17 Q In his jacket?

18 A Uh-huh.

19 Q Okay.

20 MR. BANFIELD: Did you see what he did  
21 with the bullets?

22 THE WITNESS: No.

23 MR. BANFIELD: No.

24 THE WITNESS: When we went in the house I  
25 went and sat on the couch. And I heard him go in the

1 kitchen. And I heard -- I don't know where he put them  
2 at in the kitchen, but I heard the bullets hit  
3 something, like either in a cabinet or in a drawer. So  
4 I had to get up to go see where he put 'em.

5 BY MR. REES:

6 Q And did you -- you said that you felt like you  
7 were going to throw up or pass out --

8 A Uh-huh.

9 Q -- when he shot the gun? You laughed when the  
10 detectives asked you whether you thought maybe your  
11 neighbors called the police when they heard the gunfire?

12 A Oh, yeah. Cause --

13 Q Why'd you laugh?

14 A Because them people in them apartments they  
15 mind their own business. They hear anything, any  
16 fighting, or anything, nobody calls the police.

17 Q So even -- even if someone shoots a handgun --

18 A He shot -- he shot the gun right by some  
19 people's apartments and nobody turned on the light,  
20 looked out the window, or nothing.

21 Q And that's not surprising to you?

22 A No. Because when I first moved in there the  
23 people that lived above me were fighting all the time.  
24 And I'm the one who called the non emergency number  
25 because they were always fighting. And I'm like my kids

1 are trying to go to sleep. But every time the police  
2 came out there they didn't open the door.

3 So people in them apartments mind their own  
4 business.

5 Q After Mr. Campbell came in then did he -- did  
6 he kind of calm down after shooting the gun?

7 A He -- after he -- when he put the bullets  
8 somewhere in the kitchen then he came on the -- in the  
9 living room. And we laid down together. He was laying  
10 on my chest, and he just was crying and talking about  
11 how he felt about Tim and everything. And then he would  
12 tell me how he felt about me.

13 And he was sorry for everything that he did to  
14 me in the past. And that he wanted to be with me and be  
15 a family with the kids. And so then after I was like  
16 okay. Just take your coat off, and we'll just put your  
17 coat behind the couch. And after talking to him for a  
18 couple of minutes then he finally agreed to take his  
19 coat off. And --

20 Q Why'd you say that?

21 A -- and put it --

22 Q I'm sorry. Why'd you say take your coat off?

23 A Because I didn't want the gun to be right  
24 there while we were laying down. So I --

25 Q Oh.

1           A     -- just wanted him to take it off so that I  
2 could put it behind the couch. And then I thought maybe  
3 after he had went to sleep or something then I could  
4 have maybe got it and put it somewhere where he couldn't  
5 find it. But that didn't happen.

6           Q     What happens in the -- in the morning? I take  
7 it at that point you guys fall asleep --

8           A     Uh-huh.

9           Q     -- together. And what happens the next  
10 morning, which is Friday morning?

11          A     Uh-huh. And then when we wake up Aaron's mom  
12 called me, but I didn't answer the phone because I was  
13 so tired from the night before and all that drama and  
14 stress that went on. And then he got a text message on  
15 his phone, and then I got a text message, too, saying  
16 that Tim -- Timothy had died.

17                   And so then he called his mom -- well, I think  
18 he called his brother, Broderick, and asked what  
19 happened. And then he said put mom on the phone. And  
20 he asked her. And I guess she said his heart --  
21 Timothy's heart had stopped. And he was like, no. "F"  
22 you. You did something to make his heart stop. And  
23 then he hung up on her.

24          Q     He said that to his mother?

25          A     Uh-huh.

1 Q And what happened then?

2 A And then after he hung up on her he sat there  
3 on his computer and was just listening to music and  
4 crying. And I think he drunk another bottle of wine or  
5 something. And I was on my computer. And I was doing  
6 my own thing on the computer. And then --

7 Q And is this right that on Friday he -- he got  
8 to a point where he wouldn't -- even though you're  
9 sitting in the same room he wouldn't talk to you and --

10 A Yeah. He was texting -- he was texting me,  
11 and he was sitting right next to me.

12 Q He'd send you a text message?

13 A Uh-huh.

14 Q And did you try to say, hey. What -- what's  
15 going on? Where -- won't you talk to me or?

16 A Well, I already knew why he was -- he just  
17 shut down because his brother was dead, so I wasn't  
18 going to try to start a conversation with him knowing  
19 that he wasn't gonna talk to me.

20 Q Okay. So you're texting him and he's texting  
21 you in the same room?

22 A Uh-huh. Sitting right next to each other.  
23 Yeah.

24 Q Okay. At some point it's my understanding  
25 that you called your Aunt Sherry?

1           A       Yeah. He had left to go get something to eat.  
2       And I texted him and asked him was he coming back. And  
3       he said fine. I won't. And I was like what are you  
4       talking about. I was just asking you, making sure --  
5       making sure you was coming back.

6                   And then between the time that he was gone I  
7       called my auntie and was telling her what happened,  
8       because I was like I got to tell somebody or else I'm  
9       going to go crazy. And so I told her what happened.  
10      And then he knocked on the door. So then I just hung up  
11      on her. And I had texted her and was like just text me.

12                   But I didn't tell -- he came -- when he came  
13      back in with the food then I ate a little bit and he ate  
14      a little bit. He got on his computer and was crying,  
15      and then we took a nap.

16           Q       About what time of the day was it that you  
17      think that you called your Auntie Sherry?

18           A       Uhm, let's see. The kids were taking a nap,  
19      and usually that time it's like 12:00 o'clock. So about  
20      I think like 12:30 maybe.

21           Q       Around 12:30?

22           A       Uh-huh.

23           Q       And when you told your Auntie Sherry  
24      everything that happened did you tell her about him  
25      holding the gun to his head and shooting the gun?

1           A     I told her about what happened the night  
2 before, yeah.

3           Q     And when you -- when you hung up with her --

4           A     Uh-huh.

5           Q     -- did you say you'd call her back or what?

6           A     No. I just hung up, and I texted her and told  
7 her not to call, to just text me.

8           Q     Because -- because Mr. Campbell had come back  
9 to the apartment?

10          A     Yeah. And I didn't want to talk about him in  
11 front of him so.

12          Q     Okay. And was that because you thought he'd  
13 be upset about it or what?

14          A     Yeah. He would have been mad if I was talking  
15 about him in front of him.

16          Q     So you didn't tell him you had talked to your  
17 Aunt Sherry?

18          A     No.

19          Q     And you said after lunch the two of you fell  
20 asleep?

21          A     Yeah.

22          Q     What happened then when you woke up?

23          A     When I woke up I seen I had like 10 missed  
24 calls from my dad, and my mom texted me and said that he  
25 was outside. And so that's when I got up and looked out

1 the window and I seen him outside.

2 Q Your dad?

3 A Uh-huh.

4 Q Okay.

5 A And then I went -- the kids were up playing.  
6 And he had just woken up, too, because somebody had  
7 texted his phone. And I just got up and put on my shoes  
8 and my jacket and went outside not thinking that nothing  
9 was wrong. So as soon as I got outside that's when I  
10 seen all the police on the side of the apartment.

11 Then they asked me who was all in there and  
12 told me I couldn't go back in and get my kids.

13 A JUROR: Can I ask a question real  
14 quick? So you woke up, then went out -- then went  
15 outside, and he was just waking up as well --

16 THE WITNESS: Uh-huh.

17 A JUROR: -- had you guys spoken  
18 briefly --

19 THE WITNESS: No.

20 A JUROR: -- before? You had just come  
21 out?

22 THE WITNESS: Uh-huh.

23 A JUROR: So there was no conversation?

24 THE WITNESS: No.

25 BY MR. REES:

1 Q Now, did you -- at four -- at 5:24 in the  
2 afternoon on Friday --

3 A Uh-huh.

4 Q -- on your cell phone there was a message from  
5 BD?

6 A Uh-huh.

7 Q Is that him?

8 A Yeah.

9 Q What does BD stand for?

10 A Baby Dad.

11 Q Baby Daddy?

12 A Uh-huh.

13 Q Or Baby Dad?

14 A Yeah.

15 Q Okay. And it says, what the hell is going on.  
16 All right, Pete. My only -- only and true brother,  
17 Timothy Douglas?

18 A Uh-huh. That's his signature. But the text  
19 was what the hell is going on. But the RIP part is his  
20 signature on his phone.

21 Q After every message you get that?

22 A Uh-huh.

23 Q Okay. So he -- and did you get that message  
24 from him, then, what the hell is going on?

25 A Uh-huh.

1           Q     All right. And then it looks like at five --  
2     at 5:24 p.m. you -- the same time. So you immediately  
3     wrote IDK, I don't know, but they want you to come  
4     outside?

5           A     Yeah.

6           Q     Did the -- did the police tell you to send  
7     that message?

8           A     No. He -- they wanted me -- they wanted his  
9     number so they could call him from his phone, but I'm  
10    like he's not going to answer cause he don't answer  
11    numbers that he don't know. And so I thought if I  
12    texted him and told him to come outside then he would  
13    just come outside, and he wouldn't be, you know, a big  
14    mess.

15                    But I didn't get to finish texting him to send  
16    the kids outside and all the other stuff because he --  
17    it was like one -- he kept sending one text message  
18    after another. And then the text message that I got  
19    when he's like I'm out to get my gun. I'm not playing,  
20    or whatever he said.

21                    That's when I had showed it to the officer  
22    that I was with. And then that's when he took my phone  
23    and gave it to the other police officer.

24           Q     Okay. Yeah --

25           A     The last time I seen my phone.

1 Q The last time you saw your phone. So that was  
2 at 5:26?

3 A Uh-huh.

4 Q And he wrote don't make me get my gun; I ain't  
5 playing?

6 A Uh-huh.

7 Q What did you -- when you read that -- you read  
8 that, right?

9 A Uh-huh.

10 Q What did you think that meant?

11 A I really don't know. Like the thought in my  
12 mind was to just get the kids out of the house, because  
13 if they were going to run up into the house when he's in  
14 there then it could have been a gun fight between the  
15 police officers and him. So my main concern was getting  
16 the kids out of the house.

17 Q So he wrote that the kids were still in the  
18 house; is that right?

19 A Uh-huh.

20 (End of Cassette Tape No. 1; beginning of  
21 Cassette Tape No. 2.)

22 Q I just had a -- a question about the night  
23 before when he -- when he was pulling the trigger on his  
24 gun and told you he fired the shot.

25 A Uh-huh.

1 Q Did you think he was just playing?

2 A Uh, I don't -- truthfully, I -- he was  
3 serious, because he's never done that in front of me  
4 before. And, I mean, who just randomly pulls out a gun  
5 and puts it to their head and says they're just playing.

6 Q And as far as what happened when he came out,  
7 were you in a position to see him come out of the  
8 apartment?

9 A No. After he let the kids come outside they  
10 didn't have on no shoes or socks or -- my son or my  
11 youngest daughter didn't have on a shirt. But they had  
12 on pants. And they put the kids in the car with my dad  
13 and then took them to the 76 gas station parking lot.

14 And the officer that I was with he got his car  
15 stuck in the mud so we had to use somebody else's car.

16 Q Your -- your father you mean?

17 A No. I was with the officer still, but my dad  
18 had the kids.

19 Q Oh. Okay.

20 A When they came out the house I was sitting in  
21 the police officer's car because it was cold. And so he  
22 was like do you want to sit in my car? And when they  
23 came out of the house my dad got my kids and put them in  
24 his car. And so after -- the police officer that I was  
25 with he was like, okay. I'm going to take you over to

1 be with your kids.

2 And I was like okay. And he couldn't get his  
3 car out of the mud so he had to use somebody else's car.  
4 I thought that was kind of (indiscernible).

5 MR. REES: Okay. Well, I don't have any  
6 other questions. I am -- I am very sorry about what  
7 happened to Mr. Campbell. And I appreciate you coming  
8 in and talking to us. I don't know whether Mr. Banfield  
9 has any questions or members of the Grand Jury?

10 A JUROR: I just -- kind of a related  
11 question. Is -- is he not close with his other brother  
12 besides Timothy?

13 THE WITNESS: Him and Tim, I think  
14 because him and Timothy had the same dad and mom like --

15 A JUROR: Oh. I see.

16 THE WITNESS: -- they were close, but the  
17 other two he didn't really get along with, because he  
18 was like if it was one of the other two he wouldn't be  
19 as sad, but since it was Tim he felt like, you know, Tim  
20 was his heart, like his best friend. He was the only  
21 person that really got him.

22 MR. REES: All right. Thanks, again.  
23 And, ladies and gentlemen, why don't we take a 10-minute  
24 break.

25 (End of Cassette Tape No. 2. Recess.

- 1 End of Volume 2A.)
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1 STATE OF OREGON )  
2 ) ss.  
3 COUNTY OF MULTNOMAH )  
4

5 I, Debra K. Cheyne, court reporter for Oregon,  
6 hereby certify I transcribed the cassette audio tape  
7 of all testimony adduced upon the hearing of this  
8 cause, before Grand Jury No. 1, for the County of  
9 Multnomah, State of Oregon; that thereafter my  
10 stenographic notes were reduced to typewriting under  
11 my direction; and that the foregoing transcript,  
12 pages 56 - 143, both inclusive, contains a full,  
13 true, correct and accurate record of the audio and  
14 all such testimony adduced upon the hearing of said  
15 cause, and of the whole thereof to the best of my  
16 knowledge and ability.

17 Witness my hand at Sherwood, Oregon, this  
18 17th day of February 2010.



19  
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21 *Debra K. Cheyne*  
22 \_\_\_\_\_  
23 Pro Tem Official Court Reporter  
24 CSR # 94-0291  
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MULTNOMAH COUNTY GRAND JURY

DEATH INVESTIGATION

Deceased: AARON M. CAMPBELL )  
(DOB 9-7-84) )  
 ) PPB No. 10-8352  
 ) DA Case No. 2187093  
Date of Incident: 1/29/10 ) Grand Jury 1, Session 1  
Location: 12800 NE Sandy Blvd.) Grand Jury Case #108  
Portland, OR )

VOLUME 2-B

TRANSCRIPT OF PROCEEDINGS

BE IT REMEMBERED that the above-entitled Grand  
Jury proceedings were heard, commencing at the hour of 10:55  
a.m. on February 9, 2010 at the Multnomah County Courthouse,  
Portland, Oregon.

APPEARANCES

Mr. Don Rees & Mr. Glen Banfield,  
Senior Deputy District Attorneys  
Appearing on behalf of the State;

JULIE L. BOURGEOIS  
Court Reporter  
Multnomah County Courthouse  
1021 SW 4th Avenue Rm. 554  
Portland, Oregon 97204

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1 29th of this year. And what brought you to the apartment  
2 that night?

3 A Uhm, a phone call saying that my daughter's ex --  
4 kids' father was there with a weapon.

5 Q And where were you when you received this phone  
6 call?

7 A I was picking the youngest daughter up from  
8 school.

9 Q Who is that?

10 A Youngest daughter is three years old.

11 Q What was your location?

12 A Uhm, 52nd and Halsey.

13 Q And who did you receive a phone call from?

14 A My middle daughter.

15 Q What's her name?

16 A Alicia.

17 Q Alicia called you and told you what was going on?

18 A Yeah, she called and said that --

19 Q I'm sorry, if you can speak up because -- speak up  
20 for her benefit, please.

21 A Yeah. She just called me and said that my  
22 daughter's baby's dad was there, and he had just lost his  
23 brother that morning, I guess, and that he had a gun with  
24 him, and he didn't want to live no more, I guess that was  
25 what she told me. And so I left the school and came

1 straight down there, calling 911 while I was on the way.

2 Q And about what time was it when you received the  
3 call from Alicia?

4 A Probably about 4:15, my daughter -- I pick her up  
5 at 4:00.

6 Q You called 911 after that?

7 A On the way to the apartments, yeah.

8 Q What did you tell the 911 dispatcher when you  
9 called?

10 A That -- I believe I told him that I need them to  
11 send a car to my daughter's apartment, and told them the  
12 situation. But I didn't know the name of the apartments, so  
13 I had to call somebody else to find out the name of the  
14 apartments to have somebody meet me there.

15 Q Had you had any contact with Angie to this point?

16 A Uhm, no, I kept -- I called her phone a few times.  
17 I didn't get an answer, but the answering machine. And  
18 about the time I got there, there was only one police  
19 officer that showed up.

20 And I told him the situation and told him she  
21 wasn't answering her phone, and my grand kids were in there.

22 Q When you arrived on scene, there was only one  
23 officer present at the time?

24 A Yes.

25 Q And you told him what information you had?

1 A Correct.

2 Q And did you try to get a hold of your daughter  
3 once you got there at the Sandy Terrace Apartments?

4 A Yeah. I kept calling and calling, no one  
5 answered.

6 Q What were you thinking at this time with the  
7 information you had. You're trying to get a hold of your  
8 daughter, what is going through your mind?

9 A Well, uhm, a friend of mine had just got in the  
10 same situation -- kind of situation, over on 122nd, with the  
11 dad and the mom and the son, and he took their -- all of  
12 their lives. And that was, of course, going through my mind  
13 because so much of that was going on this year alone.

14 Q And when you were there, where were you when you  
15 first saw your daughter come out of the apartment?

16 A I was parked on the street when she come out the  
17 apartment, and when one of the officers was standing right  
18 there next to me, and I told them, that's my daughter  
19 walking towards us.

20 Q Okay. And how long after you got there did your  
21 daughter come out of the apartment?

22 A Uhm, probably about 20 minutes, 25 minutes later.

23 Q Okay. And what was the scene like before she came  
24 out? You said there was one officer that was there?

25 A Before she came out, I believe three other police

1 cars showed up -- three or four police cars showed up.

2 Q Did you talk to any of the other officers or share  
3 any information with anybody else?

4 A No. Just the main one that was there.

5 Q And did any of the officers speak with you or give  
6 you instruction on what to do or how to participate or help  
7 in any way?

8 A Uhm, no, not really. They just -- the officers  
9 just said, well, we'll figure out what is going on, and I  
10 just left it at that.

11 Q Okay. And about how far away from you exactly,  
12 your positioning, when Angie came out?

13 A She was like the middle of the parking lot, and I  
14 was standing right by the sidewalk.

15 Q Okay. We have a diagram here, maybe you can show  
16 us using this diagram, or we have a photo here, and maybe  
17 this might be actually better. What do you think, that  
18 might be better?

19 A Which one is the parking lot?

20 Q This is the parking lot right here (indicating).

21 A What side is -- so this is her apartment?

22 Q This is her apartment building there (indicating).

23 MR. REES: Sandy is the top. There you go.

24 THE WITNESS: This is Sandy?

25 MR. REES: Upper righthand corner, north is

1 the top.

2 MR. BANFIELD: Yep.

3 THE WITNESS: Okay. So her apartment is  
4 right here (indicating).

5 BY MR. BANFIELD:

6 Q Uh-huh.

7 A And I was -- I was right in -- this is the  
8 sidewalk, right here. I was parked right here (indicating),  
9 and this is the mailboxes. So I was standing right here.  
10 And she was coming out her apartment about right here when I  
11 seen her. And I told the police then that was her walking  
12 towards us.

13 Q And when she came out, what did she do?

14 A The police just told her to come towards them, and  
15 she did that. I walked over there and she wanted to go back  
16 in, because the kids were in there. I told her, let the  
17 police go in and bring the kids out.

18 Q And how soon after that did the kids come out?

19 A About probably I want to say ten minutes later,  
20 ten, fifteen minutes later.

21 Q Tell us what happened, what do you remember about  
22 the kids coming out?

23 A Well, they just came out, walked down the  
24 sidewalk, and the police gathered them up and took them into  
25 the corridor next door. I walked over there and got the

1 kids and put them in my car.

2 Q And what were they like? What were their emotions  
3 like, the kids, when you got them?

4 A Just like kids. I mean, not knowing what is going  
5 on, you know, they weren't crying or anything.

6 Q Uh-huh. What were you thinking at that point?  
7 Now your daughter is out of there and grandkids are out of  
8 there, what are you thinking?

9 A I'm thinking, well, maybe he will come out next,  
10 you know. Just come out on his own and with no violence or  
11 anything.

12 Q And what did you do with the kids?

13 A I put them in my car.

14 Q Back parked where you were parked?

15 A Yeah, on the street, right there (indicating).

16 Q And did you stay with them?

17 A Uhm, I stayed outside of the car, they stayed in  
18 the car with -- I turned the heat on for them so they stay  
19 warm.

20 Q Okay. And do you remember seeing Mr. Campbell  
21 come out of the apartment?

22 A Uhm, a while later, yeah. I did see him a while  
23 later, he came out.

24 Q What's a while later?

25 A I don't know, I'm not too good with time, but

1 about an hour or so.

2 Q And what was going on, you know, between that time  
3 after the kids came out before Mr. Campbell came out?

4 A Just the police was just walking around the  
5 building and trying to figure out a way to I guess see --  
6 either see in the apartment or just positioning themselves.

7 Q And when Mr. Campbell came out, did you hear any  
8 blow horns or anything? Did they call him out, ask him to  
9 come out, did you hear anything like that?

10 A Well, no, they didn't get on a bull horn or  
11 anything. Everything they said was out their mouth.

12 Q And so when he came out, where were you standing?

13 A When he came out, I was over here on this side.

14 Q Okay. You had left the kids at the car?

15 A I was standing right here (indicating).

16 Q So you left the kids in the car?

17 A By that time I parked -- the police told me to  
18 park at the gas station.

19 Q Okay.

20 A Which is at the end of these apartments over here  
21 (indicating).

22 Q Okay. And then you came back to that location?

23 A Yeah, then I came over here. I had a friend of  
24 mine, she was in the car with the kids.

25 Q Okay.

1           A    She was with me also, she was in the car.

2           Q    So from that vantage point, what could you see  
3 when he came out?

4           A    Uhm, I didn't -- he was walking backwards with his  
5 hands behind his head to the curb right here (indicating),  
6 where the trees -- the brush -- there's some little bushes  
7 right here. And he just walked out to here. And then by  
8 that time, somebody over here said that I could come in  
9 their apartment, because there is a better view. Because  
10 the police was telling everybody that was over here to back  
11 away from here. So about the time I got to this apartment,  
12 I had heard all of the gun shots. So I didn't see when they  
13 shot him.

14          Q    Okay. Well, when he was backing out, did you have  
15 anything obstructing your line of sight or did you get a  
16 good line of sight?

17          A    No. It was a good view from here straight across.

18          Q    When he backed out, you said he had his hands  
19 behind his head and backing up. How fast was he moving?

20          A    Not fast, just normal space backing up. Because,  
21 you know, when they told you to back up slow or whatever,  
22 that's what you do.

23          Q    And could you hear whether the officers were  
24 giving him some commands?

25          A    No, not at that time.

1 Q So you didn't hear anything at all they were  
2 saying to him?

3 A No. Just a part when they told him to back up,  
4 you know, when he came out of the apartment to back up  
5 there.

6 Q You said not at that time. Other than that, did  
7 you hear them giving him any other commands?

8 A After the gunshots when I was inside over here, I  
9 could hear them telling him to move his hand away from his  
10 waist, if he could hear them.

11 Q Okay. But before the gun shots, the only command  
12 you heard was them telling him to back up?

13 A Yeah.

14 Q So he's backing up, you move and you go upstairs.  
15 What can you see from upstairs?

16 A No. I was at the bottom apartment over here.

17 Q Okay. What do you see from that apartment?

18 A I can see this angle right here (indicating).

19 Q And, again, was there anything obstructing your  
20 line of sight?

21 A Just a car.

22 Q And before you got there, you said you heard a  
23 bang before you got to the apartment?

24 A Yeah. When I got through about here, I just heard  
25 like four gunshots. And then I heard a fifth one which was

1 different from the other four.

2 Q So you never saw him get hit by anything?

3 A No.

4 Q When you get to the apartment, what do you see  
5 from there?

6 A When I get to the apartment and get to the window,  
7 I can just see the police officers about here (indicating),  
8 and lined up right here telling him to move his hands from  
9 underneath him if he can hear them, or move his leg if he  
10 can hear them. And they just kept saying that over and over  
11 to him for about close to half an hour, trying to get  
12 movement out of him.

13 GRAND JUROR: Did you say for half an hour?

14 THE WITNESS: Close.

15 BY MR. BANFIELD:

16 Q Did you hear Mr. Campbell saying anything to the  
17 police when they were giving him commands?

18 A No.

19 Q You didn't hear anything at all?

20 A No.

21 Q Do you remember speaking to one of the officers  
22 when you were on scene, and you told one of the officers  
23 that you heard him say that you're going to have to shoot  
24 me?

25 A No. I told the officer that a guy said that

1 that's what he had said.

2 Q That's what he had said? Somebody else told you  
3 that's what he said?

4 A Yeah.

5 Q You never heard that?

6 A I just relayed that to the police officer.

7 Q You never heard him say, you're going to have to  
8 shoot me?

9 A No.

10 Q I don't any other questions. Mr. Rees?

11 DIRECT-EXAMINATION

12 BY MR. REES:

13 Q Mr. Jones I had one question about something you  
14 said when Mr. Banfield was asking you those questions about  
15 going into this, you were remembering a situation I think  
16 you said with a family that you knew or something bad  
17 happened?

18 A Yeah.

19 Q Was that right?

20 A Yeah.

21 Q What were you saying had happened in that family?

22 A Well, the female that I knew through a friend of  
23 mine, her -- she had just came back into town. And her  
24 boyfriend or ex-boyfriend acted like he was sick and wanted  
25 her to come to the house, and she did that. And it was her,

1 his son, which is her son too. And they all laid down to  
2 take a nap, you know. He played like nothing was wrong or  
3 whatever. And they laid down to take a nap. He shot the  
4 little boy in his head and shot the girl, and then killed  
5 his self. And that's all that was going through my mind,  
6 that situation. And I didn't want that to happen to my  
7 daughter and my grandkids.

8 Q Okay.

9 A So that's the reason why I called 911 while I was  
10 on my way to her house.

11 Q You're in your pickup truck driving towards Sandy  
12 Terrace Apartments, you called 911. Were you thinking about  
13 what happened to your --

14 A Yeah.

15 Q Were you worried that might happen here?

16 A Yes.

17 Q Let me ask you about something, the report of  
18 Officer Morales. He wrote that you said while you were  
19 there at the scene, and I'm not sure when exactly this was  
20 during that night on Friday night. You said, at least this  
21 is one less thing I have to worry about; you remember saying  
22 that?

23 A I might have. But it wasn't regarding the  
24 shooting incident, it was probably just regarding the police  
25 coming to help try to get the kids out of the house.

1 Q And also a report of Officer Morales, you said you  
2 hoped the situation would open your daughter's eyes; do you  
3 remember saying that?

4 A Not that part.

5 Q Okay --

6 A I do talk to my kids about violence -- violent  
7 situations, to call me if there's any problems like that or  
8 any kind of violence in their household.

9 Q Okay. Thanks. That's all I have.

10 Anything from the grand jury?

11 GRAND JUROR: Did you see a police dog?

12 THE WITNESS: Did I see a police dog?

13 GRAND JUROR: A police dog there?

14 THE WITNESS: Yeah, there was a police dog  
15 there, canine.

16 GRAND JUROR: Did you see the dog go for Mr.  
17 Campbell?

18 THE WITNESS: No, I didn't see that part. I  
19 heard the police calling the dog to come back.

20 GRAND JUROR: Okay.

21 THE WITNESS: I didn't see when they let the  
22 dog go.

23 GRAND JUROR: Okay.

24 MR. REES: All right. Thank you. We'll call  
25 the next witness.

1 MR. BANFIELD: Sherry Stewart.

2 MR. REES: Hi. Raise your right hand.

3 SHERRY STEWART,

4 called as a witness in behalf of the

5 State, being first

6 duly sworn, was examined and testified as follows:

7 MR. REES: Please be seated. If you would  
8 state your name and spell your name.

9 THE WITNESS: Sherry Stewart.

10 MR. REES: Spell both.

11 THE WITNESS: Yes. S-H-E-R-R-Y, last name  
12 S-T-E-W-A-R-T.

13 DIRECT-EXAMINATION

14 BY MR. REES:

15 Q And we have a court reporter here taking down your  
16 words, so I will ask you to speak up so she can hear and  
17 everyone else can hear too.

18 A I'm sorry.

19 Q She will remind you if she can't hear.

20 A Okay.

21 Q Mr. Banfield and I are the District Attorneys, and  
22 the rest of the folks are the members of Multnomah County  
23 grand jury. We wanted to ask you about the phone call that  
24 you had on the Friday when this all happened with your  
25 niece, who goes by the name of Angie?

1 A Yes.

2 Q Do you remember that phone conversation?

3 A Yes.

4 Q Do you remember what time of the day about that  
5 would have been on Friday?

6 A It would have been close to maybe 3:00.

7 Q 3:00 in the afternoon?

8 A Yes. Somewhere in there. I may be off a little  
9 bit. I know my grandkids was coming. I know it was  
10 somewhere around that time, they were supposed to come. So  
11 probably somewhere before 3:00 maybe. All of the time runs  
12 together from that day, so it was like I can't say exactly  
13 what time.

14 Q Sure. Okay. But, sometime Friday afternoon. And  
15 do you remember generally what your niece, Angie, was  
16 telling you was going on with her -- I guess her baby's  
17 daddy, Mr. Campbell?

18 A Initially, she texted me. It was like, what you  
19 doing? I was on the phone, I didn't text her back  
20 immediately. So I text her back, you know, what's up? I  
21 was on the phone, what's going on? She didn't text, so I  
22 decided to call her, because I knew that Tim's brother  
23 passed that morning, I thought maybe that's why she was  
24 calling me, because everybody was upset.

25 And when I started talking to her, you know, I

1 asked her how Aaron was doing. She said he was doing really  
2 bad, that he had tried to kill himself four times since he  
3 had been at her house, that the gun didn't work. When she  
4 was telling me that, at that point he wasn't there. When  
5 she was telling me what happened, he was not in the house.

6 I think I might have asked her, was she scared to  
7 be there or that was not a safe situation for her and the  
8 kids to be in. And we kind of started talking about other  
9 stuff pertaining to Tim and him. And Aaron came back and  
10 she rushed off the phone. She was like, I got to go, and  
11 she hung up when I was saying why. But she texted, said,  
12 he's back. And I text her, it was like, okay. If he start  
13 acting weird, call me back, you know. Love you. She's  
14 like, okay, I will. And, you know, she loved me too.

15 And I sat there for like maybe, I don't know, ten  
16 minutes, and I panicked, because I started thinking, okay,  
17 if he's over there suicidal, her and the kids are there, and  
18 I called her back and she wouldn't answer the phone. And so  
19 that made me nervous, which is why I called the police,  
20 because she wouldn't respond to me after she had told me  
21 this whole story about what went on with him and her, and  
22 she's not responding when he came back. My mind instantly  
23 went to the worst. So --

24 Q All right. And we played the 911 call last  
25 Thursday for the grand jury. Did you call the police and

1 you relayed this information to the 911 operator?

2 A Uh-huh.

3 Q All right.

4 A I said he was suicidal, welfare check. That's  
5 what I said, welfare check. I was kind of emotional when I  
6 called. I was a little upset.

7 Q Sure. Okay. I think you have a question.

8 GRAND JUROR: You mentioned you were talking  
9 with Angie on the phone. He asked if she was scared,  
10 you said it was not a safe situation. Did she answer  
11 whether or not she was scared or do you remember if  
12 she said anything?

13 THE WITNESS: I don't think she even said  
14 anything.

15 GRAND JUROR: Okay. Thank you.

16 MR. REES: Glen, do you have anything?

17 MR. BANFIELD: No questions.

18 MR. REES: Thank you for your patience this  
19 morning.

20 THE WITNESS: Thank you, so much.

21 MR. REES: You want to see if -- it is the  
22 mother of Nicole Fivecoats.

23

24

25

1           NICOLE FIVECOATS,  
2           called as a witness in behalf of the  
3           State, being first  
4           duly sworn, was examined and testified as follows:

5                   MR. BANFIELD: Please state and spell your  
6           full name.

7                   THE WITNESS: Nicole Fivecoats, N-I-C-O-L-E  
8           F-I-V-E-C-O-A-T-S.

9                                   DIRECT-EXAMINATION

10          BY MR. BANFIELD:

11           Q     How old are you, Ms. Fivecoats?

12           A     16.

13           Q     Where do you live?

14           A     128th and Sandy.

15           Q     How long have you lived there?

16           A     Probably two years.

17           Q     Who do you live with?

18           A     My mom.

19           Q     And did you happen to know Aaron Campbell?

20           A     I didn't know him, I knew his girlfriend, Angie.

21           A     Uh-huh.

22           Q     How long have you known her?

23           A     Probably like eight months about.

24           Q     Okay. And you met her kids and everything at the  
25          apartment?

1 A Yeah.

2 Q Talk with her, hang out?

3 A Yeah.

4 Q Uhm, on January 29th, where were you when you  
5 first became aware that there was a situation with the  
6 police going on at the Sandy Terrace?

7 A I was in my bedroom, I looked out the window, seen  
8 a bunch of police outside.

9 Q And your bedroom, where exactly is your apartment  
10 at the Sandy Terrace?

11 A Like the first entryway, like right when you pull  
12 in, the first entryway on the right.

13 GRAND JUROR: Speak up a little. I'm having  
14 a hard time hearing you.

15 BY MR. BANFIELD:

16 Q What were you doing?

17 A I was watching T.V.

18 Q What did you hear? What caught your attention?

19 A I went outside actually to meet my friend, and I  
20 seen Angie talking to the police officer.

21 Q Okay. And you know there's a diagram behind you,  
22 it might be helpful if you can point out on that diagram if  
23 that looks familiar to you?

24 A Yeah. My apartment, it is like right here  
25 (indicating).

1           Q    When you came out of your apartment, tell the  
2 grand jurors what was the scene like? How many people were  
3 there, were there officers?

4           A    There was probably like ten cop cars, a lot of  
5 people outside watching it. But the police told everybody  
6 to go back in their house.

7           Q    A lot of people that were living in the apartment?

8           A    Yeah.

9           Q    And what could you see from where you were? How  
10 much could you see of what was going on?

11          A    I seen mostly all of it, besides when he got shot.

12          Q    Besides when he got shot?

13          A    I mean, I didn't actually see him fall on the  
14 ground, I seen the police shoot him.

15          Q    Uhm, so when you came outside, Angie was already  
16 talking to the police?

17          A    Yeah.

18          Q    Were her kids already outside?

19          A    No, I didn't see them.

20          Q    Did you see them come out of the apartment?

21          A    No.

22          Q    Well, did you see Mr. Campbell coming out of the  
23 apartment?

24          A    I seen -- well, from my window I can't really see  
25 her entryway. I didn't see him until the police told him to

1       come over there. Then he was -- then he had his hands on  
2       his head when he walked out there, and that's when I seen  
3       him.

4               Q    Let me show you this other diagram here. I just  
5       want to kind of get a better idea, were there any other --  
6       any obstructions in your line of sight -- you're from around  
7       that area?

8               A    Yeah.

9               Q    And you remember -- do you remember hearing them  
10      call him to come out of the house?

11              A    Yeah.

12              Q    You do?

13              A    Uh-huh.

14              Q    What do you remember them saying?

15              A    They kept on saying, if you can hear me, show  
16      yourself, something like that. But I didn't actually -- all  
17      of a sudden, I stopped looking out my window. And when I  
18      looked out again, he was already outside.

19              Q    He was already outside?

20              A    Yeah.

21              Q    What did you see when he was already outside?

22              A    I guess he was hiding in the entryway. And the  
23      police, they were not saying anything, just pointing their  
24      guns at him from a far distance.

25              Q    You didn't hear them giving him any commands?

1 A No, not until after he got shot.

2 Q Tell us exactly what you saw from the moment you  
3 were able to see him, until he was shot.

4 A When I seen him, they told him to put his hands on  
5 his head. And I guess all of a sudden they started shooting  
6 him with a paint ball gun or something. And he started  
7 running, and that's when they shot him with the real gun.  
8 And he fell on the ground, and for an hour they were saying,  
9 if you can hear me, if you can hear me, move your arms.

10 Q Now, when he came out of the apartment, how fast  
11 was he moving?

12 A He wasn't moving that fast at all.

13 Q And how soon after he came out did you hear the  
14 first round?

15 A Probably about fifteen minutes.

16 Q After he came out?

17 A Yeah.

18 Q Fifteen minutes? Are you sure about that?

19 A I'm pretty positive.

20 Q After Mr. Campbell --

21 A No. That's when I seen him. It was fifteen  
22 minutes, I don't know, when he came out of the apartment. I  
23 can't see his apartment from --

24 Q Let me ask the question again, probably not asked  
25 very well. When he first came out of the apartment, how

1 long after that did you see him get shot?

2 A Oh, it was probably like an hour and-a-half.

3 Q Okay. Let's try this one more time. You saw Mr.  
4 Campbell come out of this apartment from this area; right?

5 A Yeah.

6 Q Okay. And your vantage point was from about right  
7 here (indicating)?

8 A Yeah, number 31.

9 Q Number 31 is your apartment?

10 A Uh-huh.

11 Q Right here?

12 A Uh-huh.

13 Q Are you inside your apartment?

14 A Yeah, I was looking out my window.

15 Q You're looking out your window?

16 A Uh-huh.

17 Q When did you first see him, where is he on the  
18 diagram?

19 A He was probably about like right here  
20 (indicating).

21 Q That's when you first saw him?

22 A Yeah.

23 Q Tell us what happened from the first time you saw  
24 him.

25 A He was walking up, and they told him to put hands

1 on his head, and then he did it. And I don't know what  
2 caused them to start shooting with the paint ball gun. Once  
3 they did, he started running, and that's when they had to  
4 shoot him with the real gun.

5 Q You said he started running?

6 A Yeah.

7 Q What did it look like to you? Could you see his  
8 hands?

9 A No. I was not really paying attention that much.

10 Q You really couldn't see what was going on down  
11 there?

12 A Huh-uh.

13 Q You said he started running. Did it look like he  
14 was running?

15 A No. He was running towards the apartment -- their  
16 apartment.

17 Q How fast was he running?

18 A Probably jogging.

19 Q Jogging?

20 A Yeah.

21 Q Was he stumbling forward or anything or definitely  
22 running?

23 A He was running.

24 Q And, again, you couldn't see his hands. What was  
25 he doing with his hands?

1 A I couldn't see his hands.

2 Q I have no further questions.

3 MR. REES: No.

4 GRAND JUROR: I have a couple of questions.  
5 You had gone out to talk to a friend?

6 THE WITNESS: Uh-huh.

7 GRAND JUROR: And then did you go back in  
8 because the police instructed you to return?

9 THE WITNESS: Yeah.

10 GRAND JUROR: So that's when you were  
11 watching from the window?

12 THE WITNESS: Uh-huh.

13 GRAND JUROR: At any time could you see a  
14 police -- did you see a police dog?

15 THE WITNESS: I think actually, yeah, I did  
16 see a police dog.

17 GRAND JUROR: Was it -- during the time you  
18 may have seen it, paid attention to it, was it with an  
19 officer, was it running?

20 THE WITNESS: I think a police officer had it --  
21 officer had him on a leash.

22 GRAND JUROR: You didn't see a dog running or  
23 anything?

24 THE WITNESS: Huh-uh.

25 GRAND JUROR: At any point towards Mr.

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Campbell?

THE WITNESS: No.

GRAND JUROR: Okay. Thank you.

MR. BANFIELD: Thank you.

1           DIOSDADO AGUAS,  
2           called as a witness in behalf of the  
3           State, being first  
4           duly sworn, was examined and testified as follows:

5                   MR. BANFIELD: Please state and spell your  
6           full name.

7                   THE WITNESS: Diosdado Aguas,  
8           D-I-O-S-D-A-D-O, last name A-G-U-A-S.

9                                   DIRECT-EXAMINATION

10          BY MR. BANFIELD:

11                 Q    Mr. Aguas, where do you currently reside?

12                 A    21700 East Lolo Pass Road, Rhododendron, Oregon  
13                 97049.

14                 Q    On January 29th, you were at the Sandy Terrace  
15                 Apartments, 12800 Northeast Sandy Boulevard?

16                 A    Yes, sir.

17                 Q    What were you doing?

18                 A    Nicole that was just here, she asked me for a ride  
19                 to take her to her grandma's in Vancouver. I told her I  
20                 would take her over there. She had to see her dad, having a  
21                 lot of problems.

22                 Q    How do you know Ms. Fivecoats?

23                 A    I have known her and her mom -- her mom worked for  
24                 the Olive Garden, we go there and eat. And mom was working  
25                 at that time. I said, yeah, I'll take her there.

1 Q Do you remember what time it was Ms. Fivecoats  
2 called you for a ride?

3 A Well, I know she called me about 4:30 or -- 4:00  
4 or 4:30. I said when I get out, I'll be over there. So I  
5 went over there real quick, pick her up and take her to her  
6 grandma's

7 Q When you got there, what was the scene like when  
8 you got there? Was there anybody there?

9 A Yes. There was four officers in front by where  
10 Nicole lived, and they were just kind of wandering around.  
11 I know there was a -- I knew I was only going to be there  
12 five or ten minutes and head out, but --

13 Q When you arrived, where did you park your car?

14 A I parked like from there where the police officers  
15 are, just in front of her apartment.

16 Q In front of her apartment?

17 A Yes.

18 Q You see the diagram up on the board, her apartment  
19 is number 31. Can you let us -- show us where on the  
20 diagram you parked?

21 A Her window is here. I parked like right here,  
22 this side here -- wait a minute. Is that -- her mom's door  
23 is right there, I was parked right there (indicating).

24 Q Across from her door?

25 A Yes.

1 Q You said when you arrived, you said there were  
2 already police officers there?

3 A Yes.

4 Q About how many police officers and cars were  
5 there?

6 A Only two cars. And I know there was like three  
7 officers and one lady officer.

8 Q Okay. And what do you do when you arrive?

9 A I just knew I was going to be there a few minutes.  
10 So like I said, I want to pick her up and head out, that was  
11 it.

12 Q Okay. And did you do that?

13 A Well, I did. But when I come out, they said we  
14 can't go anywhere. They said, there's a man with a gun,  
15 everybody have to stay.

16 Q They let you come in, park, you go inside and you  
17 get Ms. Fivecoats. And now when you come back out, they  
18 tell you you can't leave?

19 A Yes. Plus there were like -- like they were ready  
20 to find somebody. I'm not sure -- I got out of the door,  
21 she said, you got to go back inside, so I did.

22 Q Tell us what happened when you went back inside,  
23 what do you remember?

24 A Well, not much, because I was looking through the  
25 window what's going on. Nothing really going on. I was in

1 by the window, and I go to the living room and just watch  
2 T.V., just wait, because the officer said, we will let you  
3 know when it's time to go or you can leave. So I said,  
4 okay. Basically, I was inside watching T.V. Then I just go  
5 back in the front there by the window just to see, and that  
6 was it. I spent a lot of my time watching T.V. Like I  
7 said, we couldn't get out. Every time we tell them, can we  
8 sneak in there to get out, her dad is having problems, I  
9 want to take her to her grandma's to go to her dad, and they  
10 can't.

11 Q Were you checking every once in a while to find  
12 out when it was okay to leave?

13 A Yeah. Once in a while -- after awhile, the  
14 officer came in, because they needed to use the restroom.  
15 So we let them in and I said, can we leave? They said, no,  
16 not yet, got to wait. First said it was two hours, then it  
17 got longer and longer.

18 Q Now, was there a point when you actually saw a  
19 suspect -- somebody coming out of the apartment they were  
20 looking at?

21 A You know, honestly, the window was closed, because  
22 first we were trying to open it, we noticed officers said,  
23 close your windows, so we closed the window. I was looking  
24 there, and I don't know how long after, the guy started  
25 walking back. But that was the only time I saw when they,

1 you know, they were talking to him, he was backing in and --

2 Q So you saw somebody walking back?

3 A Yes, the guy.

4 Q Where were you when you saw somebody walking back?

5 A I happened to be by the window.

6 Q Can you tell us what you could see from your  
7 vantage point?

8 A You know, I couldn't see very much, to be honest.  
9 The curtain was pretty closed. I could see straight up from  
10 where the officer was, and I could see -- I can't see way  
11 back, just a little bit. I was not really interested, I  
12 just wanted to leave.

13 Q But what did you see?

14 A Well, honestly, I don't know how long before the  
15 guy started coming out, we were in there a long time. I  
16 just saw the guy backing up with his hand like this, the  
17 officer was kind of pointing at him. I couldn't even tell  
18 you what they were saying.

19 Q Okay. Now, who was saying what?

20 A The officers were talking to the guy back in the --

21 Q They were saying something to him?

22 A Yeah, but I can't recall what they were saying.

23 Q You could tell they were trying to --

24 A Yeah.

25 Q -- tell him something?

1           A    You can hear noises.

2           Q    Now, did it -- from your impression, did it appear  
3 he was listening to what they were saying?

4           A    Honestly, I couldn't tell you. I don't know,  
5 because I was not -- I couldn't hear very well with the  
6 window closed and --

7           Q    Did you see the person that was backing out? Did  
8 you see him make any movements? Did he stop?

9           A    No. He would just keep backing up, and, uhm --  
10 but like I said, I was kind of looking at the both of them,  
11 the police officer, because the officer was pointing the gun  
12 while he was backing in. And all I heard, next thing,  
13 because I was kind of distracted from what I was trying to  
14 watch also, and that's when I saw the guy -- kind of like he  
15 had his hand like this, he was going to run. Then I heard  
16 gun fire and that's -- I don't know what they were saying  
17 before the gun fire either -- like I said, I couldn't hear  
18 at all.

19          Q    You couldn't hear anything being said?

20          A    No. I don't know what they were saying.

21          Q    Before you heard the gun fire, you spoke with  
22 Detective Paniagua (phonetic) on the scene, and you told him  
23 that you -- it looked like the person -- the subject was not  
24 complying and that he was looking for a way out; you  
25 remember saying that?

1           A    I told him like when he was backing in, he was  
2 like, you know, when I heard gun fire, I saw him kind of  
3 took off. That was, you know, like I said, that's what I  
4 meant when I told him that when I saw him kind of just ran,  
5 and then they started firing at him.

6           Q    Before that, you didn't get any impression from  
7 the body language?

8           A    No, sir, I couldn't hear. I didn't know what they  
9 were saying.

10          Q    You also told the officers that based on what you  
11 were observing, that you thought it was strange that he  
12 didn't just stop and comply. Why did you say that?

13          A    Well, I think what I meant, basically, like when  
14 he was backing in, you know, I would just completely stop if  
15 I was in his shoes. I respect officers. I don't want to  
16 argue with anybody. I would stop and tell him, okay, you  
17 know, it's over. That's basically what I was trying to tell  
18 him, and why he even ran, I don't know. And then that's  
19 when the gun shot fired, because, you know --

20          Q    Did you hear him say anything?

21          A    No, I didn't. No, sir.

22          Q    Okay. Questions?

23                   MR. REES: No.

24                   MR. BANFIELD: Thank you, Mr. Fivecoats.

25                   THE WITNESS: Is it okay to leave? I have to

1 go to work.

2 MR. BANFIELD: You are free to leave, and Ms.  
3 Fivecoats.

4 WILLIAM SNOW,

5 called as a witness in behalf of the

6 State, being first

7 duly sworn, was examined and testified as follows:

8 MR. REES: And for the record, state your  
9 first and last name and spell your names.

10 THE WITNESS: William Snow, W-I-L-L-I-A-M  
11 S-N-O-W.

12 DIRECT-EXAMINATION

13 BY MR. REES:

14 Q Thank you, Mr. Snow. What's your occupation?

15 A Full time student at Concordia University, and I  
16 work part time at Lacamas Swim and Sport, which is a health  
17 club in Camas, Washington.

18 Q Where do you live?

19 A 4419 Northeast 131st Place, apartment C-5,  
20 Portland, Oregon, 97230.

21 Q All right. This is an aerial image of Sandy  
22 Terrace, 12800 Northeast Sandy Boulevard. Feel free to  
23 stand up if you want to. Where is your apartment complex  
24 generally speaking in relationship to this? This is Sandy  
25 Boulevard.

1           A    Yeah.  I'm trying to figure it out.  So this is  
2 the Sandy Terrace?

3           Q    Correct.

4           A    I live right here (indicating).

5           Q    Can everybody see that?  Why don't you move your  
6 body.

7           A    (Indicating.)

8           Q    What's the name of that apartment complex?

9           A    I live at Darrin's Place.

10          Q    Is the name of the building --

11          A    That's the name of the building, D-A-R-R-I-N-S  
12 Place.  I live at Darrin's Place.

13          Q    Does this photograph show the perspective visually  
14 you have from your apartment?

15          A    That looks like it's outside my sliding glass  
16 door.

17          Q    Okay.

18          A    Just on the balcony

19                    GRAND JUROR:  You live on the ground floor?

20                    THE WITNESS:  That's the second floor, I  
21 believe that's the fence.

22           BY MR. REES:

23          Q    You live on the second floor?

24          A    I live on the second floor, yes.

25          Q    And I'll pass this around so everyone can see it.

1 Which alcove would this be that you're looking at? In other  
2 words, is this the alcove here the man came out of  
3 (indicating)?

4 A The gentleman came out of this one where the car  
5 is there (indicating).

6 MR. REES: Can everyone see?

7 BY MR. REES:

8 Q As you look at the diagram, it would be the one on  
9 the left-hand side, is the alcove that the man came out of;  
10 is that correct?

11 A Yes, sir.

12 Q Okay.

13 GRAND JUROR: Where is your apartment?

14 THE WITNESS: Where they are taking the  
15 picture from, is my door -- my sliding glass door,  
16 second floor up.

17 BY MR. REES:

18 Q This was taken from your apartment, your view of  
19 the Sandy Terrace Apartments is from your apartment?

20 A Yes, sir.

21 Q Go ahead, have a seat. I wanted everyone to be  
22 sure what we were looking at, as you pass it around.

23 So on the 29th of January of 2010, what time  
24 approximately did you get home from school and arrive back  
25 at your apartment, approximately?

1           A    I told the detectives approximately 5:00 p.m. from  
2 school.

3           A    All right. And did you see anything unusual going  
4 on at that time?

5           A    Yes. I was driving on Sandy Boulevard heading  
6 east towards my apartments, and as I was passing Sandy  
7 Terrace, I noticed a large number of cop cars in that area  
8 pulled up, parked at an angle, cops behind the cars pointing  
9 guns. Uhm, so I pulled into my apartment complex, uhm, and  
10 my neighbor told me that, you know, something was going on.  
11 He told me to be safe, go into my apartment, and then from  
12 there I went into my place and -- should I keep going?

13          Q    Sure.

14          A    I went into my apartment complex, and I went to my  
15 roommate, Tyler Camp's bedroom, and I told him there was  
16 something going on in the apartment complex directly behind  
17 us. We started to look out his bedroom window, from the  
18 picture, we were at this one right here, this is a view of  
19 our sliding glass door. We were originally in the room on  
20 the other side of this tree. So we were watching, all we  
21 could see were the police officers. We couldn't see this,  
22 we could only see what was on the other side of the tree,  
23 which is police officers setting up. That's what they were  
24 interested in. That's what we were watching for, gosh, I  
25 really don't know how long. At least half an hour seemed

1 like.

2 And, eventually, uhm, we saw a canine with the  
3 police officer, and they started to take position behind a  
4 garbage dumpster that was about just in front of this tree.  
5 And they started to slowly move it forward towards this area  
6 from there. When they started to progress, we came around  
7 our place, started viewing out our sliding glass door  
8 window.

9 GRAND JUROR: Forward for the canine or the  
10 dumpster?

11 THE WITNESS: The dumpster. The canine --  
12 the police dog were moving behind the dumpster almost  
13 to get a better position. I was not really sure what  
14 their strategy was. We moved to the other side of the  
15 tree and we started watching. We had our sliding  
16 glass door opened and we were staying low. We didn't  
17 know what was going on, was kind of on our stomachs.  
18 Basically, half our bodies were out onto the porch and  
19 the other half was inside of the apartment complex.

20 We contined to watch for a certain amount of  
21 time, not much longer, uhm, I believe his name is  
22 Aaron came out of this, I guess, hallway, whatever you  
23 want to call it, and hands up immediately behind his  
24 head. He was back pedaling towards me. And once he  
25 got to the car, he turned and was backpedaling towards

1 the police officers, hands up, and they were just  
2 directing him, telling him where to go, keep towards  
3 us, keep towards us. There was a bunch of talking  
4 going on, that's what we were hearing.

5 When he got to a certain distance which was  
6 about the handicapped sign, he stopped and his hands  
7 behind his back, they were telling him to get on the  
8 ground, lie face down, hands behind the back. He was  
9 not getting down. After repeated commands they let  
10 him know, we will use -- I'm not sure if it was force  
11 or some kind of force to get him to get down. He then  
12 proceeded to say -- I'm sorry, should I use expletives --

13 BY MR. REES:

14 Q Say what he said.

15 A From what I recall, it was, "then just fucking  
16 shoot me. Just fucking shoot me." From then, he was still  
17 standing there. He started to lower his left hand and  
18 almost -- I felt like he was almost looking at us like a  
19 side angle for a brief second, started to look backwards.  
20 From then they fired a shot into his back, which I believe  
21 was with a bean bag gun. And then another shot, which I  
22 believe hit his lower left leg or somewhere in that  
23 vicinity.

24 He stumbled forward. They are telling him to get  
25 on the ground. He then started to stumble, and I don't know

1 if he was running for cover moving towards this car, and as  
2 he was running towards it, they were yelling at him, "stop.  
3 Just stop." And he started to reach behind him with his  
4 left hand into his -- under his belt buckle, and what  
5 appeared to me was just a dark object. I don't know -- I am  
6 not saying it was a gun, but I saw something back there on  
7 the left, almost under his waistband.

8 He lifted up his jacket, was reaching back from  
9 there. There was a shot fired, uhm, and it looked like he  
10 was hit in the back, square in the center of the back --  
11 center of the back. And he fell behind this car almost in  
12 the front, in between the bush and the car. From there I  
13 could not see him any more.

14 Almost immediately after the shot was fired, the  
15 canine was released, and the canine, you know, ran to the  
16 man that was shot. I could not see what the canine was  
17 doing, he was back there for it seemed like a very short  
18 amount of time, five to ten seconds max. Then the canine  
19 was called back, immediately retracted -- he immediately  
20 retracted. And after that, I'll set this down -- after they  
21 repeatedly were asking Aaron to show them his hands, he was  
22 not responding. They were asking him, if you can hear me,  
23 move your -- I think it was his left foot, maybe right foot.  
24 They were saying, if you can hear me, move your foot, while  
25 at the same time saying police, show me your hands, show me

1 your hands. No response.

2 After another seemed like a really long time, I'm  
3 going to say about 20 minutes, SWAT vehicle arrived on  
4 scene, pulled up right next to this car, and they opened the  
5 back doors, five or six gentlemen came out heavily armed,  
6 bulletproof vests, helmets. They had a shield. They went  
7 around, secured the area. And there was also a gentleman  
8 with a bag and gloves on, I believe he was a medic of some  
9 sort, but I'm not sure.

10 Once they got to the gentleman, it sounded like  
11 velcro, I don't know this, they were handcuffing him. I  
12 couldn't see him behind the car. It sounded like they were  
13 handcuffing him. Once he was secured, the person with the  
14 gloves and bags went down for a couple of minutes. And I  
15 couldn't hear if they said he was dead, I assumed he had  
16 passed. But, after that, then they were just kind of  
17 setting up shop and --

18 Q Let me back you up to the point you're looking out  
19 the window and you see this man walking backwards. You said  
20 that at some point he's reaching back for an object, and you  
21 said you were not sure if it was a gun or not?

22 A I didn't see a gun. I saw a dark -- I saw  
23 something dark under -- almost under his waist band

24 Q What was your impression of what was happening at  
25 that point, when you saw that, what did you think?

1           A    Just thought like, what am I thinking? I'm  
2 thinking, he's pulling a weapon, that's what I'm thinking.

3           Q    All right.

4                    GRAND JUROR: Was that at the same location  
5 he was shot with the bean bag; do you recall?

6                    THE WITNESS: No. It was about even with  
7 that line. There's cracks in the road or in the  
8 parking lot, and after he was shot, he started to move  
9 forward. Almost looked like he was going to run for  
10 cover towards a vehicle.

11           BY MR. REES:

12           Q    On his person -- on his body, did you see where  
13 the bean bag hit?

14           A    It hit -- the bean bag hit up here, like the  
15 mid-back area once, and then again in the lower left leg.

16           Q    Okay. Thanks.

17           A    It is where it looked like he was struck.

18                    GRAND JUROR: I'm still a little confused  
19 about the sequence of events. You saw him backing up,  
20 he stops. They fire the bean bag shots at him. Then  
21 he stumbles forward, reaches to his back?

22           BY MR. REES:

23           Q    So, okay. Yes. Hands are up. He stopped, they  
24 are trying to get gun. Are they up or --

25           A    They are back like this (indicating).

1 Q And he stops?

2 A He stops. He's standing there, and they are  
3 telling him to get on the ground.

4 Q Yes. He's not doing that?

5 A He's not doing that, not cooperating. Like I  
6 said, he almost looks -- he almost looks up at me or turned  
7 back to look at them. His hand lowers, so he can see back,  
8 and that's when they fired a bean bag, first shot into his  
9 back, kind of went forward a little bit. And it hit him  
10 again in the lower left leg. That's when he started to  
11 almost jog or move towards cover. And as he was running  
12 back, that's when I saw him pulling or reaching for  
13 something. I'm not through --

14 Q So he starts stumbling, jogging, whatever, back  
15 toward where he came from?

16 A The vehicle like right there -- right here, he  
17 originally came out around. It looks like he was going to  
18 the right side of the second vehicle, yes.

19 Q When was the dog released, before or after the  
20 shot?

21 A After -- soon as the gun shot was fired and he  
22 went down, that's when the canine was moving towards the  
23 gentleman.

24 Q So let me feed it back to you and tell me if I got  
25 it right.

1 A Okay.

2 Q He stops, they shoot bean bags at him, he starts  
3 moving forward, he does this action (indicating).

4 A Uh-huh.

5 Q They shoot again, including the non-bean bag shot,  
6 then the dog is released?

7 A Correct. What I saw, yes.

8 Q Thank you.

9 GRAND JUROR: When you said that officers  
10 were -- he's not cooperating, his hands are up here,  
11 uhm, they are threatening to use force, are they -- I  
12 think that's how you said it even?

13 THE WITNESS: Yeah.

14 GRAND JUROR: What specifically did they say?

15 BY MR. REES:

16 Q If you remember.

17 A I don't. I remember someone saying along the  
18 lines of, get on the ground, a bunch of people were talking  
19 to him at the same time. I believe I heard, get on the  
20 ground or we will help you get on the ground. Get on the  
21 ground, or we will use force. Get on the ground, or we will  
22 shoot you. It wasn't just one person talking to the  
23 gentleman, it was -- I felt like there was a few people  
24 yelling.

25 Q Is that to say that the voices that are sort of

1 running over each other, probably not intelligible or pretty  
2 easy to understand?

3 A Yeah, I could understand. It was not like a crowd  
4 yelling and I'm picking out words. It was just one person  
5 saying this, another person saying this, another person  
6 saying this.

7 Q Thanks.

8 GRAND JUROR: It may sound like I'm asking  
9 for speculation. You say there was the actual gun  
10 shot, the louder -- I guess it was louder?

11 THE WITNESS: It was significantly -- it was  
12 huge, significantly a change of noise. The bean bag,  
13 you could tell it was a bean bag shot. You saw when  
14 he was hit, the things fall almost like a bag falling  
15 to the ground. And then he was hit with the bean  
16 bags, I heard a noise -- two noises from the pops.  
17 And then when he was running forward, he was shot  
18 again. This was a much louder noise, much stronger  
19 affect on him, because he went straight to the ground.

20 GRAND JUROR: So my question is going to go  
21 with that. And the dog -- was the dog also in your  
22 view so you could see, or could it have come from the  
23 side so you saw it running as the shot was fired?

24 THE WITNESS: The dog was -- like I said, I  
25 had moved to another window. The dog was forward, we

1           could not see it any more. We got to view where we  
2           could see the view -- the dog was in my view the  
3           entire time, so he was behind the dumpster, he was  
4           shot, the dog goes, it was almost instant.

5                    GRAND JUROR: That was my question, could you  
6           see the dog from the moment it ran?

7                    THE WITNESS: Yes. I was -- I felt like I  
8           was a maximum 20 yards away, the dog was right below  
9           the fence line in front of the tree.

10                   GRAND JUROR: Okay. A dog goes after the  
11          loud round, not the bean bag?

12                   THE WITNESS: Not the bean bag, no. It was  
13          the third fire, bang, and --

14                   GRAND JUROR: Who else was present with you  
15          in the apartment?

16                   THE WITNESS: Tyler Camp and Jenna Peterson.

17                   MR. REES: We will call Mr. Camp now.

18                   THE WITNESS: I hope I helped.

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25

1           TYLER CAMP,  
2           called as a witness in behalf of the  
3           State, being first  
4           duly sworn, was examined and testified as follows:

5           MR. REES: Have a seat. We'll wait for the  
6           grand juror that snuck out.

7           Back on the record. This witness has been  
8           sworn in. Sir, please state your name and spell your  
9           name for us.

10          THE WITNESS: Tyler Camp, T-Y-L-E-R C-A-M-P.

11                           DIRECT-EXAMINATION

12          BY MR. REES:

13           Q    Mr. Camp, are you William Snow's roommate?

14           A    Yes, I am.

15           Q    So you share the apartment there at Darrin's Place  
16           directly across from the Sandy Terrace Apartments?

17           A    Yes, sir.

18           Q    What's your occupation?

19           A    I'm not employed right now, just a student.

20           Q    You're a student. Where do you go to school?

21           A    Concordia University, Portland, Oregon.

22           Q    Full time student?

23           A    Yes.

24           Q    What time did you get back to your apartment  
25           January 29th, Friday, when this happened?

1           A    Uhm, I finished class at about -- I finished class  
2   at 2:00, and it wasn't much after that, so probably 2:00,  
3   2:30, 3:00 when I got home.

4           Q    And there's a photo next to you.  But if you can  
5   just identify that, does that show accurately the scene that  
6   you could see from your apartment window overlooking the  
7   apartments, Sandy Terrace?

8           A    Absolutely.  I believe this is a picture taken  
9   from my balcony.

10          Q    And were you watching from that vantage point when  
11   the police were interacting with a man that lived in those  
12   apartments?

13          A    Yes, I was.

14          Q    And did you see when the man first appeared in the  
15   parking lot?

16          A    Not at first.  I was just entering the room -- I  
17   was just entering the room, and he was a approximately ten  
18   feet away from where he came out of.

19          Q    All right.  Could you show us in the picture what  
20   you're referring to?

21          A    He was probably about just past this car when I  
22   had first seen him.

23          Q    All right.  When you first saw him, then, what was  
24   he doing?

25          A    He had both hands on his head and he was walking

1 backwards.

2 Q Could you hear anyone say anything?

3 A I could hear police officers asking him to  
4 continue to walk towards them and to slow down.

5 Q All right. And in your recorded interview with  
6 police detective, you said you clearly heard an officer say,  
7 "you need to slow down"?

8 A Yes.

9 Q Was that a loud and clear command?

10 A It was very clear.

11 Q And did you, yourself -- did it seem like this man  
12 was walking quickly or slowly when the police officer said,  
13 you need to slow down?

14 A He was actually walking very fast. He was walking  
15 faster than most people do when they are walking normally.

16 Q When they are walking forwards?

17 A Yes.

18 Q All right. So he was walking backwards and  
19 walking very fast?

20 A Yes.

21 Q Just based on what you're looking at, did this man  
22 appear to respond to the command to slow down?

23 A Absolutely not. He continued to walk backwards  
24 very fast.

25 Q All right. What happened then?

1           A    They had repeated what they had said, "Aaron, slow  
2   down; slow down, Aaron." And he -- they had finally said,  
3   "Aaron, slow down or we will be forced to shoot." And  
4   that's when he stopped. He still had both hands on the back  
5   of his head, and he said, "well, fucking shoot me then."  
6   And at this point, he continued to walk backwards at a very  
7   fast pace, and they repeated themselves another three times,  
8   which is when he finally stopped again.

9           Q    I'm sorry. When you say they repeated themselves,  
10  what did the police say?

11          A    "Aaron, please slow down, or we will be forced to  
12  shoot."

13          Q    Then what happened?

14          A    He continued to walk backwards at a very fast  
15  pace. The last time they said, "Aaron, please slow down or  
16  we will be forced to shoot," he stopped. And from where I  
17  am up here, he was just past the handicapped sign here, he  
18  was just past it. And he turned and he dropped his --  
19  dropped his left hand, and he actually looked towards where  
20  we were, and that's when he dropped his left hand, and  
21  that's when I heard the first shot go off (indicating).

22          Q    And could you see whether he was hit with an  
23  object?

24          A    He was, he was hit in the back. And I didn't know  
25  what it was until it was laying on the ground, and I noticed

1 it was a bean bag from what I could tell.

2 Q And did this man have any reaction that you could  
3 see at this point after being hit with what looked like a  
4 bean bag?

5 A Definitely startled, I don't think he expected it.

6 Q How do you tell that? What did he do?

7 A He -- when he dropped his hand, he was going down,  
8 and when he got hit, he kind of just froze and his hands --  
9 both hands were off his head. And he was just kind of in  
10 shock a little bit, from what I could tell.

11 Q Oh, so what happens then?

12 A At that point he decides to run.

13 GRAND JUROR: Can I ask a question? You said  
14 both hands were still off his head, but were they  
15 still up?

16 THE WITNESS: Yes, they were still -- when he  
17 finally said, "well, fucking shoot me," then that's  
18 when he -- as he's saying that, he turns and drops his  
19 left hand. This one was still in place, then he gets  
20 hit, now he's here (indicating). At that point, he  
21 realizes that -- I'm just guessing here, just from my  
22 opinion, I'm guessing you hear a gun shot go off --

23 BY MR. REES:

24 Q Just tell us what you saw. What did you see?

25 A So, gun shot goes off, he's startled. That's when

1 he decided to run. He goes towards the apartment complex  
2 where he had come from, I'm guessing, I did not see it  
3 personally where he came from. But he starts to run towards  
4 the car and the apartment building.

5 Q Show us on the picture where?

6 A He was here, and when he got hit, he ran towards  
7 the apartment complex, immediately towards the car and this  
8 area (indicating) is where he was -- well, in this area, he  
9 was struck again by another bean bag. Uhm, so that was the  
10 second bang. This one hit him I believe in the leg. And  
11 then he continued to run to where he got towards the car,  
12 then a much louder bang come off, and he was down between  
13 the car and the bushes and I could no longer see him at that  
14 point.

15 From the point he -- the loudest bang went off, it  
16 was maybe two or three seconds before a dog was on him. It  
17 was very quick. And, uhm, it was another maybe ten seconds  
18 and the dog was called off.

19 GRAND JUROR: I have a question real fast.

20 The time between the shot and -- shot in the leg and  
21 the louder sound of the live round, how long do you  
22 think that is?

23 THE WITNESS: Probably another three seconds.

24 GRAND JUROR: And so he shot, he runs, he's  
25 shot again in the leg as he's running?

1 THE WITNESS: Yes.

2 GRAND JUROR: And he doesn't stumble more, he  
3 doesn't seem impaired by being shot by bean bags?

4 THE WITNESS: No. He still seemed he was  
5 kind of bent over the whole time he was running, but  
6 he never seemed to stumble and try and catch himself  
7 on the ground or anything like that. He was still  
8 running and going to where he would like to go.

9 GRAND JUROR: At any time did you see him  
10 maybe start to react to anything on his back?

11 THE WITNESS: Yes. On the run after he got  
12 shot, hands are in the air, then he decides to run  
13 after he got hit a second time, he drops a hand back  
14 towards his back. I couldn't see if he was reaching  
15 for something. I didn't see anything on his back, but  
16 his hand was definitely back towards his back.

17 GRAND JUROR: Could have been a reaction to  
18 pain?

19 MR. REES: Rather than asking that, ask this  
20 question, did it appear that he was reaching back in  
21 pain?

22 GRAND JUROR: Yes. Did it appear he was  
23 reaching back in pain?

24 THE WITNESS: I would say no.

25 BY MR. REES:

1 Q Why do you say that?

2 A Because it had been somewhat -- I'm -- he would  
3 have reached back for pain immediately, I'm assuming. He  
4 had gone another ten, fifteen feet, and then decided to  
5 reach back.

6 Q So what do -- what do you -- what did it look like  
7 to you, if it looked like anything at all?

8 A He is reaching for something, and he's reaching  
9 for something in his waist line. Again, I don't know what  
10 he was reaching for, because I did not see it. I did not  
11 see a weapon or anything like that, but he was reaching for  
12 that area.

13 Q And did that --

14 MR. REES: I didn't mean to cut you off. Did  
15 that answer your question?

16 GRAND JUROR: Yes.

17 MR. REES: And the alternate juror had a  
18 question?

19 GRAND JUROR: No, that answered my question  
20 also.

21 GRAND JUROR: I would like to go back and  
22 review the sequence of events.

23 THE WITNESS: Yes.

24 GRAND JUROR: Bean bag one, he takes off?

25 THE WITNESS: (Nods head.)

1 GRAND JUROR: Bean bag two?

2 THE WITNESS: (Nods head.)

3 GRAND JUROR: Reaches back?

4 THE WITNESS: (Nods head.)

5 GRAND JUROR: Gun?

6 THE WITNESS: Uh-huh.

7 GRAND JUROR: When was the dog released?

8 THE WITNESS: I did not see the dog actually  
9 be released from the officer's hand. But the dog was  
10 there almost immediately, I'm talking within three to  
11 four seconds, the dog was.

12 GRAND JUROR: Within three to four seconds?

13 THE WITNESS: Of the gun shot -- the shot  
14 that took him down, the dog was there within three to  
15 four seconds.

16 GRAND JUROR: Thank you.

17 GRAND JUROR: Was the gentleman wearing a  
18 jacket or anything that you saw?

19 THE WITNESS: Yes, he was. I believe it was  
20 a gold jacket with some design on it, had some sort of  
21 gold design.

22 GRAND JUROR: Okay.

23 MR. REES: All right. Thank you, sir. And  
24 no other questions, call the next witness.

25

1           JENNA PETERSON,  
2           called as a witness in behalf of the  
3           State, being first  
4           duly sworn, was examined and testified as follows:

5                   MR. BANFIELD: Please state and spell your  
6           full name.

7                   THE WITNESS: Jenna Michelle Peterson, J-E-N-  
8           N-A M-I-C-H-E-L-L-E P-E-T-E-R-S-O-N.

9                                   DIRECT-EXAMINATION

10          BY MR. BANFIELD:

11               Q    What do you do?

12               A    I'm a student at Concordia University.

13               Q    And where do you currently reside?

14               A    At Concordia in a dorm on campus.

15               Q    And do you know Tyler Camp?

16               A    Yes.

17               Q    And do you know William Snow?

18               A    Yes.

19               Q    How do you know Mr. Camp and Mr. Snow?

20               A    Tyler is my boyfriend, and Will is his roommate.

21               Q    And on January 29th of this year, were you over at  
22   Tyler and William's house?

23               A    Yes.

24               Q    Their apartment?

25               A    Yes.

1 Q That's located on Northeast Sandy Boulevard?

2 A Yes.

3 Q And have you been to that apartment before?

4 A Yes.

5 Q So you're familiar with the area?

6 A Very, yeah.

7 Q Now, how long were you there before you realized  
8 there was something going on with the police?

9 A We were probably there for three or four hours, I  
10 don't know exactly what time we got back to the house. We  
11 were there for quite awhile until Will came and informed us  
12 there was something going on.

13 Q Where were you when Will told you something was  
14 going on?

15 A In Tyler's bedroom.

16 Q What did you do when he told you something was  
17 going on?

18 A We immediately opened the shades and opened the  
19 blind and opened up the window, and looked out. There was a  
20 ton of cop cars outside in the back parking lot of the other  
21 building.

22 Q You see there's this photo here. Does that look  
23 like a vantage point from where you were?

24 A Yeah, that's the balcony.

25 Q Now, tell the grand jurors what do you remember

1 happening?

2 A When we looked out from the balcony?

3 Q Yeah.

4 A Okay. Well, we were -- we moved from Tyler's  
5 bedroom out to the balcony. We noticed they were moving a  
6 dumpster with a canine unit behind it. We moved to the  
7 balcony, me and Will laid down on our stomachs on the  
8 balcony, all the lights were off. Tyler stood by the  
9 counter. We waited a long time out there, just waiting and  
10 trying to see what was going on. They kept moving the  
11 dumpster, but it ended up stopping pretty much right below  
12 where we were.

13 They kept telling people to get back in the house,  
14 close your blinds, shut the windows, get back in your house.  
15 A cop even came to right underneath where we were, we are --  
16 were on the second floor, told neighbors below to shut the  
17 door, go get back in the house, turn off the lights. They  
18 didn't see us. We were just down and we were not making  
19 noise, we were just curious.

20 And then probably after about, I'm bad at judging  
21 time, about a half hour, someone came out of the house. He  
22 had his hands behind his head, was walking backward past the  
23 car that -- can I point on this?

24 Q Yes, use that, please.

25 A -- came walking out from this direction backward,

1 and he turned, kept walking. The whole time they kept  
2 telling him, "Aaron, keep your hands on your head, keep your  
3 hands on the head." It was like they were encouraging him  
4 to do the right thing. But at the same time he kept coming  
5 backward, it seemed like he was going faster and faster, and  
6 not at a pace that you would assume someone surrendering was  
7 coming at. They told him, "slow down. Slow down, Aaron,  
8 you need to slow down." So they were -- they just  
9 repeatedly told him to slow down.

10 At one point he slowed down to almost a stop, but  
11 then immediately sped up again. And eventually he stopped,  
12 and this was when they told him to slow down, and they were  
13 like, "Aaron, slow down. We will shoot. We will shoot  
14 you." He stops, has his hand on his head, goes, "shoot me  
15 then, just F-ing shoot me, then."

16 And then at that point he dropped his left hand  
17 from his head, and dropped it to about his waist, and that  
18 was when he was shot with the first bean bag gun. And then  
19 at that point, he kind of took a step forward, but it was  
20 the leg that had the impact, so it wasn't like he was trying  
21 to get away at this point. And then from then, they told  
22 him to put his hand back on his head, but he was not  
23 responding to that request. They shot him in the back with  
24 the bean bag gun.

25 At that point, he took a few steps forward, and

1 this whole time they were saying, "put your hands on the  
2 head," or, "get down on the ground. Put hands on your  
3 head." But he took off, started running from toward the --  
4 he was probably about here when he stopped, he took a few  
5 steps forward, took off and started running towards the  
6 direction of the car, and that's when the third shot was  
7 fired.

8 And pretty simultaneously with the third shot, the  
9 canine was released. From our vantage point we could  
10 clearly see it was released at a time pretty near to the  
11 shot. Obviously, we were kind of focusing on the man, but  
12 obviously we saw the unit go. At this point he fell behind  
13 the car and we couldn't see him any more. We couldn't see  
14 anything that was going on. We didn't know if he was still  
15 alive or if he was getting up to shoot back or fire back, or  
16 if he even had a weapon.

17 Will had pulled me up at this point, we were  
18 standing inside of the door. We were not laying down any  
19 more. We had a full view of everything. And they told him,  
20 "Aaron, get your hands from underneath your body. Aaron, we  
21 need to see your hands. We need to see your hands. Move  
22 your right foot if you can hear us, left foot if you can  
23 move, and hands out from underneath your body. We need to  
24 see your hands." They did this probably about half an hour  
25 or 45 minutes.

1           And then -- and then we were -- we would kind of  
2 take turns going back into the back bedroom -- Tyler's back  
3 bedroom, to see if there was activity over there. We were  
4 on the balcony when we heard something like a semi-truck,  
5 and Sandy was blocked off. So we went back out, a SWAT  
6 truck was coming in. We went back to the balcony, saw them  
7 pull up and park, get out of their car and go to examine the  
8 person.

9           And then they approached him obviously in a  
10 defensive way, but soon as they got there, you could kind of  
11 tell that they kind of went through the procedure, that  
12 there was not really a threat any more.

13           Q   Now, when you saw him first coming out and backing  
14 up, it was kind of -- it was quickly. How fast was he  
15 moving?

16           A   It was not a walk, but it was not like he was back  
17 pedaling, per se. It was like a fast walk backward.

18           Q   They were yelling commands to him?

19           A   Yes.

20           Q   Did it appear he was obeying their commands?

21           A   No, not to the extent that he should have been.

22           Q   And you said you saw him almost dropping his  
23 hands. Did you see where his hands went?

24           A   Uhm, at first it was just down to his side, he  
25 turned back to look at them and tell them, "just shoot me

1 then." But as he was taking steps forward, running away, it  
2 was like his hands were going back. At one point he reached  
3 back behind his back, but his pants were sagging down too.  
4 I didn't see anything dangerous at that point. But I also  
5 was not focusing on his hands as much. His pants were  
6 sagging down.

7 GRAND JUROR: When he first started putting  
8 his left hand down, was it brief or a slight movement,  
9 or was it down like half way down his body or --

10 THE WITNESS: It went from this situation, to  
11 turning around going like this, it was not  
12 (indicating) --

13 GRAND JUROR: Like his chest area?

14 THE WITNESS: Yeah.

15 GRAND JUROR: That was the time he told them  
16 to shoot him?

17 THE WITNESS: Yes.

18 GRAND JUROR: Is when he made that turn?

19 THE WITNESS: Yes.

20 GRAND JUROR: Okay. Now, the next sequence,  
21 my notes, apparently -- I apologize for making you go  
22 through it again.

23 THE WITNESS: That's fine.

24 GRAND JUROR: He tells them, go ahead, shoot  
25 me, and apparently they comply and shoot him with a

1 bean bag in the back?

2 THE WITNESS: Yes.

3 GRAND JUROR: While he's still turned around,  
4 while he's trying to face them?

5 THE WITNESS: He was turning around, just  
6 shoot me, then, just shoot me, that's when they shot  
7 him. And he turned back around around forward.

8 GRAND JUROR: Did they immediately shoot  
9 again?

10 THE WITNESS: A couple of seconds passed,  
11 they were telling him, "put your hand on your head,  
12 get down on the ground. Put your hand on the head."

13 GRAND JUROR: He was standing in the same  
14 spot when the second bean bag hit him?

15 THE WITNESS: Yes. Maybe a step forward.

16 GRAND JUROR: That hit him, could you tell  
17 where?

18 THE WITNESS: In the -- I can't remember if  
19 the first bean bag hit him in the leg or the second  
20 one. He was hit in the back and the leg, from what we  
21 could see.

22 GRAND JUROR: My notes are so bad. Sounded  
23 like you said there was a third bean bag shot.

24 THE WITNESS: No.

25 GRAND JUROR: That might be my notes?

1 THE WITNESS: I meant the third shot, bullet  
2 shot.

3 GRAND JUROR: You heard a total of three  
4 shots?

5 THE WITNESS: Yes.

6 GRAND JUROR: You only heard three?

7 THE WITNESS: Yes.

8 GRAND JUROR: Bean back to the leg, bean bag  
9 to the back -- back or leg?

10 THE WITNESS: Yes, and a third shot.

11 GRAND JUROR: We want to be really clear.

12 Could you grab the photo and show where --  
13 about where you think he was? Like show where he was  
14 before he takes off, and show how far he got when you  
15 hear the bullet.

16 THE WITNESS: Uhm, I would say he was  
17 probably right about here (indicating) when he was  
18 shot with the first bean bag, and then taking a few  
19 steps forward when he was shot again. Then as he took  
20 off, to be honest, it happened very fast. But, the  
21 fact that he fell behind the car when he was shot with  
22 the third one, he was probably right about here. But  
23 he was still moving when the third one was shot, then  
24 he fell behind the car. We could not see him at all  
25 when he fell to the ground.

1 GRAND JUROR: He doesn't cut around the back  
2 side?

3 THE WITNESS: No. He goes around the bush,  
4 this was the area he came out of initially, and so I'm  
5 assuming he was running back to where he was before.  
6 So he cut around by the bushes, and right here there's --  
7 it's not a sidewalk, it's just like a speed bump type  
8 thing and bushes behind it.

9 GRAND JUROR: Okay.

10 MR. BANFIELD: No other questions. Thank  
11 you, very much. You're free to go.

12 GRAND JUROR: Thank you.

13 MR. REES: As it turns out, Mr. Montgomery  
14 Mr. Boyer and Mr. Crossley are all here and they have  
15 been waiting. I don't know where we are on this  
16 schedule.

17

18

19 (Whereupon, Court adjourned at 12:25 p.m.)

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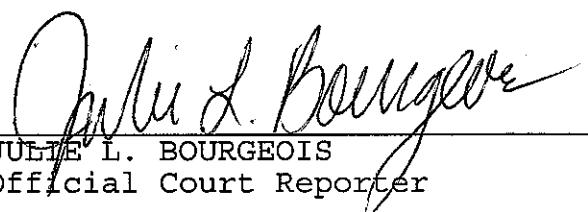
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1 STATE OF OREGON )  
2 County of Multnomah ) ss.

3 I, JULIE L. BOURGEOIS, an Official Court Reporter  
4 for the Multnomah County Circuit Court, hereby certify that  
5 I reported in stenotype the foregoing testimony and  
6 proceedings had in the aforementioned case; that thereafter  
7 my notes were reduced to typewriting under my direction, and  
8 that the foregoing transcript, consisting of 69 pages, is a  
9 true and correct transcript of said oral proceedings.

10 Witness my hand in Portland, Oregon, this 13th day  
11 of February, 2010.

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JULIE L. BOURGEOIS  
Official Court Reporter

1 IN THE MATTER OF THE INVESTIGATION) MULTNOMAH COUNTY  
2 OF THE DEATH OF ) DISTRICT ATTORNEY'S  
3 AARON M. CAMPBELL, ) OFFICE NO. 2187093  
4 Deceased. ) PORTLAND POLICE  
5 ) BUREAU NO. 10-8352  
6 ) GRAND JURY CASE  
7 ) NO. 105

8 VOLUME 2-C

9  
10 GRAND JURY 1 PROCEEDINGS

11 The Grand Jury 1 hearings conducted on Tuesday  
12 February 9, 2010, were transcribed by Official Court  
13 Reporter.

14  
15  
16  
17 APPEARANCES:

18 Conducting the examinations: Deputy District Attorneys  
19 Donald N. Rees and Glen R. Banfield.

20  
21  
22  
23 Estelle T. Keating  
24 Official Court Reporter  
25 1021 S.W. Fourth, Room 420  
Portland, Oregon 97204

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FEBRUARY 9, 2010; 12:30 P.M.

P R O C E E D I N G S

ROBERT MONTGOMERY,

Was thereupon called as a witness on behalf of the State and, having been first duly sworn, was examined and testified as follows:

MR. REES: Sir, everything you are saying is being recorded by the court reporter. So I'm going to ask you to raise your voice so she can hear you and all these folks can hear you as well. I'll apologize on behalf of the grand jurors. They are eating their lunch. Because we have so many witnesses, we are moving right through the lunch hour.

If you would please state your name and spell your name for the record.

THE WITNESS: Robert Montgomery,  
R-O-B-E-R-T, M-O-N-T-G-O-M-E-R-Y.

EXAMINATION

BY MR. REES::

Q Mr. Montgomery, I understand that when the shooting occurred, you were inside, I guess, a friend of yours' apartment, Kenneth Boyer?

A Correct.

Q And there is a photograph of the Sandy Terrace Apartments, an aerial view, behind you. And then there

1 is also this sketch with the numbered apartments. Do  
2 you know which apartment Mr. Boyer lives in?

3 A I'm not sure exactly what the number is. This  
4 is Sandy?

5 Q It's Sandy Boulevard -- or here this is Sandy  
6 Boulevard across the top.

7 A Where is the Sandy Terrace at?

8 Q This is the Sandy Terrace Apartments right  
9 here.

10 A Okay. I would have been about right here --  
11 yeah, right here.

12 Q And you are pointing to this -- this apartment  
13 complex I guess is called Darrin's Place?

14 A Darrin's Place Apartments.

15 Q Go ahead, sit down. Were you just visiting  
16 Mr. Boyer that afternoon?

17 A Yeah. I was hanging out there, so I went over  
18 there for a little while. That's when everything was  
19 going on in the back, you know. So we was looking out  
20 the window, you know, seeing what was going on. And  
21 that's when everything happened.

22 Q All right. And at some point did you see a  
23 man come out of the Sandy Terrace Apartments and  
24 approach the police?

25 A I did. Uhm, he came out of the apartment with

1 his hands on his head, backing up towards the police.

2 And, yeah, he had his hands on his head.

3 Q All right. Did the -- did you hear the police  
4 tell him to come out of the apartment?

5 A I didn't. I didn't hear no demands to come  
6 out or nothing like that.

7 Q And you said when you saw him, how was he  
8 walking?

9 A Backwards, towards the police. He walked back  
10 and then out, like an "L" shape from the apartments  
11 straight into the police cars.

12 Q All right. And what was he doing with his  
13 hands?

14 A His hands were on his head. From the point  
15 where I saw him to the point where he got in front of  
16 the cops, he had his hands on his head backing up  
17 completely.

18 Q Did you hear the police say anything?

19 A The cop said, "Put your hands up," but his  
20 hands were already up on top of his head. So, I  
21 don't -- you know, he had his hands up.

22 Q Okay. But you heard the police say, "Put your  
23 hands up"?

24 A Yeah. They were already up.

25 Q And did you hear this man say anything back to

1 the police?

2 A He said pretty much, "If you guys are going to  
3 shoot me, shoot me. You know. I'm here. I came out."  
4 You know, that kind of thing, like "If guys going to  
5 shoot me, shoot me." He came out of the house with his  
6 hands up.

7 Q Okay. So let me ask the question again  
8 though. What did he say?

9 A What did who say?

10 Q What did the man say to the police?

11 A He said, "If you are going to shoot me, shoot  
12 me."

13 Q And what happened after that?

14 A Uhm, that's when he got shot with the bean  
15 bags or the bean bag gun. Then, yeah, he started  
16 walking back to the house.

17 Q You say he was walking back to the house?

18 A Like fast-paced walk kind of thing.

19 Q What did it look like he was doing to you?

20 A He was grabbing where they hit him with the  
21 bean bag, you know. Of course, you know, they are  
22 supposed to injure people. So, you know, they are  
23 going to hurt. That's where he grabbed, right where  
24 they shot him.

25 Q Do you remember telling Detective Slater that

1 it looked to you as if he was taking cover?

2 A Yeah. Well, yeah, like going -- just like if  
3 the police were getting shot at, you know they are  
4 going to take cover. Same kind of thing, if he is  
5 getting shot by a bean bag gun or something like that,  
6 he is going to go back to a safe distance, you know, at  
7 the same time.

8 JUROR: When -- let's see, did you see  
9 the man look towards the police at any point?

10 THE WITNESS: Uhm, not that I recall. I  
11 just remember him backing up and the police shooting  
12 him with the bean bag, not that, you know, I remember.

13 JUROR: That bean -- did you hear or see  
14 just one bean bag shot?

15 THE WITNESS: Yeah. I heard one bean bag  
16 shot. I don't know exactly how many times that they  
17 shot him, because I was watching, you know,  
18 Mr. Campbell when he got shot, grabbed his side. You  
19 know, I don't know how many times they shot him. But  
20 after the bean bag rounds, I did hear what sounded like  
21 the shotgun. But -- yeah, I heard that shot. That's  
22 when he fell.

23 JUROR: And that shot was definitely  
24 different from the bean bag shot?

25 THE WITNESS: Yeah, yeah, a lot louder.

1 JUROR: Thank you.

2 JUROR: How about the dog, did you see  
3 the police dog?

4 THE WITNESS: Yes, ma'am.

5 JUROR: And when was -- when was the dog  
6 released?

7 THE WITNESS: Uhm, after he got shot and  
8 he dropped, the dog came from behind the dumpster where  
9 the officer was setting up with the dog. After he got  
10 shot, they released the dog onto him. And the dog went  
11 and clenched onto him and, you know, was biting him.  
12 And then -- then the officer -- he was biting him for  
13 like a good ten seconds. There was no "ouch" or  
14 reaction. So then the officer called the dog off,  
15 said, "Heel," and the dog went back.

16 JUROR: You didn't see the dog until he  
17 was down onto the ground?

18 THE WITNESS: No, I didn't see the dog  
19 get him until afterwards.

20 JUROR: That's definitely after the live  
21 round was fired?

22 THE WITNESS: Correct.

23 MR. REES: Mr. Banfield, did you have  
24 anything?

25 MR. BANFIELD: No.

1 MR. REES: All right. Thank you very  
2 much.

3 THE WITNESS: All right. Thank you.

4 KENNY BOYER,

5 Was thereupon called as a witness on  
6 behalf of the State and, having been first duly  
7 sworn, was examined and testified as follows:

8 EXAMINATION

9 BY MR. BANFIELD: :

10 Q Go ahead and have a seat. Can you state and  
11 spell your full name, please?

12 A Kenny Boyer, K-E-N-N-Y, B-O-Y-E-R.

13 Q Mr. Boyer, just to let you know, we are  
14 recording this proceeding, so for the benefit of the  
15 court reporter, can you just speak up clearly as well  
16 as so we can all hear you, okay?

17 A Yes.

18 Q Where do you currently reside?

19 A Excuse me?

20 Q Where do you live?

21 A I live on 4419 N.E. 131st Place, Sandy.

22 Q What is the name of the apartment complex?

23 A Darrin's place.

24 Q If you take a peek at that map behind you,  
25 that area photo, we have a photograph of the Sandy

1 Terrace Apartments and the Darrin Apartments. Can you  
2 point out where approximately you live from that aerial  
3 photo?

4 A Okay. Well, let's see here. That's the Sandy  
5 Terrace right there, right?

6 Q Uh-hum.

7 A That's where it happened right here. I stay  
8 in these apartments. So this is my apartment right  
9 here, the last one. Yeah, so this is my kid's bedroom  
10 window. Okay. That's where I seen it at. So I seen  
11 it right here.

12 Q What were you doing at the time before the  
13 police arrived in the complex there?

14 A What was I doing?

15 Q Yeah.

16 A I was -- I was in the house playing video  
17 games with my son.

18 Q Okay.

19 A I was playing video games with my son. My  
20 daughter was in the back room, and she told me there  
21 was a lot of police outside with guns. So -- yeah, go  
22 ahead.

23 Q Was Mr. Montgomery there with you?

24 A Not yet he wasn't.

25 Q When did Mr. Montgomery arrive?

1           A    He came after -- when I -- after my daughter  
2 told me, that's when I made her go back in the front  
3 room and I went in the back room so I could watch what  
4 was going on.

5           Q    Okay.

6           A    And after I been there for a good 30 to 45  
7 minutes, Rob knocked on my door. He came, yeah.

8           Q    And during that 30 to 35 minutes, what was  
9 going on? Can you tell us a little bit about the  
10 scene?

11          A    The 35 minutes, the officers was -- they was  
12 getting prepared at the time, which I didn't know.  
13 They was getting prepared -- it was looking like a big  
14 shootout was about to go -- a big shooting was about to  
15 occur.

16          Q    So the officers were setting up in the area?

17          A    They were setting up, yeah. There was setting  
18 up. There was attention not only around my apartments  
19 right here, there was attention right here because my  
20 car -- my girl friend's car is parked right here. And  
21 she said and the neighbors -- some of my neighbors said  
22 they seen the officer in these bushes right here with  
23 guns and all that. And, yeah, so that's when I  
24 noticed, you know, something major about to happen,  
25 yes.

1 Q Now, did you see a young woman come out of the  
2 apartments where you pointed to earlier, where you saw  
3 Mr. Campbell come out?

4 A When the young woman came out of the  
5 apartment, you said?

6 Q Yeah. Did you see a woman come out of there  
7 before you saw Mr. Campbell come out?

8 A I didn't see the mother of the child come out.  
9 I just saw the kids.

10 Q You saw the kids come out?

11 A The kids come out, not the mom.

12 Q Tell us what you remember from the kids coming  
13 out.

14 A I remember I was in the back window looking  
15 all the time. Right when I was getting ready to not  
16 look anymore just because I was there for numerous of  
17 time, I seen the kids come out of the house, three  
18 children, a boy and two girls. They came out, and they  
19 walked to the police officers.

20 Q And the police officers, they were already set  
21 up before the kids came out?

22 A Yeah. They was set up. Yeah, they was  
23 prepared before the kids came out.

24 Q Did you know what was going on? Did you have  
25 an idea kids were in there?

1           A    I didn't know kids, no, no. I didn't know  
2 none of that. I was putting two and two together. I  
3 was just catch -- I was putting two and two together,  
4 then I caught on who was involved. I new Aaron would  
5 be over there. So I knew that was Aaron's, you know,  
6 his girl friend's house.

7           Q    So you knew Mr. Campbell?

8           A    I knew him, but not like that. Like I know  
9 some -- like his cousin, DeeDee. Like I know -- I know  
10 a lot of his family members more than him. I knew him,  
11 but not know him as we kicking buddies, things like  
12 that.

13          Q    You guys didn't hang out, anything like that?

14          A    I knew him.

15          Q    You didn't have any contact in the days  
16 leading up to this whole incident?

17          A    No, I didn't even know.

18          Q    Didn't know?

19          A    Uh-uh. The fact was crazy about it, my girl  
20 friend, she work at OHSU Hospital, and she told me that  
21 somebody just lost their life there, and I knew that  
22 that was his brother.

23          Q    Did you know that before that happened?

24          A    I knew that before, yes. My girl friend she  
25 worked there. She was there when he lost his life, his

1 brother, yes.

2 Q Tell us what you remember. The kids are  
3 already out, and what do you remember when  
4 Mr. Campbell's coming out?

5 A When Campbell -- when Aaron came out, he came  
6 out with his hands on his head. He came out with his  
7 hands on his -- just like this (indicating). He had  
8 his fingers crossed, just like this. He had them on  
9 his head just like this. And when he did come out, put  
10 like this. He didn't see any of the officers faces.  
11 He did not see one face, when he came out. Ever since  
12 he got out the front door and closed the door, he came  
13 out walking backward. You be thinking that you  
14 probably rewinding a VCR. He didn't turn around,  
15 nothing, count how many officers, nothing. He just  
16 came out walking backwards, just like this. The only  
17 thing Aaron did say was, "If you all going to shoot me,  
18 shoot me because I know you all going to shoot me."  
19 That's the only thing he said.

20 The officer told him to come on back, he was  
21 walking back. He's walking back. Once he got like  
22 from here to where I'm at, to that wall right there  
23 with his hands still up, they shoot him with pin  
24 ball -- paint -- well, you know, whatever you call it  
25 all, bean bags. They started shooting him with those.

1 They were shooting him with those dozens of times.

2 Q What happened when they started shooting him  
3 with those?

4 A Started shooting him -- because Aaron is a  
5 strong person. Because he got hit numerous of times.  
6 I can't say -- I can't say exactly how many times. I  
7 just knew it was more than four or five times he got  
8 hit. At the time he got hit with them, he still got  
9 his hands up. This is how bad he is trying not to get  
10 shot. He had his hands up when he start getting hit,  
11 even though he is no threat. The last one that hit  
12 him, he did like that, because he knew common sense if  
13 he would have did like this, especially when his back  
14 is turned toward the officers with guns, if he would  
15 have did just like this, he knew that showing a threat  
16 where he can get shot. So he did it just like this.  
17 The feign(?) -- the last shot hit him right there. He  
18 got hit right there. He did exactly like this. And  
19 once he did that, that's when -- he didn't run. He  
20 jogged. He jogged a few little extra steps going --  
21 basically, if you had seen it the way I seen it, you  
22 could tell he just trying to cover himself from getting  
23 hit because he probably thinking that he got hit for  
24 no -- for no reason.

25 Q Now, when he started jogging, what happened

1 next?

2 A He started jogging, at the same time he is  
3 doing this, I seen him rub. He was rubbing like it  
4 hurt. He didn't rub like -- it wasn't under, near  
5 his -- his pants line or nothing. It was right -- it  
6 was exactly up here. When he got hit, he did like  
7 this.

8 Q On his side?

9 A Right there on his side, right there, right  
10 kind of under below his armpit. After when that  
11 happened, the last shot I heard was -- because they  
12 were shooting so many bean bags at him. You could hear  
13 the pugh, pugh, pugh, you here what I'm saying? I  
14 could hear the wind. The last shot was no bean bag.  
15 That was from a gun.

16 And he got shot. When he got shot, he fell.  
17 Once he fell on the ground, the other officer that was  
18 hiding behind the dumpster with the K9, he decided not  
19 to stay behind the dumpster. So he went with the other  
20 officers behind the vehicle. Then he let the K9 go  
21 after they shot him. He let the K9 go.

22 The K9 went to him, attacked him for like  
23 three, three to five seconds. Three to five seconds  
24 tops, the K9 was over there dressing on him. The K9  
25 even knew that he was gone. The K9 even knew that.

1 The K9 just let him go. The officer said, "Heal." The  
2 dog went back to the officer.

3 You know, they was hollering his name,  
4 because my girl, she left -- she left with her mom.  
5 When she left, he was still alive. He was in the  
6 house. When she came back --

7 Q I'm sorry, who was still alive?

8 A Aaron.

9 Q And you know that how?

10 A I knew that because he didn't come outside  
11 yet.

12 Q You are talking about before he came outside?

13 A Yeah, before he came outside, my girl friend  
14 left. She left because she went to go get my other  
15 daughter. I didn't want her to come. But she went to  
16 get her. When she got -- before she left, he was in  
17 the house. He hadn't come outside yet, not even the  
18 kids.

19 Q Let's get back to where you were already when  
20 the K9 is already on him. The K9 then left from him.  
21 What happened after that?

22 A The K9 left. They had been hollering his name  
23 for like -- like almost -- it was like almost an hour,  
24 an hour or two they was hollering his name. "Aaron,  
25 move your left leg. Aaron, move your right leg." They

1 kept saying that for a long time to the point my girl  
2 came back, she heard it and her mom heard it -- my girl  
3 friend's mom, they all heard it that the officers was  
4 talking so loud, everybody can hear it where he just  
5 keep yelling at him. "Aaron, move your leg so we know  
6 you no threat. Move your leg so we know you ain't  
7 moving." They basically playing Simon Says with him.

8 Q So you could hear them clearly?

9 A Could I hear them clearly? I was like 20 -- I  
10 was like 25, 30 feet away from him.

11 Q When he first came out, could you hear the  
12 officers clearly when they were giving him commands?

13 A When they will were giving him commands, yes.  
14 He already -- basically, the thing they were saying he  
15 was already doing.

16 Q What were they saying, if you can remember?

17 A "Keep your hands up," which he was doing.  
18 "Come back towards us," which he was doing. That's it.  
19 There probably only one time -- there probably one time  
20 I heard one officer say, "Get down." That was just one  
21 officer that said that. There was one officer I heard,  
22 one voice, that one voice said it and that was that.  
23 "Just get down." He didn't get down. He was still  
24 keep -- he probably didn't even hear. He was still  
25 walking back to them just like this, walking backwards.

1 Q Now, after this whole incident, do you  
2 remember talking with the police?

3 A Talking to them?

4 Q Speaking -- an officer came to talk to you  
5 about what happened?

6 A They didn't come talk to me that night or  
7 nothing. The only police I talked to when the officer  
8 came, gave me a subpoena.

9 Q You don't remember speaking to an officer that  
10 day, after the incident?

11 A I didn't talk to a cop that day; no, I didn't.

12 Q Do you remember speaking to a cop shortly  
13 after that?

14 A When they came to my house.

15 Q Okay.

16 A Yeah.

17 Q When was that?

18 A That was -- that was -- I can remember -- I  
19 remember that was the same day when he served me my  
20 papers that said I have to come to Court for it.

21 Q Like a day or two later?

22 A Yeah, yeah, probably like a week ago. Yeah,  
23 two weeks ago.

24 Q When the officer came to your house, he  
25 recorded some of the statements that you made to him.

1 And you told him -- do you remember telling him that,  
2 you know, "I didn't know a lot of information about  
3 what was going on. I didn't know that he possibly had  
4 a gun"?

5 A I was hearing so many stories.

6 Q So you told him that you didn't know he had a  
7 gun, that there were kids and that he was possibly  
8 suicidal. Do you remember telling the officer you  
9 didn't know those things?

10 A No. Let me rephrase on the part I didn't know  
11 he was suicidal. I didn't say I didn't know he was  
12 suicidal. I said to the officer that's what I heard  
13 that people were saying he was suicidal, but I thought  
14 the officers, obviously, if he was suicidal -- a person  
15 that was going to commit suicide, they wouldn't do it  
16 to show people what they can do. If a person really  
17 want to take his life, he -- I think Aaron would have  
18 did it in the house. I don't think he would have come  
19 out and showed the cops what he's capable of doing, you  
20 know. So I didn't tell the officer that.

21 Q Do you remember telling the officer, "I feel  
22 in my heart that you all were doing your job"?

23 A No. No. I said -- I said if he would have  
24 had a gun, if he would have had a gun, if he was a  
25 threat to you all and he would have had a gun on him

1 and if he would have showed any threat that he was  
2 doing what he did, you all would have been right for  
3 all you all did, of course, because nobody don't want  
4 no bullets flying past them. Yeah, but since I seen he  
5 had his hands up the whole time, Aaron wasn't no  
6 threat. I'm going to stick to that. So them officers,  
7 I don't know what this is they said. That wasn't true.

8 Q Do you remember telling the cops repeatedly  
9 telling them, "I don't want to say that the cops just  
10 killed him for no reason." Do you remember saying  
11 that, "I don't want to say you killed him for no  
12 reason"?

13 A I don't want to say they killed him for no  
14 reason. No. I was basically telling him, because any  
15 time you in a situation like this you can see on my  
16 record or whatever I never been in a situation like  
17 this before. All I know I'm a man. I'm a father with  
18 kids. My kids live in that home. So ever since after  
19 that situation happened, I been getting calls, people  
20 coming to my door. I want to put it safely for my  
21 kids. I told the Officer, "I want nothing -- if I have  
22 a chance, I want nothing to evolve" -- at the time I  
23 was nervous. I was nervous and scared. My family  
24 telling me the cops might come and do something to me.  
25 The crooked cops might come and do this, do that. I'm

1 nervous because I don't want my kids there when they  
2 might do something to me.

3 I never been in a situation like this. That  
4 had me nervous. It never had me nervous to the point I  
5 said what they did was right. It had me nervous to the  
6 point I said, "You know what? I don't want to have  
7 anything to do with this no more. I been on the news.  
8 Basically take my statements from what I said on the  
9 news and use it, you know, because I'm not going to  
10 change my words, what they did to him was wrong."

11 MR. BANFIELD: Any questions?

12 JUROR: I just have one. When you saw  
13 him reach back, did he lift up his jacket at all?

14 THE WITNESS: No, he didn't lift his  
15 jacket up. He was rubbing on his jacket. He was  
16 rubbing on his jacket through the skin, you know,  
17 because I heard it. He got hit so many times. I'm  
18 surprised he didn't do this all over his body. On his  
19 back side that hurt, he just did it one time on the  
20 last hit. The last hit made him do that. The last hit  
21 really got him to the point where he was struck.  
22 That's all it is.

23 JUROR: He was reaching back with his  
24 left hand on his left side?

25 THE WITNESS: Uh-hum.

1 JUROR: Do you know if Mr. Campbell was  
2 left or right-handed?

3 THE WITNESS: I don't know if he was left  
4 or right. No, ma'am, I do not.

5 JUROR: When you saw him walking  
6 backwards, would you say he was walking at a normal  
7 pace?

8 THE WITNESS: He was walking normal pace.  
9 He was going like one, two, one, two, like that, he was  
10 just walking back, just walking.

11 JUROR: Not speeding up, slowing down,  
12 stopping, anything like that?

13 THE WITNESS: No. Once he stopped --  
14 once he stopped going backwards was when the bean bag  
15 was getting shot at him. So, obviously, the officers  
16 was feel like -- they had guns. They was feeling like  
17 he -- they was being threatened by him getting closer  
18 to them. The first time he stopped moving his feet is  
19 when that first bean bag touched him. When it touched  
20 him, he went from going back to going forward. He was  
21 going forward so he could cover himself.

22 JUROR: You did say -- you heard him say,  
23 "If you are all going to shoot me, shoot me." This was  
24 well before he stopped or about when he stopped?

25 THE WITNESS: No. He was saying that

1 while he was walking.

2 JUROR: So he said it more than once,  
3 perhaps?

4 THE WITNESS: No. He just said it twice:  
5 "If you all going to shoot me, shoot me, because I know  
6 you all going to shoot me." Because of the environment  
7 out there, the police is not known as being good guys.  
8 They known as being bad guys when they just quick to  
9 shoot, you know. So, yeah, that's what he said,  
10 because that's what the cops is known for now, these  
11 days, just shooting people, just shooting before, you  
12 know -- and he wasn't threatening. He didn't show no  
13 threat, no sign. If I knew he was in the wrong, I'd  
14 say. But he was in the right. He had his hands on his  
15 head the whole time. That's that.

16 JUROR: He didn't look at any of the  
17 police, try to look at them when he said that?

18 THE WITNESS: He didn't look at the  
19 police or nothing. Basically, before he got his life  
20 token, he didn't know -- Aaron didn't know who did it  
21 because he did not see one officer. He didn't see one  
22 officer. He probably did out the window. But I know  
23 when he came outside, he didn't know who did what. He  
24 came outside the whole time with his head turned back  
25 like basically you all in here, my head turned back

1 toward the wall. That's how he was all the time.

2 JUROR: I have a question. You indicated  
3 when he was coming out of his apartment backwards with  
4 his hands up behind his head, was it one officer  
5 telling him to back up and to get down or was it  
6 multiple or do you recall?

7 THE WITNESS: I think it was like --  
8 probably like one or two. Probably one or two officers  
9 telling him to come back, telling him to come back,  
10 because Aaron heard it. We all heard it loud and  
11 clear, including Aaron. He heard it loud and clear  
12 that they was telling him to get back, come back. So  
13 he was going back. I don't think Aaron would have  
14 walked back to the officers if they would have told him  
15 not to. You know, he do what they told him to do.  
16 They told him to come on back, so he went back, the  
17 whole time he went back.

18 BY MR. REES:

19 Q Just to kind of clarify. I guess this is  
20 probably apparent to the Grand Jury, but you don't know  
21 whether Mr. Campbell heard it or not. You know that  
22 you heard it?

23 A I mean, because --

24 Q But you don't know?

25 A Because Aaron was closer to the police than I

1 was.

2 Q Right. But you don't -- just as you don't  
3 know what the dog was thinking, you could really only  
4 testify about what you saw with your eyes and heard  
5 with your ears?

6 A Yeah, but that true, that how close I was,  
7 that just common sense. Because my window was half  
8 closed. My window was halfway closed because I know  
9 this where every officer telling everybody to go in  
10 their rooms, close the curtain, stay out of the window.

11 BY MR. BANFIELD:

12 Q It was clear to you? No problem to hear what  
13 was going on?

14 A Yeah, no problem. I heard it. He was closer  
15 than I was. If I can hear it through half a window, I  
16 know Aaron can hear it just being outside, right damn  
17 near touchable to the cops. So he heard it.

18 BY MR. REES::

19 Q How many times did the police shoot the bean  
20 bag gun?

21 A They shot that thing -- they shot it less than  
22 six -- less than seven times, like around five or six  
23 times they shot that thing, shot around five or six  
24 times, because I heard that air thing. I heard it like  
25 so many times, because, you know, they shoot fast. So

1 I heard -- I just heard it a lot, pugh, pugh, pugh,  
2 pugh. Just heard it until the last shot, I heard a big  
3 boom. And I knew for sure that wasn't no pin ball -- I  
4 mean that's wasn't no -- no gun, so.

5 MR. BANFIELD: Okay. Thank you very  
6 much.

7 THE WITNESS: Sure.

8 MR. REES: Thanks for coming.

9 THE WITNESS: Any time, any time.

10 **MARVA DAVIS,**

11 Was thereupon called as a witness on  
12 behalf of the State and, having not been first duly  
13 sworn, was examined and testified as follows:

14 MR. REES: Go ahead and be seated.  
15 Folks, this is the mother of Mr. Campbell.

16 And Glenn Banfield and I met with you  
17 last week, as you recall, and we offered and Michael  
18 Schrunk, the elected District Attorney, offered for the  
19 opportunity for you to meet the members of the Grand  
20 Jury, who were reviewing the potential criminal charge  
21 in this case. And we talked about how this was purely  
22 an option for you. And you told me you would pray on  
23 it, and you are here, so I assume that means you  
24 decided you did want to speak.

25 But, strictly speaking, she's not a fact

1 witness. As you will hear, she was not present when  
2 this happened.

3 But out of respect for the family and  
4 because of the nature of this particular hearing, we  
5 wanted to give you this opportunity to speak.

6 Why don't we begin, if you would, please,  
7 by having you state your name and spell it so we'll  
8 have that on the record?

9 THE WITNESS: Okay. M, lower case,  
10 A-R-V-A capital D, lower case A-V-I-S.

11 MR. REES: Everyone is saying they can't  
12 hear you. If you would speak up, please.

13 THE WITNESS: I'm sorry. I spell my name  
14 capital M, lower case, A-R-V-A. Davis, D, lower case  
15 A-V-I-S. Marva Davis. All right.

16 EXAMINATION

17 BY MR. BANFIELD::

18 Q So, Ms. Davis, I think the information we best  
19 share with the grand jurors that will help us in this  
20 case is the information you had about your son, the  
21 contact that you had with your son, Aaron Campbell,  
22 leading up to January 29th.

23 Now, what was your communication like with  
24 him a few days before the incident? Were you guys  
25 talking by phone, text messaging?

1           A    What I can remember, before the incident, we  
2 were there in the hospital with Tim.

3           Q    And Tim, can you just give us a little bit of  
4 background about what you were there in the hospital  
5 with Tim for?

6           A    We were there approximately 15 days. He is a  
7 heart transplant patient, and after ten years, the  
8 heart, you know, transplant organs don't last -- about  
9 ten years or so. So he needed another heart. And we  
10 were trying to, you know, keep him stable and happy  
11 until either we can get another heart or -- but in the  
12 meantime, he was going downhill so fast. The heart  
13 wasn't able to deliver blood to the kidneys and things  
14 like that.

15                    But Aaron was there for eight days straight  
16 taking care of him, feeding him. Entertaining him and  
17 sleeping on the floor and sleeping in chairs and -- he  
18 just -- he wouldn't leave.

19           Q    It's fair to say that Aaron was pretty tight  
20 with his brother?

21           A    He loved his brother, yes.

22           Q    A lot of family in and out of the hospital  
23 that whole time?

24           A    Yes.

25           Q    Okay. And tell us a little bit about your

1 read and your perception of how this was affecting  
2 Aaron?

3 A He was hurt. He could see -- we could both  
4 see that he was deteriorating. We could see being a  
5 pin cushion. And Aaron would just go out and cry and  
6 come back in, and we would both go out and cry and come  
7 back in. So it affected both of us.

8 Q And during this time that you were at the  
9 hospital, where was Aaron staying?

10 A In the room with Timothy.

11 Q Yeah, in the room. Was he living somewhere?  
12 Was he going home, coming back?

13 A No.

14 Q He was just there the whole time?

15 A Yes.

16 Q Just wouldn't leave the hospital?

17 A He wouldn't leave. I told him. I said,  
18 "Aaron," I said, "you cannot take care of Timothy if  
19 you don't take care of yourself. You have to get some  
20 rest."

21 Q Would he listen to you?

22 A The next day -- that day he didn't. The next  
23 day he said, "Mama, I'm going to go get some rest."

24 Q What day was that he said he was going to  
25 leave the hospital and get some rest?

1           A    I can't remember. I can't give you dates.  
2 All I know it was like two days or approximately two  
3 days before Tim passed.

4           Q    Okay. And was Aaron there with you the day  
5 before Tim passed?

6           A    No.

7           Q    Okay. What was Aaron doing the day before Tim  
8 passed?

9           A    I hope -- I'm not sure. I hope he was getting  
10 some rest. I know he was -- I know he felt that Tim  
11 was really going.

12          Q    Did you guys talk about that, about that may  
13 be the last hours?

14          A    No. We really didn't -- we didn't say very  
15 much of anything because we could see it.

16          Q    You felt that. You knew it?

17          A    I mean, he was already emotional. I was  
18 emotion -- emotional, you know. I was getting  
19 concerned with him, because when he would talk to me,  
20 he was tired. He was tired. You know, I said, "Aaron  
21 you got to get some rest."

22          Q    What did he say when he would talk to you?

23          A    Well, when we would just be talking in  
24 general, you know, he had a little -- just like a -- he  
25 had like a little slur. Said, "Mom" -- I cannot

1 remember all our conversations. All I know we would  
2 talk. We didn't really say a whole lot in the room  
3 with Tim, you know, to being respectful of what --  
4 because he had hope. He had hope. And we would talk.  
5 We would talk about kids. I know we shared a lot of  
6 things about what he wanted to do. He said, "Mom, I  
7 got to finish up my GED. I need some money." I gave  
8 him a hundred dollars to do that GED. He said he  
9 wanted to be an attorney. But I could see that it  
10 was -- it was affecting me, but he was stronger than  
11 me. I'm much, much older, and I would go home at  
12 night. I had to get some sleep. But he would stay.

13 Q And was there a time that you could tell maybe  
14 that his hope was maybe slipping or that he was -- a  
15 change in his reaction to the situation, what was going  
16 on?

17 A Yeah, because, you know, the doctors come in,  
18 medication was going up, kidneys stopped working  
19 completely, no urine in there at all. He could see,  
20 losing hope.

21 Q Did he talk to you about what he was thinking?

22 A "I'm okay. I don't cry so much. I just --"

23 Q I'm sorry. Did Aaron talk to you about what  
24 he was thinking at that point where you could see that  
25 it was getting closer and the hope was slipping away a

1 little bit?

2 A He didn't say a whole lot to me. You know, if  
3 I can remember, it seemed like he did -- he did say,  
4 "He could have my heart." And then I commented, I  
5 said, "Well, he need a kidney." I said he could have  
6 one of my kidneys. And then -- but I already knew that  
7 they wouldn't allow that, you know. But he really,  
8 really, uhm, -- he was dealing with a lot, just there  
9 was a lot of things that was said. I mean, he said,  
10 "This is my real brother." Because, see, they had the  
11 same father. "This my true brother."

12 Q So, now, he wasn't there that day before?

13 A Oh, no.

14 Q Or the next day?

15 A Oh, my God.

16 Q Where was Aaron the next day; do you remember?

17 A He was at Angie's, at his girl friend's house.  
18 You mean the night before -- the night Tim died?

19 Q The night Tim died. He was at Angie's?

20 A I assume he was there.

21 Q You didn't talk to him though? Did you talk  
22 to him or to Angie about what he was doing?

23 A Let me think. Okay?

24 Q Okay. Take your time?

25 A Uhm, how did I know he was there? Okay. I

1 remember.

2 Q Okay.

3 A He was driving my Mercedes, and he called me  
4 and asked me did I call the people and tell them, uhm,  
5 where he was. And I said no, because I had stopped  
6 paying on it. So I said, uhm -- and I had got another  
7 car. And so he was driving it. What I was trying to  
8 do was just build him up so that made him feel good.  
9 And so the car was taken. And I said no, I did not  
10 call them. That's when he let me know he was at  
11 Angie's.

12 Q So you talked to him that night. So he let  
13 you know he was at Angie's?

14 A Yeah.

15 Q Is that all you talked about was the car?

16 A We talked about pretty much the car, because I  
17 was -- I was dealing with Tim. I was in the room with  
18 Tim. And I would never talk about no kind of situation  
19 with Tim, in his presence.

20 Q While you were in the room, right?

21 A Yeah. That's when I knew that he -- he was at  
22 Angie's.

23 Q If it's okay with you, share with us what  
24 happened when Tim died as far as trying to get in touch  
25 with other members of the family, including Aaron?

1           A    I just text everybody and said, "Tim has gone  
2 to heaven."

3           Q    What time did you text everybody?

4           A    I don't even know. I had to look on my phone.

5           Q    Sometime in the morning on Friday?

6           A    Yeah.

7           Q    And tell me, what was that day like, I mean  
8 the rest of that day? Were you there at the hospital  
9 or there with the family?

10          A    They had to take me to the Emergency.

11          Q    And did Aaron come see you or anybody?

12          A    Uh-uh.

13          Q    You didn't talk to him that day?

14          A    I kept trying to call him, and then I kept  
15 trying to call Angie.

16          Q    Did you get any response from Angie or Aaron?

17          A    Uh-uh. I kept trying -- try to call them.  
18 But I did -- Aaron did call me. But I was so  
19 distraught. He did call me after that. Now that --  
20 you know, everything was happening so fast. And I did  
21 get a call from him, but I was screaming at the time.  
22 And he was screaming.

23          Q    Just the pain?

24          A    Yeah. He -- if I remember, he was saying,  
25 "No. What happened? What happened?" I said, "His

1 heart stopped." And then I was screaming, and I just  
2 threw the phone. And he was -- you know, that was it.  
3 So I do recall a phone call.

4 Q Okay.

5 A But I was in -- I was distraught. I was  
6 distraught.

7 Q Okay. That's all you remember what was said  
8 in that phone call?

9 A Yeah. He was -- he was saying, "What  
10 happened?" I said, "His heart -- his heart stopping.  
11 His heart stopped, you know." And then he was -- I  
12 can't really remember, but I just remember, but I  
13 just --

14 Q Now, when was the next time that you -- that  
15 you heard about Aaron or Angie or that there was a  
16 problem going on at the house, Angie's apartment? When  
17 did you first hear about that?

18 A After I came from the hospital. I was laying  
19 on the couch, and then, uhm, one of the family members  
20 said "Aaron has been shot." And then I went back to  
21 the hospital.

22 Q Okay. And you weren't there, obviously?

23 A I said, "I got to go see. I got to go see."  
24 Nobody would let me go, because he was already dealing  
25 with me with Tim. I just came back from that and then

1 went right back because I was having severe chest  
2 pains. It was just stress.

3 Q And had you talked to Angie at all?

4 A No.

5 Q After it happened or anything?

6 A I kept trying to call her. I kept -- nobody  
7 would answer the phone. I kept trying to call them  
8 that morning. Nobody would answer the phone. I was  
9 very concerned. Nobody answered.

10 Q Ms. Davis, I'm really sorry for your loss. I  
11 don't have any other questions by way of just the  
12 things that were leading up -- up to that day for your  
13 son.

14 Mr. Rees?

15 BY MR. REES::

16 Q Is there anything that you want to tell these  
17 folks on the Grand Jury about your son?

18 A Like I said before, he was going -- he was  
19 changing his life. And it reminded me of Judge Mathes,  
20 he said he was a bugbear in his day and he went through  
21 a lot of things, but look where he is now. He said to  
22 me he wanted to be an attorney. And so, I mean, some  
23 of us make some mistakes, you know. Some people are  
24 bitter, and you have got people who know how to work  
25 through the feelings they have. But he was -- he had

1 four kids to live for, you know. And I just know that  
2 you guys, you know, will get to the bottom of this. I  
3 know that we'll see -- look at the procedures and we'll  
4 just try to get this past us and resolve this and do  
5 the right thing.

6 JUROR: Really sorry for your loss.

7 THE WITNESS: Thank you. I appreciate  
8 that.

9 AUBREY CROSSLEY,

10 Was thereupon called as a witness on  
11 behalf of the State and, having been first duly  
12 sworn, was examined and testified as follows:

13 MR. REES: Please be seated. This is  
14 being recorded. We have a court reporter here. I'm  
15 going to ask you to speak up so she can hear you loud  
16 and clear. Sounds like that won't be problem. If you  
17 could state your name and spell it, please?

18 THE WITNESS: Aubrey, A-U-B-R-E-Y,  
19 Crossley, C-R-O-S-S-L-E-Y.

20 BY MR. REES::

21 Q All right. And it looks -- unlike some of the  
22 other witnesses we called, you don't live at the Sandy  
23 Terrace Apartments. You were in the area to visit your  
24 sister; is that right?

25 A Yes.

1 Q And does she live at the Sandy Terrace  
2 Apartments?

3 A Yes. She lives right -- yes, she does.

4 Q Okay. Right behind you, sir, if you want to  
5 look, feel free to stand up, there is an aerial  
6 photograph that shows the area. And this is Sandy  
7 Boulevard?

8 A Uh-hum.

9 Q This is the Sandy Terrace Apartments?

10 A Uh-hum.

11 Q This is another apartment complex that's  
12 called, I think, Darrin's Place?

13 A This is the gas station right here.

14 Q The 76?

15 A My sister lives in the unit right here.

16 Q Can everyone see that, folks?

17 JUROR: This is Darrin's Place?

18 THE WITNESS: Yes.

19 BY MR. REES:

20 Q Can you see where Mr. Crossley is pointing?

21 A She lives in this unit right here, second  
22 floor. My car was parked right here. I just pulled  
23 up. And everything was taped off when I got there.

24 Then when I went inside, we were talking.

25 Usually I go to my sister's house once a week and have

1 dinner. And I heard some shots. So then I ran back  
2 outside and went right over here.

3 There was a truck, and I could see him with  
4 his right hand up and his hand was like -- he was  
5 rubbing his -- rubbing his left side of his back right  
6 here.

7 Q And I think you said, but just so I'm clear,  
8 when you are seeing that, you are down on like the  
9 corner looking back; is that right?

10 A Yeah. They had it taped off -- my car taped  
11 off -- well, actually, my car wasn't taped off, but  
12 they didn't want to have me move my car -- I don't  
13 know -- for one reason. They had the whole street  
14 marked off from the gas station all the way to K-Mart.

15 I heard the shots, ran back out. I was  
16 standing behind the truck there. I could kind of see.  
17 It seemed like he was walking backwards, and, uhm, that  
18 was it after that.

19 So then I ran back around towards here, and  
20 then the police were -- had some guns and they were  
21 right here. So then they taped off right in this area.  
22 So you could see when the SWAT Team was going in the  
23 house. Then they were saying he was laying right in  
24 the parking lot.

25 Q All right. You can take a seat if you like.

1     Could you hear the police saying anything when you saw  
2     this man walking backwards in the parking lot?

3             A    No, not really because I was kind of far back  
4     towards the main street, Sandy Boulevard.

5             Q    And how many shots do you think you heard?

6             A    Uhm, when I was in the house, wow, at least --  
7     at least a couple. At least one or two. My sister --  
8     I heard shots. I was, "Well, you hear shots?" I run  
9     outside, looked around, and I seen -- when I seen him  
10    kinds of backing up a little bit. I went back to her  
11    complex. Then I looked around, and then the police had  
12    came up. They didn't have it taped off at the time.  
13    So then I was looking. Then I see the SWAT Team go in  
14    there. I thought he was in the house, in the  
15    apartment. I didn't know until later on. They said,  
16    "Oh, he was laying on the ground outside." So  
17    everybody in that apartment complex behind this area  
18    were chained up at, they could see everything that was  
19    happening at the time. Because when the SWAT Team went  
20    in the apartment, they went in this apartment to the  
21    right at the time, so --

22            Q    In the report by Detective Dram, who is the  
23    Detective, I guess, who interviewed you, it said you  
24    heard police officers yell something to the effect of  
25    -- "Put your hands up." Did you actually hear those

1 words or you heard them yelling something?

2 A You could hear them yelling something,  
3 something like, "Back up." You couldn't tell, you  
4 know, with everything taped off and you have the police  
5 and everything there.

6 Q Could you hear this gentleman saying anything  
7 back to the police?

8 A No, uh-uh.

9 Q Could you see what the reaction was from this  
10 gentleman after -- I guess, after the shots? You said  
11 that you could see him running?

12 A No --

13 Q Or you tell me.

14 A It was dark at that time. So a lot of people  
15 were -- there was a lot of moving action and  
16 everything. So, basically, when he had his hands up  
17 like this, it seemed like he was either moving forward  
18 a little bit or backwards, but at the time I guess they  
19 were trying to get him under control, you know, telling  
20 him, you know, "Be still" or whatever. So --

21 Q What I'm asking is, if you saw this, how he  
22 was moving. In the report it says you said his hands  
23 were pumping in a running fashion; is that right?

24 A Yeah. He was moving forward. It looked like  
25 he was kind of in a position moving forward. So -- I

1 was way back towards Sandy Boulevard.

2 JUROR: So he was moving away from you?

3 THE WITNESS: No. I'm on Sandy behind a  
4 truck, and he's farther up. He's about a quarter of a  
5 mile in the center of the parking lot.

6 JUROR: All right.

7 THE WITNESS: So all the movement around  
8 and everything, it just was so dark you couldn't really  
9 tell.

10 JUROR: Thank you.

11 MR. REES: Are there any other questions  
12 from the Grand Jury?

13 JUROR: Just to clarify for me, so you  
14 were in the apartment when you heard the shots?

15 THE WITNESS: Uh-hum.

16 JUROR: And then you were able to run  
17 out, I guess, around that top part of the complex. So  
18 you were at almost the end of that drive to be able to  
19 see?

20 THE WITNESS: Well, as soon as I heard  
21 the shot, I ran all the way straight downstairs, and I  
22 ran towards the front of the parking unit. They had it  
23 taped off, but they didn't have the truck -- I was  
24 behind the taped off.

25 JUROR: About how long would you say it

1 took you to get there?

2 THE WITNESS: Not even a minute, not even  
3 20, 30 seconds.

4 JUROR: So even after the shots, he was  
5 still standing?

6 THE WITNESS: Yes, he was.

7 JUROR: Okay. That was the time  
8 sequence. Okay.

9 THE WITNESS: Yeah.

10 MR. REES: Anything else? Did you have  
11 anything? I know you missed, but do you have any  
12 questions?

13 MR. BANFIELD: No. That's all right.  
14 Thanks.

15 MR. REES: Is there anything you think is  
16 important for us to know, or is that pretty much it?

17 THE WITNESS: That's about it.

18 MR. REES: All right. Thank you very  
19 much.

20 JUROR: I'm going to take a short break.

21 (Brief Recess was taken.)  
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RYAN PANNELL,

Was thereupon called as a witness on behalf of the State and, having been first duly sworn, was examined and testified as follows:

MR. REES: Go ahead and sit down. Then if you would state your first and last names please and spell them.

THE WITNESS: First name is Ryan,  
R-Y-A-N, P-A-N-N-E-L-L.

EXAMINATION

BY MR. REES::

Q Mr. Pannell, where do you live?

A Sandy Terrace Apartments, Apartment 34.

Q And would you stand up for one second. We have a diagram of the apartments that you can use. Why don't you point out for us -- don't block with your body, if possible, but point out for us your apartment.

A Uhm, it's right here. It's on the top floor.

Q Number 34?

A Yeah.

Q Is that right?

A Yes.

Q All right. Thank you. You can be seated.  
Were you in your apartment on the afternoon of Friday, January 29th, when the shooting happened?

1           A    Yes.

2           Q    And are you familiar with your neighbor in  
3 apartment No. 37, Angie Jones?

4           A    No.

5           Q    Have you ever met her before?

6           A    I don't really know many of my neighbors.

7           Q    How long have you lived in the apartments?

8           A    About like two years, I guess.

9           Q    Do you -- do you know Mr. Aaron Campbell?

10          A    No, never met him either.

11          Q    The man who was shot, never met him either?

12          A    No.

13          Q    And I understand that you viewed part of the  
14 police activity, at least, through your son's bedroom  
15 window, looking out over the parking lot?

16          A    It was my daughter's, actually. My son was in  
17 his bedroom window. I was trying to get him out of it.

18          Q    Okay.

19          A    And then when everything happened -- when the  
20 guy came out, he called and I got him out of the  
21 window. And I went into my daughter's room, and that's  
22 when I saw all the rest of what happened or up to -- I  
23 guess up to the last -- the last shot, right before the  
24 last shot I got out of the window because I just wanted  
25 to make sure that he was where he was supposed to be.

1           Q    If I got this right, when your son, I guess,  
2 called out to you --

3           A    Uh-hum.

4           Q    -- to say that something was happening and  
5 you -- you looked out the window, what was happening?  
6 Was the man in the parking lot?

7           A    Yeah, by the time I got to the window, he was  
8 already in the parking lot. I notice -- see that, this  
9 car wasn't here. That's a red Caravan. That wasn't  
10 there. That's my neighbor's car.

11                   He was standing -- standing -- this is off  
12 for some reason. But he was standing on -- see the  
13 white car was here. My car was here. This car wasn't  
14 here at all. So he was like maybe where the space  
15 should be, like at the line maybe -- maybe right --  
16 actually, right here, this line, I think -- this line  
17 right here. When I first saw him, he was standing  
18 right there.

19           Q    What was he doing?

20           A    He had his hands up. And he was -- he had his  
21 back to the police.

22           Q    How did he have his hands up? What do you  
23 mean?

24           A    Uhm, I think he had his hands on his head like  
25 that, something like that.

1 Q Was he moving or standing still?

2 A It looked like he was standing still to me.

3 Q Was he facing the officers or facing away from  
4 the officers?

5 A Away from them.

6 Q And did you hear anyone say anything?

7 A Uhm, no. I don't remember hearing them say  
8 anything, but, you know, I was trying to deal with my  
9 kid, so -- I didn't have my ear pressed to the glass.

10 Q Were your windows closed?

11 A Yes, but, you know, the glass isn't very good.  
12 You can hear a lot through. But like I said, I didn't  
13 really.

14 Q You could hear, but you didn't hear?

15 A I didn't hear anything -- shouting -- any  
16 shouting or anything like that that would have been  
17 clear for me. If they were talking -- they could have  
18 been talking, but I didn't hear it.

19 Q What did you observe about the appearance, if  
20 you remember, the appearance of this man in the parking  
21 lot?

22 A Uhm, he had a shirt on. He had his pants down  
23 below his butt. You could see the waistband of his  
24 underwear. That's -- tall, skinny, black guy. That's  
25 all I really remember.

1 JUROR: Was he wearing anything over his  
2 shirt, or you could see his shirt plainly?

3 THE WITNESS: I could see his shirt  
4 pretty plainly, his elastic waistband when he had his  
5 hands up.

6 JUROR: Did he have a coat on?

7 THE WITNESS: No.

8 BY MR. REES:

9 Q Are you sure about that?

10 A Pretty sure.

11 JUROR: Do you remember what color it  
12 was?

13 THE WITNESS: Dark colors, I think.

14 BY MR. REES::

15 Q What did you see happen then?

16 A I saw him back up to that line. And then I  
17 saw them shoot him with bean bags.

18 Q And what happened?

19 A Uhm, he did like a little -- did one like --  
20 kind of like a dance kind of thing in place and then  
21 reached behind him where he got hit, and then he took  
22 off toward -- I guess it would be -- yeah, toward about  
23 right here. He headed over this direction, diagonally  
24 this direction, toward the stairway. And then he -- I  
25 lost view of him about right there.

1 JUROR: So -- so you are No. 34?

2 THE WITNESS: Uh-hum.

3 JUROR: You are looking down that way?

4 THE WITNESS: Uh-hum.

5 JUROR: You are seeing him from behind?

6 THE WITNESS: Uh-hum.

7 JUROR: And you can clearly see his  
8 waistband?

9 THE WITNESS: Yeah.

10 JUROR: And -- okay. Thank you.

11 JUROR: When he reached back, was he  
12 reaching for his waistband or was he reaching for where  
13 he was shot?

14 THE WITNESS: It looked like he was  
15 reaching where he was hit. It looked like a perfectly  
16 normal reaction to being hit without knowing you were  
17 going to be hit.

18 JUROR: Were you looking at his back or  
19 front?

20 THE WITNESS: His back at that time. I  
21 never even saw his front, actually.

22 JUROR: Never saw his front?

23 THE WITNESS: Never saw his front.

24 JUROR: From what you could see, where he  
25 was dancing in place, as you put it, how many times did

1 it appear that he was hit by something?

2 THE WITNESS: Three or four maybe. I  
3 think I saw maybe a B-B whiz past him -- bean bag whiz  
4 past him, maybe two. Three or four at least he got hit  
5 with.

6 JUROR: If you had to estimate the  
7 difference from where you were standing to where he was  
8 standing, just, I mean, as close as you can is fine.

9 THE WITNESS: Maybe 15 feet. I was  
10 closer than the cops.

11 BY MR. REES::

12 Q And then what do you do when you see the bean  
13 bag gun being used?

14 A Well, I watched him -- I watched it hit him  
15 and I watched him run, and then I grabbed my son, you  
16 know. And then I heard like a big -- a loud bang.  
17 But, you know, I thought it was two bean bags on top of  
18 each other, like simultaneous shots with bean bags. I  
19 had no idea he had been hit with an actual weapon.

20 Q What were you looking at at that point?

21 A Uhm, well, once he had run away, I was just  
22 looking at an empty parking lot. I don't understand  
23 the question, I guess.

24 Q What I'm asking is at some point did you pull  
25 away from the window in order to protect your son,

1 yourself?

2 A Once the -- once he was out of sight, I -- I  
3 ducked out immediately, you know. That's when I heard  
4 the last shot. So I didn't actually see the last  
5 shot -- that shot fired. I don't know what happened in  
6 that maybe two seconds between that. But --

7 JUROR: Did you return to the window then  
8 after you heard that shot or you stayed away from the  
9 window?

10 THE WITNESS: I stayed away from the  
11 window then.

12 JUROR: Did you see a police dog?

13 THE WITNESS: Yeah. There was a police  
14 dog by a dumpster. They positioned the dumpster to get  
15 better cover, I guess. There was a police dog there.  
16 I -- I didn't actually see him release the dog, but,  
17 you know, I heard that.

18 MR. REES: Is that what you were asking,  
19 did you see the dog running or anything?

20 JUROR: Right.

21 BY MR. REES::

22 Q You never saw the dog moving about off leash?

23 A Not really, no. I was away from the window by  
24 then.

25 MR. REES: Okay. Any other questions

1 from the Grand Jury? All right. Thanks for your  
2 patience, Mr. Pannell.

3 THE WITNESS: Good luck, guys.

4 PHILIP JOSEPH MANN,

5 Was thereupon called as a witness on  
6 behalf of the State and, having been first duly  
7 sworn, was examined and testified as follows:

8 MR. REES: If you would be more  
9 comfortable standing, that's fine.

10 THE WITNESS: That's all right. I have  
11 been standing an awful lot lately.

12 EXAMINATION

13 BY MR. REES::

14 Q Sir, let's begin by having you state your name  
15 and spell your name for us?

16 A Phillip Joseph P-H-I-L-I-P, J-O-S-E-P-H,  
17 M-A-N-N.

18 Q What is your relationship, how are you related  
19 to Aaron Campbell?

20 A Dora Campbell is Aaron's grandmother, and she  
21 is my significant other and has been for quite a few  
22 years. And some of the children call me "Dad". Some  
23 of them call me "Pop" and some call me "Grandfather".  
24 Aaron and his two children call me "Grandfather", and I  
25 loved him more than that, I'm sure.

1 Q And you on the night of the shooting, that  
2 Friday night, at some point you called 911?

3 A Yes, sir.

4 Q And you were talking to them and you were very  
5 upset. The information that you were giving the 911  
6 operator, was that firsthand information you had or  
7 were you relaying bits and pieces of what people had  
8 told you?

9 A Uhm, I can run down the timeframe, make it a  
10 little easier to understand.

11 Q Okay. You are holding a note in your hand?

12 A That's the timeframe --

13 Q This is --

14 A -- taken off my cellular phone when these  
15 calls were made.

16 Q Sure. Go ahead and share that with us.

17 A Uhm, I guess we'll start on January 29th,  
18 Friday, at 9:29 in the morning. Tried to reach Aaron  
19 time and time again at his telephone number, 914-9919.  
20 He had already been informed that his brother had  
21 passed away. I was concerned for him.

22 He had spent January 25th, Monday, with me,  
23 Tuesday and up to four o'clock on Wednesday the 27th.  
24 He left some keys at my house on the 28th, Thursday.  
25 At about 3:30 that Thursday, I took the keys out to

1 him, to the address at 128th and Sandy, the Sandy  
2 Terrace Apartments.

3           The next day, of course, his brother passed  
4 away, and we were in the hospital from probably 8:30 to  
5 about 1:30, when his brother had to be removed from the  
6 hospital bed and taken down to the morgue. They  
7 allowed the family to come up to that room and visit  
8 his brother. And it was extremely strange that Aaron  
9 was not -- not there, but I knew why he wasn't there,  
10 which was for the week-and-a-half prior to Monday,  
11 January 25th, he had been up there 24/7 non-stop beside  
12 his brother.

13           So, on that Friday, I tried to call him, text  
14 him, no luck at all; started again, because it seemed  
15 like bad timing at 4:02, nothing, couldn't get a text  
16 through, nothing.

17           At 5:31, I called LaJean Campbell, and that's  
18 Dora Campbell's daughter, which would be his aunt, I  
19 believe. And her residence is with Ivana Davis, and  
20 that address is by car four minutes, five minutes away  
21 from the address on 128th.

22           I called LaJean and told them I was really  
23 worried, has anyone heard or seen Aaron? No, nobody  
24 had done anything. LaJean is on oxygen and, herself,  
25 could not drive or go down there, but she was going to

1 send one of the other boys to go check on him. This is  
2 all after the fact, again later on.

3 5:31; called her again, see what was going  
4 on. She told me that one of the boys was going to go  
5 down and check on him, see what was going on. I told  
6 her, "I'm pretty sure he's down on 128th." I had only  
7 been to that apartment just that Thursday for like five  
8 minutes to drop the keys off, and I wasn't familiar  
9 whose apartment that was. If I had seen the children,  
10 I would have known or if I had seen Angie, she was  
11 asleep on the couch, so I didn't know, but I knew that  
12 was the apartment.

13 At 6:34, she called me with a message, which  
14 was basically "Aaron's done something crazy. You know  
15 he's got a gun, I think. The police are all over down  
16 there on Sandy."

17 At 6:36, I called 911, asked to speak to a  
18 supervisor. I told the supervisor that I was the  
19 grandfather of what was -- the gentleman or the  
20 incident that was happening on 128th and Sandy and that  
21 he just lost his brother and that I was on my way to  
22 the scene there and please don't do anything;  
23 basically, that there was a problem with the gun or  
24 whatever, that I could make Aaron follow directions,  
25 which he absolutely would have.

1           If I could have just been there or time had  
2 changed, I would have had Aaron come out of the house.  
3 "Aaron, take off your shirt, come out with your hands  
4 in the air," and he would have done it in a heartbeat  
5 or, you know, no problem; not a question in my mind  
6 that he would have, whatever, listened to what I said.

7           I got out to the -- out to the site, and was  
8 stopped by a Portland Police officer that said  
9 "Negotiator" on his jacket and talked to him for almost  
10 a half-hour while I begged him to please let me go talk  
11 to Aaron; whatever the situation was, I could bring it  
12 to a peaceful conclusion. He kept telling me, "Just to  
13 hold on, hold on and hold on."

14           Half-hour rolled by, and then the man came up  
15 and told me that it seemed like or it was apparent,  
16 that Aaron had shot himself in the apartment. I said,  
17 "Well, I better go up and tell the family. They are  
18 all up five minutes away grieving over the loss of  
19 Tim." So I had to go back to the house where everybody  
20 was still grieving over one son and give them  
21 misinformation that Aaron had shot himself, which we  
22 know is not -- not the fact.

23           At the same time that this one officer that  
24 said "Negotiator" turned out to be very uninformed or  
25 purposefully given me bad information, I will say this:

1 That I met a young lady detective from Robbery and an  
2 African-American young man detective. Both of them  
3 were very professional, changing night and day. So I  
4 don't know what was going on, what the situation was  
5 there, but some of the officers were very kind and very  
6 forthcoming. Yet the one man that seemed like he  
7 should have known everything, the negotiator, had to  
8 have known the man was dead when I showed up on the  
9 scene, kept me there and then gave me bad information  
10 to go back and tell the family, for Christ's sake.

11 But I also want to say that they sent out the  
12 Victim's Assistance people, two ladies out to the  
13 house, some short time after I arrived, and those two  
14 ladies were some of the most remarkable people I have  
15 met in my entire life, very, very, very nice people.

16 I would like to tell you this about this  
17 situation: I spent two-and-a-half days with Aaron, and  
18 we talked a lot about his brother and what was the  
19 situation. And I'm quite familiar with death,  
20 unfortunately. And I told him, I said, "Your brother  
21 is not going to make it." I told him the standard  
22 things. He was upset, "I don't want to go on without  
23 my brother." I said, "Tim loves you. Do you  
24 understand that? He would never want to see you hurt  
25 yourself or do anything bad. The last thought Tim's

1 got is of you being -- being something, being happy."

2 And we spent some time about that.

3 I have never seen Aaron with a firearm, but  
4 he always talked about having a gun and he knew he  
5 could not have a gun near me. I don't tolerate weapons  
6 at all. I'm totally anti-firearm. My life experiences  
7 have brought that on.

8 BY MR. REES::

9 Q Mr. Mann -- I know this is obviously a huge  
10 blow to your family, as it would be to any family  
11 losing two young men the same day. I appreciate you  
12 being here under the circumstances.

13 And then you know that unfortunately when you  
14 called 911, it was already too late --

15 A Yes, yes, I do.

16 Q -- because Aaron was already dead?

17 Did you believe at that time, based on what  
18 you were hearing from the family, that Mr. Campbell was  
19 so upset at the loss of his brother that he might very  
20 well kill himself or have the police kill him?

21 A I believe -- Aaron had this problem -- I can  
22 sum it up real good. And maybe his past record doesn't  
23 show it, but this man had a great heart. His worst  
24 enemy was his mouth. It was his worst enemy. And by  
25 that I mean he's one of those people that kind of gets

1 wound up, gets loud, talks.

2 But in all the years I've known him, I have  
3 never seen him lay a hands on anyone. I have watched  
4 him interact with all the children in the family, from  
5 young children to cousins, nephews and stuff, under  
6 some extreme conditions and never seen any violence.

7 But when they called and told me what was  
8 going on at that scene, in all honesty my first thought  
9 was that Aaron would probably maybe shoot himself.  
10 That was my thought. Hurt somebody else? Absolutely  
11 not.

12 Did I think that he would do that? Because  
13 of the facts that were coming to me, the information I  
14 was receiving, that was my first kind of understanding  
15 and guess what might happen.

16 Did I think he would do that? No.

17 When I called 911 and when I did that, my  
18 first responsibility was because I thought Aaron would  
19 just do something stupid and he just was not in the  
20 right frame of mind.

21 Q And do you recall -- and I know obviously this  
22 is an extremely upsetting time, but do you recall  
23 telling Detective Jim McCausland that night that you  
24 thought that Aaron Campbell was so stressed out that he  
25 might kill himself or he would shoot a cop to get them

1 to kill him?

2 A Yes, absolutely, absolutely. It was my  
3 responsibility as a good citizen to inform the police  
4 that that was a possibility. I couldn't -- I couldn't  
5 walk away from that, be blind to that.

6 Did I want to believe that would happen? No.  
7 But I'm an intelligent human being, and I'm not about  
8 to see somebody else get injured because of my  
9 stupidity. And so no, I told the police officer -- I  
10 made it clear to him, I had never seen him with a gun  
11 but he is always talking about it. Other people had  
12 said he had a gun. At my house I said, "You can stay,  
13 but you can't have that gun anywhere near me. You  
14 can't dare bring it up here." His response to me was,  
15 "I don't even have it with me. It's stashed over  
16 someplace."

17 I can sit here and suppose it was probably  
18 stashed out there 128th. Maybe that's true. Maybe  
19 it's not. I don't know. That's probably something  
20 we'll never get to the bottom of. But I thought as far  
21 as the police, I really thought Aaron would -- not pull  
22 a gun. I don't think he would kill a police officer.  
23 I don't believe that he had any intentions of hurting  
24 anybody. I think those intentions were proven out when  
25 he came out of the house with his hands behind his head

1 or on his head, whatever the situation was.

2 I think what it was alcohol. I think it was  
3 great remorse. Some brothers argue, bicker and fight.  
4 It's family life. This was not the case between these  
5 two. They were not only best friends, they loved each  
6 other deeply. And for Aaron, for all of his -- how do  
7 I want to say this? Tough guy persona, whatever I'm  
8 trying to get across right, the loss of his brother  
9 took all that away. Not a doubt in my mind that he  
10 probably cried until he couldn't cry anymore and had  
11 probably been crying for hours and hours.

12 I will not understand why the young lady at  
13 that apartment did not call one of the family members.  
14 They were minutes away. Any one of them would have  
15 come down and got him. All she had to do was, "He's  
16 down here acting like a jackass" and somebody would  
17 have come. That's how these tragic things happen. But  
18 I do not believe for one minute that if Aaron had had  
19 it in his mind that he was going to take somebody else  
20 with him or something or hurt somebody, he would have  
21 came out that door with a pistol in his hands, not  
22 hands on his head.

23 When he followed those police officers'  
24 orders to come out and have his hands on his head, it  
25 was done. Knowing Aaron, what I surmise, from what I

1 understand happened, is that he did not follow verbal  
2 instructions. What those were, I don't know. But I  
3 know the minute they started shooting bean bags at him,  
4 four or five that missed him, in his mind, he probably  
5 figured -- he probably told them, "You are trying to  
6 kill me." Because he hadn't broken a law yet.

7           If it had been a domestic violence case,  
8 somebody has to go to jail. This was checking on a  
9 welfare. All they had to do was check on the welfare,  
10 and they would have left. So no law had been broken at  
11 any time, and he knew that. I believe that's why he  
12 came out and followed their directions.

13           But the minute they started yelling and  
14 screaming at him and his agitated mind and stuff,  
15 right, I imagine he just cussed right back at the cops.

16 BY MR. REES::

17           Q    Okay. Again, all those things happened while  
18 you were at another location?

19           A    Yes. I'm just surmising. So I'm sorry.

20                   MR. REES: All right. Are there any  
21 other questions for the Grand Jury?

22           A    Can I say one last thing, sir?

23           Q    Sure.

24           A    I just want to get this out. You know, this  
25 is the City of Roses and it's a wonderful city to live

1 in. We spend thousands of dollars on public relations  
2 for our police force and thousands of dollars for  
3 community interaction. And to train our police  
4 officers and equip our police officers so that we have,  
5 in my mind, one of the best police forces in the world,  
6 in the United States. We have dedicated men and women  
7 that put their life on the line every day. I'm not  
8 taking that away.

9 I feel that like when he was laying on the  
10 ground and they sicked the dog on him, shooting him in  
11 the back, I don't think -- I don't think that's the  
12 community that we live in. I just think that we all  
13 have something better than that coming.

14 Because if it can happen out there on 128th,  
15 who is to say it is not going to happen in your yard or  
16 next door or to one of your friends or families? I  
17 think you people have a great chance here not to be  
18 vindictive against the police officer in any way, shape  
19 or form, but I think at the end of this, you have a  
20 chance to make a statement that we're better than all  
21 this, the training and rules and regulations that the  
22 police force has put in effect after the other  
23 tragedies have happened in this area need to be  
24 followed.

25 Sorry. That's all I have to say.

1 MR. REES: Okay. Thanks again for coming  
2 in.

3 JUROR: Sorry for your loss.

4 JUROR: Sorry.

5 THE WITNESS: Let's just hope this  
6 prevents another one. Thank you very much.

7 MR. REES: Folks, we have one witness  
8 appearing by report. His name is not on the list. I  
9 will put his name up here for you. That's  
10 Dr. Christopher Young, M.D., by report. I'll pass this  
11 around if you want to see it. But Dr. Young is a  
12 forensic pathologist, and he performed the autopsy in  
13 this case on Sunday, January 30th, 9:45 a.m. on Aaron  
14 Campbell.

15 He wrote Sunday, but in fact it was -- it  
16 was Saturday morning. He found the cause of death in  
17 the case of Aaron Campbell being gunshot wound of the  
18 back. The manner was a homicide and he notes the  
19 entrance of the gunshot wound in the lower mid-back.  
20 And the summation, it says, "Conclusion: Based upon  
21 the autopsy findings and history, it is my opinion  
22 Aaron Campbell, a 25-year-old male, died as a result of  
23 a gunshot wound of the back.

24 JUROR: Does it show where the bean bags  
25 hit, too, or does he say that?

1 MR. REES: He did an external examination  
2 and noticed multiple abrasions on the legs, multiple  
3 abrasions on the left arm, and he describes -- if you  
4 want to look at the report, he describes those  
5 abrasions that he noticed. You might want to ask one  
6 of our other witnesses whether they would expect a bean  
7 bag to leave a mark necessarily anyway.

8 JUROR: Okay.

9 MR. REES: I'll pass this around.

10 And we're going to call our next witness,  
11 who is Officer Lewton.

12 RYAN LEWTON,

13 Was thereupon called as a witness on  
14 behalf of the State and, having been first duly  
15 sworn, was examined and testified as follows:

16 BY MR. REES::

17 Q Officer, if you would please state your first  
18 and last names?

19 A Ryan Lewton, L-E-W-T-O-N.

20 BY MR. REES::

21 Q Can you spell your first name for us?

22 A R-Y-A-N, L-E-W-T-O-N.

23 Q Officer Lewton, what is your occupation?

24 A I'm a police officer with the City of  
25 Portland.

1 Q How long have you been a police officer?

2 A Eight years.

3 Q And you have a college education?

4 A That's correct.

5 Q Where did you go to school?

6 A Western Oregon University.

7 Q And then you went through a program called the  
8 Police Corp?

9 A That's correct.

10 Q What is that?

11 A It's a -- it's a -- it's kind of like a Police  
12 Academy, but you -- as you complete the Police Academy,  
13 they give you like a college scholarship where they pay  
14 for your schooling.

15 Q That was a federal program that allowed you to  
16 pay for college?

17 A Yes, sponsored by the feds.

18 Q What is your current assignment with the  
19 Police Bureau?

20 A I'm currently assigned to North Precinct,  
21 afternoon pre-relief.

22 Q What does that entail?

23 A It entails the shift that starts at three  
24 o'clock and ends at 1:00 a.m. We're kind of like an  
25 in-between, between your day shift and afternoon shift

1 so we can get on the street and take police calls so  
2 day shift officers can go home.

3 Q Did you start your afternoon day shift on  
4 Friday, January 29th, 2010?

5 A No. I actually came in an hour late because  
6 of I had some scheduling conflict with my wife. She  
7 had -- she had a test she had to go take. So I watched  
8 the kids for another hour. It was prearranged through  
9 the sergeants.

10 Q So you started your shift at four o'clock that  
11 Friday afternoon?

12 A That's correct.

13 Q And was this call out at the Sandy Terrace  
14 Apartments on Sandy Boulevard the first call of your  
15 shift?

16 A Uhm, no. When I started my shift, I went to  
17 the area like 42nd and Halsey. There is a 24-Hour  
18 Fitness there. I went there and took a vandalism call.  
19 So I was investigating the vandalism call while this  
20 call was being dispatched.

21 Q Previously, during this hearing, Officer  
22 Quackenbush mentioned he went to a call at 42nd and  
23 Halsey. Is this the same call? Was he also on that?

24 A He was actually down there. As I was talking  
25 to someone involved in this vandalism, he comes up to

1 me and says, "If you are okay with taking this call" --  
2 which I was; I didn't need him down there -- "I'm going  
3 to go take this other call," referring to the call on  
4 Sandy.

5 Q All right. And so at what point did you  
6 decide or were assigned to respond out to 128th and  
7 Sandy?

8 A I -- I finished investigating my vandalism  
9 call, went out to my police car and was kind of  
10 interested to see what kind of call Officer Quackenbush  
11 was on. So I looked up on the computer and saw he was  
12 out at this 128th and Sandy call, which happened to be  
13 in my district. So that's when I decided to start  
14 heading out there, because that was my particular  
15 district that I was working that day. I was the  
16 district car. I wanted to go out there and assist.

17 Q All right. And did you drive out there Code  
18 Three, lights and sirens?

19 A Yeah, because -- uhm, I was far away and it  
20 was rush hour traffic. So I drove out there Code  
21 Three. And I heard Officer Quackenbush say something  
22 about -- Officer Quackenbush said something on the air,  
23 over the radio, about having eyes on this particular  
24 apartment, which -- I didn't really have too much  
25 information about the call, but I kind of new something

1 was different, something more was going on. So that's  
2 when I decided to drive Code Three out there.

3 Q As you are driving out there from 42nd and  
4 Halsey to N.E. 128th and Sandy, what information are  
5 you getting?

6 A Not really much. Not really much information.  
7 I didn't really receive -- really start receiving  
8 information until I got to the call.

9 Q What information do you get when you arrive?

10 A When I -- when I arrived --

11 Q You are looking at the line diagram. Do you  
12 want to refer to this photo?

13 A Yeah. Exactly, yeah.

14 Q You can stand up, if you want, and I'll put  
15 this on the board.

16 A When I arrived, I originally parked my police  
17 car right here (indicating).

18 Q And Officer Boylan was right about this area  
19 right here speaking with another -- a gentleman, who I  
20 don't know his name. But he was giving -- he was  
21 giving Officer Boylan information about what was going  
22 on in Apartment 37. I was just kind of overhearing. I  
23 was kind of trying to get information from Officer  
24 Boylan because it was my district, but he was pretty  
25 involved in this particular interview.

1           And one thing when I first arrived they were  
2 trying to figure out was -- was this girl that they are  
3 referring to, was she actually inside the apartment?  
4 And so what they were going to try to do was ping her  
5 phone to figure this out.

6           So I asked him, "kind" of questions. I says,  
7 "You know kind of what's going on?" He tells me,  
8 "There is a guy inside there. He may have a gun. He  
9 may be suicidal." And at that particular time, they  
10 didn't even know if this woman who we were doing the  
11 welfare check was even inside the apartment.

12           So I --

13           JUROR: Can I interrupt with just a quick  
14 question? If you are being identified by your number,  
15 would it be 614 or 657?

16           THE WITNESS: I am 675.

17 BY MR. REES:

18           Q While he interrupted you, when you arrived,  
19 how many officers were on the scene?

20           A Two officers that I know of.

21           Q That you know of?

22           A Okay. Two officers were on the scene.

23           Q They were --

24           A The officers that I saw was Officer Boylan --  
25 was standing here and then Officer Quackenbush was in

1 this particular alcove right here.

2 JUROR: Thank you.

3 A So I let Officer Boylan talk to -- talk to  
4 this guy here, and I went and talked to Officer  
5 Quackenbush just to kind of get more of a story of  
6 what's going on here. And he told me -- he gave me  
7 information about this guy that may be inside number 37  
8 right here. He said that -- he could have gave me --  
9 what I remember, he said this guy might be suicidal.  
10 He might want to also commit suicide by police and he  
11 may be armed, too. He didn't really have a lot of  
12 information. That's kind of what he gave me at that  
13 particular time.

14 So I then went back to Officer Boylan. I  
15 then saw -- kind of where Boylan was standing. I then  
16 saw couple folks walking by here. And I said, "Excuse  
17 me, folks. Who are you?" The woman identified herself  
18 as the apartment manager. And I said -- do you want me  
19 to just keep going?

20 Q Go ahead until you reach your stopping point,  
21 then I'll ask you another question. It seems like you  
22 are in the middle of a train of thought, no?

23 A I'm just --

24 Q Go ahead, take a seat then. I will ask you.

25 After your conversation with the manager, you

1 had contact with Sergeant Reyna, right?

2 A Yeah. I made the decision to call the  
3 Sergeant out there because this is -- this call was  
4 starting to turn into something bigger. I wanted a  
5 supervisor on scene, just for, you know, tactical  
6 decision making skills. So that's when I called  
7 Sergeant Reyna to the scene.

8 Q All right. And in this timeframe, do you get  
9 information that the subject in the apartment, this  
10 man, has a gun?

11 A Yes.

12 Q I'm sorry, where is that information coming  
13 from?

14 A Right when Sergeant Reyna arrived, the -- the  
15 woman who was supposed to be in the apartment comes out  
16 to us and comes talk to -- comes and talks to Officer  
17 Boylan and Sergeant Reyna. I'm just kind of standing  
18 in the background just kind of listening.

19 What I heard was that he's inside. He's kind  
20 of calm right now, and she said -- she said that he  
21 either has a gun on him, in his jacket or next to him.  
22 Those are the three kinds of scenarios that I had in my  
23 brain at the time.

24 At that point in time Sergeant Reyna asked me  
25 to -- to get my bean bag gun just in case he came out

1 of the apartment like right then, and we could, you  
2 know, address him right away, if he comes out of the  
3 apartment.

4 So that's when I got my bean bag gun.

5 Q All right. Just very briefly by way of  
6 explanation -- because we have heard a lot about a bean  
7 bag gun, and some witnesses thought it was a paint ball  
8 gun. But is this a picture of the bean bag gun you are  
9 talking about?

10 A Yes, that's correct.

11 Q All right. And I'll just pass this around.  
12 What -- what does that gun shoot?

13 A It shoots a -- a -- it's your standard  
14 twelve-gauge shotgun round, but packed inside the  
15 shotgun round is a little piece of almost like burlap  
16 that's filled with pellets and it's kind of tied in a  
17 knot. So it's literally like a bean bag, but it's  
18 circular.

19 Q So it's like a little cloth sock or bag with  
20 little lead pellets inside, right?

21 A Correct.

22 Q And this has been described by some, when you  
23 get hit with that, it would feel like getting hit with  
24 a major league baseball fast pitch --

25 A Yes.

1 Q -- is that right?

2 A Yes.

3 Q Based on your training and experience with  
4 this weapon, what's the -- what's the reaction of  
5 people when they are hit with that?

6 A It's -- you -- generally, the reaction is  
7 compliance, I should say. They -- if you are telling  
8 them to -- if you are giving them an order, they  
9 generally do it after they have been -- after they have  
10 been shot with it.

11 Q Can you describe this -- when we spoke  
12 earlier, you described this as being -- if I can find  
13 the term you used here -- an extended baton. What did  
14 you mean by that?

15 A That's another -- it would be -- it's another  
16 kind of form some people use for bean bag guns. It  
17 would be similar to hitting somebody with a baton, but  
18 because you can fire it from a distance, it's an  
19 impact. It has the same sort of impact as a baton,  
20 actually might have more of an impact.

21 JUROR: I have a question. I never heard  
22 of a bean bag gun until I came on this Grand Jury, so  
23 please bear with me.

24 How big is this little bean bag after it  
25 is shot out? Is it this big? This big?

1 THE WITNESS: It's -- it would be like a  
2 very large grape, larger than a grape. That's it right  
3 there.

4 JUROR: Does it leave a bruise?

5 THE WITNESS: Yes.

6 JUROR: So there is 2.54 centimeters to  
7 an inch?

8 MR. REES: I don't know if anybody heard  
9 the question.

10 JUROR: I just want to know when you shot  
11 it if it leaves a bruise on you.

12 THE WITNESS: Generally.

13 BY MR. REES::

14 Q Would it depend on whether it was over a  
15 person's clothing, how far away they were?

16 A Exactly, clothing -- there is a lot of  
17 different factors that can come into whether or not a  
18 bruise is left.

19 JUROR: I have another question about the  
20 size of this thing. I went to school with the decimal  
21 system, not the metric system. However, I am a  
22 mathematician. I do believe there are 2.54 centimeters  
23 to an inch. Is that correct? I'm just trying to get  
24 this into a point I can understand what size it really  
25 is.

1 THE WITNESS: I'm not a mathematician.  
2 I'm sorry. Is this the actual size? We have got this  
3 centimeter thing, you know. I can't tell how big it --

4 MR. REES: We'll get you a ruler.

5 THE WITNESS: If you get me a real one,  
6 it would be great. I mean, a little bean bag would be  
7 great, if you could show one.

8 MR. REES: The difficulty I think is this  
9 is encased in a plastic shotgun shell.

10 THE WITNESS: This is after it has been  
11 shot. In order to show you, we'll have to discharge a  
12 round. I don't know if we can do that.

13 JUROR: That would be too hard.

14 MR. REES: This is what comes out of the  
15 shotgun shell. You said it was like a nice plump  
16 grape, about its size, right. Okay.

17 JUROR: So like that?

18 THE WITNESS: Yes.

19 JUROR: I have a grape in my purse. I  
20 do. You think I'm lying.

21 JUROR: I don't think you are lying.

22 BY MR. REES::

23 Q Let's talk about the position that you take  
24 then when you decide to get your bean bag gun, right?  
25 Do you see the location on there? Show the Grand Jury

1 where you were.

2 A This is actually my car here. Sergeant Reyna  
3 assigned me as a bean bag -- me to the bean bag and  
4 Officer Frashour, who he had called to the scene, with  
5 an AR and Officer Willard and Officer Kemple, we were  
6 all four behind this particular vehicle as a custody  
7 team.

8 Q Do you want me to ask you a question?

9 A Sure.

10 Q Did everyone see the location that he took?

11 A I was kind of behind this door here.

12 Frashour was kind of behind the wheel here.  
13 And then Willard and Kemple were somewhere behind the  
14 trunk here.

15 Q All right. You can go ahead, have a seat.  
16 You used the term "AR". That's a long rifle, right?

17 A Right.

18 Q And while you are in that position, at some  
19 point do you see some children come out of the  
20 apartment?

21 A Yes. The -- the three kids, who we -- who the  
22 mother told us were still in the apartment, came --  
23 came out. And they come out, and we call them -- I'm,  
24 "Come on, kids, come to us, come to us." And we got  
25 all the kids to safety, out of harm -- out of our field

1 of vision, I should say, behind police cars. We  
2 actually had another officer escort them away. I'm not  
3 sure who that was. That was my understanding that  
4 someone did take them somewhere safe.

5 Q And do you see any other activity then coming  
6 from Apartment 37?

7 A Not at that time, no.

8 Q So what's the next thing that happens really?

9 A I was getting some information from the other  
10 officers, who were in -- let's see here, in -- what  
11 would be this alcove here trying to text message the  
12 man inside No. 37. Apparently they said he wouldn't  
13 answer the phone. They can text message. That's what  
14 I was hearing. I heard someone say, "We're kind of  
15 getting somewhere with him texting him."

16 And a few minutes later -- I don't know if it  
17 was a few minutes later. Excuse me, at some time later  
18 he appears out of -- out of the alcove here.

19 Q All right. So when he appeared, was that a  
20 surprise to you?

21 A It was -- it was a surprise to me, because I  
22 didn't -- I didn't expect him to -- to come out at that  
23 particular time.

24 Q Sometimes in the movies or on TV and you see  
25 the police yelling through bull horns to people, "Come

1 out." Anything like that happen?

2 A No, excuse me. Not from where I was at did  
3 anything like that happen.

4 Q That's what I meant. You are facing square on  
5 to this apartment?

6 A Correct.

7 Q And so that was a surprise, and what was this  
8 man doing when you first saw him?

9 A The first thing he did was that he had his  
10 hands behind his head, and he was facing away from us.  
11 So he -- he was actually looking this direction  
12 (indicating), which would have been -- which would have  
13 been south, okay. He was looking -- he was looking --  
14 he was facing away from us, and like almost side  
15 stepping quickly, moving very fast.

16 And then he kind of stops right here. And --  
17 yeah about right here, more about right here. And  
18 directly in this -- directly in the center of -- of  
19 this. And that's when I started addressing him.

20 First of all, when I see him, I'm telling  
21 these other guys, "There he is. There he is."

22 Q If I could interrupt? Just in terms of his  
23 appearance and in terms of what he's doing, walking  
24 backwards, I think you said he had his hands behind his  
25 head. When you saw that, what are you thinking?

1           A    Uhm, my first thought was he has been through  
2 this before. He thinks -- he thinks he understands  
3 what we want him to do.

4           Q    And --

5           A    That was the first thing that went through my  
6 mind is like this guy has been through this before.

7           Q    Could you at that time or at any time see his  
8 face or the front of his body?

9           A    No.

10          Q    And just to be clear, had you or the other  
11 police officers that are standing near you, had any of  
12 them told him to get into that position?

13          A    No.

14          Q    So that's the position he came out in?

15          A    Correct.

16          Q    What did you want him to do in order to take  
17 control of the situation and to make this a safe  
18 situation for everybody?

19          A    Uhm, I told him -- once he got about right  
20 here, I told him, "Start walking back slowly towards  
21 the sound of my voice."

22                    He starts walking backwards, but he was -- he  
23 was moving very quickly, almost at a -- almost at a  
24 jogging pace. He was moving quickly. I'm screaming at  
25 him, "Slow, slow, slow down, walk slowly."

1 Q Why did you want him to slow down?

2 A Because I wanted to slow everything down,  
3 because everything was happening way too quickly. He  
4 was coming at us way too quickly. I wanted to slow it  
5 down. And I kept telling him, "Slow, slow down."

6 He walked about ten yards, to about right  
7 here. And I tell him -- I tell him, "Stop." Because  
8 he was not walking slowly. He was still walking fast.  
9 I tell him to stop, and he stops.

10 I tell him again, "Walk slowly toward the  
11 sound of my voice." So he starts walking slowly this  
12 time, walking slowly.

13 He gets to about right here, I'd say, about  
14 ten yards. He gets about right there. He is walking  
15 slowly this time. I tell him to stop again.

16 Should I continue on?

17 Q Yeah.

18 A I tell him -- this is where I'm kind of  
19 confused. I believe that I told him -- when I told him  
20 to stop, I believe I told him at this particular time,  
21 "Do exactly -- do exactly as we say, or you will be  
22 shot." And -- and then he says to me, "Go ahead and  
23 shoot me." Or something like, "Go ahead and shoot me."

24 This is when I give him the command, "Put  
25 your hands -- put your hands straight up in the air."

1 And, uhm, now, my confusion there was if I told him put  
2 his hands straight up in the air first and then I told  
3 him -- but I believe I told him -- I gave him -- I told  
4 him that, "Do exactly what we say or you will be shot,"  
5 first.

6 Q I'm sorry. Just to make sure we're  
7 understanding what you are saying, your point of  
8 confusion is you don't know whether you said, "Put your  
9 hands straight up in the air" --

10 A Correct.

11 Q -- or "Do exactly as I say or you will be  
12 shot" first?

13 A Correct.

14 Q But you said both of those things?

15 A I did say both of those things.

16 Q Okay. And if I could also ask you, so we have  
17 an understanding, because I think again having watched  
18 a lot of television programs, movies about the police,  
19 we might think that, "Hey, this is what you want a guy  
20 to do is, you know, walk with their hands behind their  
21 head backwards".

22 What, in fact, did you want him to do? What  
23 was your plan of what you wanted him to do in terms of  
24 get into a position?

25 A At this point in time, I had not seen the

1 front of his body to know if he had any type of weapons  
2 or anything like that. And sometimes -- tucked in his  
3 waistband or whatever. I had not seen the front of his  
4 body. His hands were behind his head, so I had not  
5 seen if his palms were clear.

6 What I wanted to do at that particular time  
7 was to have him put his hands straight up in the air.  
8 I was going to have him turn around and face us so,  
9 therefore, I could see his palms, I could see the front  
10 of his body, and I could get a better view -- I could  
11 get a better view kind of just of the front of his body  
12 and be able to clear the front of his body.

13 I was then going to have him go down -- I was  
14 going to basically put him on his belly right in front  
15 of us. We call it a high-risk prone position. I was  
16 going to put him in a high-risk prone position. I was  
17 going to have his palms up, cross his ankles with his  
18 feet on the ground. It -- we can then approach, and  
19 we're going to then approach and put him in handcuffs.

20 It's a lot safer because you have the person  
21 facedown on the ground, and there -- they can fight a  
22 little bit, but you have a lot more control over  
23 someone who is facedown rather than someone, for  
24 instance -- if I could have just had him go down to his  
25 knees or something like that, uhm, he could have -- he

1 could have fought us, you know, from a kneeling  
2 position rather than from a facedown prone position.

3 Q As you are seeing him with his back to you, do  
4 you -- do you believe he is armed with a gun?

5 A At this point in time, yes.

6 Q Could you explain why you thought that?

7 A Because of the information that I had about  
8 him -- him having a gun within his possession. I --  
9 just from the information that I had already.

10 JUROR: Apart from believing him to be  
11 armed, did you have probable cause to think that he had  
12 done anything against the law?

13 THE WITNESS: The -- the probable cause  
14 would have been -- I think -- my thinking at the very  
15 minimum we were going to put him on some sort of mental  
16 health hold and take him to a hospital, because it  
17 sounded like he was having some suicidal thoughts, you  
18 know. So that -- so that's kind of where the PC,  
19 "probable cause", would have been.

20 JUROR: So your thought was that  
21 ultimately you would want to take him into custody at  
22 the very minimum?

23 THE WITNESS: Correct.

24 JUROR: Because of what you had found --

25 THE WITNESS: It just depends how the

1 investigation goes from there, who you talk to and so  
2 on.

3 BY MR. REES:

4 Q Okay. So I kind of interrupted you -- your  
5 description of what happened. I believe you were at  
6 the point then where you are saying -- you made these  
7 statements, "Put your hands straight up in the air and  
8 do exactly as I say or you will be shot"?

9 A Correct.

10 Q Right? What is his response, if any, to that?

11 A Uhm, okay -- all right. So I -- so I -- this  
12 is after he said, "Go ahead and shoot me." I told him,  
13 "Put your hands straight up in the air." He just  
14 stands there with his hands on his head.

15 I tell him again one more time clearly. I  
16 said, "Put your hands straight up in the air." He just  
17 stands there. And that's when I fired my first bean  
18 bag -- first bean bag round at him.

19 Q Why did you do that?

20 A To gain compliance.

21 Q What was your expectation?

22 A My expectation was that I was going to shoot a  
23 round at him, and he was going to put his hands up in  
24 the air after that.

25 Q You aimed, I take it?

1 A Yes.

2 Q What did you aim at?

3 A His rear end.

4 Q Is that what you are trained to do?

5 A Yeah, yes, major muscle groups.

6 JUROR: Can I ask a question? So you  
7 indicate that you thought there was some kind of mental  
8 evaluation that needed to be performed on this person.

9 THE WITNESS: Just based on the suicidal  
10 threats.

11 JUROR: So with all the instructions  
12 being given and shooting -- and telling him to put his  
13 hands straight up in the air, was that concerning that  
14 he wasn't getting it if you felt that he was under some  
15 mental issues? Do you see what I'm saying? I mean, if  
16 he is not getting or understanding what you are saying,  
17 was it still -- did you still feel like you were  
18 threatened? That you would need to shoot him with a  
19 bean bag? Or did he make any displays or --

20 THE WITNESS: I -- I guess, uhm -- I  
21 didn't -- it didn't -- I can't think -- I -- the  
22 thought crossed my mind that we needed to take action,  
23 not that I needed to tell him again to -- ask him again  
24 to put his hands above his head. I thought that -- you  
25 know, there is a million things going through my mind,

1 you know. One of the options would be, you know, is he  
2 making a plan to attack us? I didn't know. So my  
3 thought was I need to take action.

4 BY MR. REES::

5 Q And so what -- what happens then when you  
6 fired the bean bag?

7 A I -- I fired my first bean bag round, and  
8 there was a slight -- just a fraction of a second he  
9 just kind of stood there and just, you know -- and just  
10 kind of just stood there.

11 I racked my shotgun. He then -- his -- he's  
12 standing -- he's right here, okay (indicating). His  
13 body starts to lunge forward towards this apartment  
14 right back here, starts to lunge forward. His hands  
15 come off his head, okay, like this. He starts taking a  
16 step as if he's getting ready to run. I then fire a  
17 second bean bag at him, and at this point in time,  
18 after my second bean bag hit him, he's now -- he's now  
19 picking up speed, heading towards -- heading towards  
20 this way (indicates). And after my second bean bag  
21 round, I never saw his hands again. That's the last  
22 time I saw his hands.

23 I fire -- as he's coming this way, I end up  
24 firing four more bean bag rounds at him.

25 Q Do you recall where those rounds hit?

1           A    I was looking straight down the barrel firing  
2 off a little bead. There is a little bead at the end  
3 of my barrel, looking straight down the barrel and  
4 trying to aim at his -- at his rear-end still. And  
5 I -- I believe that they all hit in that general area.

6           Q    Any effect?

7           A    No effect at all.

8           Q    What's he doing now?

9           A    He's making -- making his way this way. He  
10 was down here, making his way this way here.

11          Q    In terms of his pace, is he moving more  
12 slowly, quickly or the same?

13          A    He is picking up speed.

14          Q    Can you see his hands?

15          A    No.

16          Q    Why not?

17          A    Just because I was focused in on his rear end,  
18 looked, you know -- and sight firing this gun, and the  
19 last time I saw his hands was after my second bean bag  
20 round. After his hands had dropped down below his  
21 shoulders, I never saw his hands again.

22                    JUROR: Why would you? If he is running,  
23 you are basically behind him, right?

24                    THE WITNESS: I -- from -- I don't know  
25 if I -- I don't know how I can answer that question.

1 Is that a question?

2 JUROR: Would you have expected to see  
3 his hands once he started running?

4 JUROR: Thank you.

5 THE WITNESS: I don't know.

6 BY MR. REES:

7 Q When I asked that question, it's basically  
8 really a question about vantage point, perspective,  
9 whether he could see.

10 JUROR: I'm just trying to see if you are  
11 directly behind him.

12 THE WITNESS: From where I was  
13 positioned, all I can say is I couldn't see his hands.

14 JUROR: I have got, I think, a more  
15 answerable question. You shoot him and he takes off  
16 and you continue to shoot him. Are you expecting --  
17 are you hoping to incapacitate him? Is that why you  
18 shoot the bean bag rounds.

19 THE WITNESS: I'm hoping for compliance.  
20 I'm hoping for --

21 JUROR: Get his attention?

22 THE WITNESS: Yeah. I'm hoping he puts  
23 his hands in the air.

24 JUROR: That's all I have.

25 JUROR: You fired a totals of --

1 THE WITNESS: Six.

2 JUROR: You for sure -- the first hit him  
3 in his back, the second in his leg?

4 THE WITNESS: Well, like I said, I  
5 believe -- my belief is that all my rounds hit him in  
6 the general area of his rear end.

7 JUROR: For my purposes, timing, how  
8 quickly can you repeat shots? Like how fast can you do  
9 six shots at a person in a sort of standard  
10 situation -- which obviously this isn't. You said you  
11 have to rack the gun first. You have to actually rack  
12 it to get another shot in?

13 THE WITNESS: There is a magazine  
14 attached to the gun, so there is rounds in the  
15 magazine. So you just pump action, so you fire, then  
16 you pump it, it reloads a round in. I don't know in  
17 terms of seconds or anything.

18 JUROR: It's not like you have to wait  
19 and put stuff in the muzzle kind of thing?

20 THE WITNESS: No.

21 JUROR: You just -- within a second or  
22 two you can fire another around?

23 THE WITNESS: Yes.

24 JUROR: So it would be like boom, boom,  
25 boom, not boom boom boom boom?

1 THE WITNESS: Right.

2 JUROR: Thank you. That helps.

3 BY MR. REES::

4 Q So what happens after you fire your sixth  
5 round?

6 A After my -- after my sixth round, almost -- it  
7 was almost right at the same time I fired my sixth  
8 round, I hear a gunshot to my left. That's where  
9 Officer Frashour was. I then see Mr. Campbell go --  
10 he -- he -- he -- I believe he got hit with the -- with  
11 the bullet somewhere around here. Then he goes down  
12 right -- right here.

13 Uhm, at that particular point in time, right  
14 as he's going down right here, that's when I see the K9  
15 dog start to come into my field of vision right here.

16 JUROR: I have another question. Why did  
17 you choose to shoot him in the rear end?

18 THE WITNESS: Because that's where we're  
19 trained. We're trained to shoot toward major muscle  
20 groups.

21 JUROR: Is it the same protocol with less  
22 lethal and lethal rounds both?

23 THE WITNESS: Uhm, well, I'll say it like  
24 this: With less lethals particularly, we're trained to  
25 shoot at like major muscle groups. But as far as like

1 your lethal rounds are lethal, you know.

2 JUROR: So, do I understand you correctly  
3 that with -- when using a lethal weapon, you are  
4 trained to shoot to kill?

5 MR. REES: You know, let's save that.  
6 That's a training question.

7 JUROR: That's what I was --

8 MR. REES: But I guess if -- I'm not sure  
9 if this is your question exactly. The bean bag gun  
10 specifically is designed to gain control.

11 THE WITNESS: Deliver -- yes, a less  
12 lethal form of munition is what we call it, so.

13 JUROR: Sure. Thank you.

14 MR. REES: Does that answer your  
15 question?

16 JUROR: Yes, absolutely.

17 MR. REES: Okay.

18 Q My last question really is just -- just  
19 relates to protocol following an officer-involved  
20 shooting. It's my understanding the protocol calls for  
21 a gag order on those involved officers to prevent them  
22 from speaking to others about the incident. Are you  
23 familiar with that?

24 A Yes.

25 Q In this case, were you given that instruction?

1 A Yes.

2 Q And so because of that, have you discussed  
3 this matter with other witnesses in the case?

4 A No.

5 Q Had any conversations about what happened?

6 A No.

7 JUROR: Who gave that, is that the  
8 Sergeant that gives that?

9 THE WITNESS: Yeah, it's the -- it was  
10 Detectives.

11 JUROR: Detectives. Thank you.

12 MR. REES: All right. Any other  
13 questions for Officer Lewton? All right. Thanks very  
14 much.

15 **ROBERT HAROLD PIPPEN,**

16 Was thereupon called as a witness on  
17 behalf of the State and, having been first duly  
18 sworn, was examined and testified as follows:

19 BY MR. BANFIELD::

20 Q Can you state and spell your first name for  
21 the record?

22 A Robert Harold Pippen, P-I-P-P-E-N.

23 Q How long have you been an officer with the  
24 Portland Police?

25 A Fifteen-and-a-half years.

1 Q And what is your current title?

2 A Currently, I'm the lead patrol tactics  
3 instructor for the In-Service Program for Portland  
4 Police Bureau.

5 Q Why don't you tell us a little bit about your  
6 background as a police officer, training and  
7 experience?

8 A I was hired in 1994. I attended the Basic  
9 Academy. At that time it was in Monmouth. I also  
10 attended the 14-week, I believe it, was 12 or 14-week  
11 Advanced Academy for the Bureau before I went on the  
12 street.

13 I was a street officer until -- until 2001.  
14 Prior to that, I became a Defensive Tactics instructor  
15 in 1997. In July of 2001 I went to the Training  
16 Division as a Patrol Tactics instructor, and that's  
17 where I have been ever since. I have been able to get  
18 other certifications: Firearms instructor, Defensive  
19 Tactics, Driving, Control Tactics, Active Shooter.

20 Q How long have you been at the training unit?

21 A July, 2001.

22 Q What are your current duties as an instructor  
23 in that unit?

24 A Currently, with our In-Service Program,  
25 officers are required to go through training every

1 year. And part of my responsibility is to make sure  
2 that they get some patrol tactics training, which  
3 includes -- can include everything from just classroom  
4 scenario-based training, active shooter training, it  
5 covers a wide -- wide variety of topics that are all  
6 patrol related.

7 Q And you talked about scenario-based training.  
8 Do you use simulated modules or simulated-based  
9 trained?

10 A We do. We use scenario-based training. We  
11 have Camp Lithcomb, Clackamas County, we use, a pole  
12 barn, couple other vehicles we use for scenario-based  
13 training.

14 When it comes time for that training, we get  
15 through with the basic, we provide that training. We  
16 try to make it as realistic as possible. We bring in  
17 role players. We bring in vehicles and we use the  
18 houses there and we try to create scenario situations  
19 that are as realistic as possible so we can have the  
20 officer work through the scenario and come up with some  
21 good solutions to the problems.

22 Q We know there is a variety of different things  
23 that you probably go over before these trainings and  
24 then when you debrief these trainings. Today we're  
25 going to talk about a couple of those particular

1 things.

2 A Yes.

3 Q What are we going to talk about specifically  
4 that you do go over in these trainings?

5 A One of the things we do at the conclusion of  
6 every scenario is we have a debrief. That's where we  
7 gather everybody that was involved in the scenario,  
8 role players, officers, safety officers, instructors  
9 that are there and we debrief the scenario. What that  
10 includes is kind of the who, what, when, where, why,  
11 how many, what did you see and why did you do what you  
12 did type of a chat that we have with them.

13 One of the -- one of the most important  
14 things we talk about during the debrief is the threat  
15 assessment. You know, "What did you see when you got  
16 here? What led you to believe, you know -- what did  
17 you see? What caused you to do this? What information  
18 did you have? What conclusions did you draw?" And so  
19 we just kind of let the officers talk their way through  
20 the entire scenario and, you know, to give their  
21 perspective on the real threats or potential threats  
22 that may be there.

23 So that's a real critical part of the  
24 scenario-based training, that debrief afterwards.

25 Q Okay. Do you also discuss, either during

1 debrief or before, action and reaction training?

2 A Yes. We have several scenarios that are  
3 directed specifically to an action-reaction type of  
4 situation, and I'll have an opportunity here in a few  
5 minutes to explain what action-reaction is. But we've  
6 got several scenarios that are designed specifically to  
7 bring out that principle and to have officers  
8 experience that so they gain an appreciation for just  
9 how rapidly things can evolve in a call.

10 Q Okay. And you have a little PowerPoint  
11 presentation on some of the things you talk about  
12 threat assessment and action-reaction. Why don't we go  
13 ahead with that?

14 A I apologize for cramming, but this is what we  
15 have to work with here.

16 What I have done here is there is no -- there  
17 is no standard definition -- can everybody see that  
18 okay? If you need to move around a little bit. There  
19 is no standard definition of threat assessment. This  
20 is a topic you can take a lot of time on and talk about  
21 it.

22 But what I did was I have a definition that I  
23 am using for In-Service this year. I've kind of broken  
24 it down a little bit. Simply it's this: A threat  
25 assessment is simply an officer's evaluation of a

1 situation. And there is a lot of things that they need  
2 to consider during that initial -- initial evaluation:  
3 You know, the facts of this situation, the environment  
4 that they are in, who is present, the other officers  
5 that are there, the existence of potential or perhaps  
6 existing threats that may be there.

7           They need to look at the environment, look at  
8 places where they can take cover, concealment, escape  
9 routes, an awareness -- an overall awareness of the --  
10 of the environment, itself. And also during the threat  
11 assessment, the behavior of the subject, himself, or  
12 subjects that may be involved in this call; what they  
13 are doing, what their mind set might be, what  
14 activities they may have been involved in at the time  
15 the officers arrive and also, as it says here, to take  
16 in the totality of the circumstances; which is, you  
17 know, people that are present; information that they  
18 have received initially, information that they may get,  
19 who else comes onto the scene.

20           I mean there is a constant -- I'll touch on  
21 this in a moment -- constant re-evaluation of this  
22 situation as they get there. We all know we can get to  
23 a plan -- we can get to a call and we have a plan, but  
24 when we get there, those plans change rather rapidly  
25 because the situation can evolve rather rapidly.

1           From a tactical perspective on our threat  
2 assessment, this begins based upon the primary  
3 information that we have, the information that we get  
4 at the first -- when we first receive the call. That  
5 information may or may not be correct. But officers  
6 then start to form a tactical plan at that point.

7           Again, they gather information. There is an  
8 evaluation of what force options may be available that  
9 can assist them in quickly controlling the situation,  
10 using a reasonable amount of force. They have to know  
11 what tools are available to them in order to deal with  
12 the situation.

13           As the officers are conducting this threat  
14 assessment, there is a lot of criteria there. As I  
15 said, we can go quite a bit into some other areas here.  
16 But basically what they are doing is they are looking  
17 at what they have. They see what they have got. They  
18 hear what they hear. They know what other officers  
19 tell them. They know what the call has in it  
20 initially, and they have got all the information, but  
21 they also need to go on their individual training  
22 knowledge and experience of the officers. That's real  
23 important. There are varying degrees of experience  
24 that are out there, and we like to have officers get  
25 information from more veteran officers. We learn from

1 each other, because the responses we get or the  
2 perceptions of a situation are going to be different.  
3 The individual perspective is going to be different  
4 because of that difference in training and knowledge  
5 and experience.

6 As I put here, factors such as familiarity  
7 with an individual or a particular situation comes into  
8 play.

9 The frequency of contact: Talk to district  
10 officers and they will sometimes make the same contact  
11 with a person two, three or four times during the  
12 course of their work week with the same person.

13 Personal relationships can all be critical  
14 factors in the threat assessment.

15 So, as you can see, it's a pretty involved  
16 thing. But what makes this a little more difficult is  
17 that officers always need to be reassessing the  
18 situation. As new information becomes available to  
19 them or they see the situation is a little different  
20 than or a lot different than what they thought it was  
21 or it can evolve very quickly, there is a constant  
22 reassessment that goes on with the officer. They have  
23 always got to be reassessing in order to maintain a  
24 tactical advantage for them and to also allow new  
25 intelligence to assist them in their decision making.

1           We don't always get -- most of the time  
2 officers will get spoon fed information, and so they  
3 have got to reassess, and that threat assessment can  
4 change.

5           As you can see, there is quite a -- quite a  
6 process. It seems very, very long, but this process  
7 takes place in some situations in a few seconds. It's  
8 a lot to take in. But that's always got to be on the  
9 officer's -- on the officers' minds there.

10           That's what I have on the threat assessment  
11 portion of that. I know that's a lot of information to  
12 take in, but that's kind of the short version of what  
13 we try to have officers do.

14           And then with the scenario-based training,  
15 they are able to take that threat assessment tool, and  
16 that's what helps them to evaluate the scenario that  
17 they are in and come to a reasonable -- reasonable  
18 resolution for that particular scenario.

19           MR. BANFIELD: Are there any questions  
20 regarding threat assessment?

21           Q   How -- what an officer is trained in that  
22 particular area --

23           A   Do you want me to go into action-reaction?

24 BY MR. REES::

25           Q   Let's move right toward it unless there is

1 anything else?

2 A Earlier, we talked about the action-reaction  
3 principle. This is something officers get in several  
4 phases of their training, during their defensive  
5 tactics portion, during patrol tactics they talk about  
6 it. It's kind of interwoven throughout their training.

7 And this is a definition of action-reaction  
8 that I have changed a few things on it. It's -- it  
9 originally came from our Defensive Tactics manual.  
10 I'll tell you what things I changed on it to kind of  
11 make it a definition that not only it's applicable to  
12 defensive tactics, but also to patrol tactics as well.

13 Basically, it says the initiator of an action  
14 has an advantage before the police officer can respond,  
15 because they are the ones that have made up their mind  
16 to initiate an action, whether that's to run, to fight,  
17 to drive away. They have the advantage, because they  
18 have made up their minds of what they are going to do  
19 and they know when they are going to do that and the  
20 officer does not. So that always puts the officer at a  
21 distinct disadvantage.

22 So the -- as I put down here, the action,  
23 itself, is always quicker than the reaction is.

24 The officer has to see the action. They have  
25 to -- it says here "sense" -- it has to be sensed and

1 evaluated. I have to know what that person is doing.  
2 In a traffic stop, for example, if somebody is reaching  
3 for their wallet to produce identification on request  
4 of the officer, you know, are they reaching for a  
5 wallet as requested, or are they reaching for something  
6 else? It's that type of evaluation is part of the  
7 threat assessment as well. But we have to sense and  
8 evaluate that action and then respond to it.

9           The action-reaction principle can be applied  
10 to techniques and tactics. That's what I added. I  
11 added tactics in there. As I said, this is from the  
12 Defensive Tactics program and they apply to the tactics  
13 and techniques -- tactics and technician.

14           To minimize the disadvantage of being the  
15 respondent of a threatening act, we have to recognize  
16 certain behaviors that are going to be strong  
17 indicators that somebody is doing something that I need  
18 to be able to respond, whether that is something as  
19 simple as moving aside, pushing somebody out of the  
20 way, moving -- moving from one place to another, moving  
21 to a place of cover, trying to anticipate what this  
22 person will do because, as I said, the initiator of the  
23 act will have the advantage.

24           Of course, this disadvantage that the officer  
25 may have can be minimized by sound tactics and a good

1 threat assessment of a situation. Paying attention to  
2 what that person is doing, what activities they are  
3 involved in and, again, mostly the circumstances of the  
4 call can tell -- can tell an officer an awful lot about  
5 that.

6           And so that's that. That's the quick  
7 definition of action-reaction. As I said, for  
8 defensive tactics they talk about that. We try to  
9 incorporate that in scenario-based training with the  
10 patrol tactics as well, to get the officer to realize  
11 how fast things can evolve and they really need to be  
12 ready to respond to those actions.

13           You know, I guess there is a -- I have gone  
14 to a lot of training and seminars where they talk about  
15 our body language and it tells a lot. So sometimes  
16 it's difficult to read body language. Sometimes it's  
17 overt to us that, you know, this person is going to run  
18 and this person is going to do whatever. So we have  
19 always got to be prepared to act upon that.

20           Q    What are some of the most common indicators  
21 officers are taught to look for regarding when someone  
22 is reaching for a weapon?

23           A    Furtive movement. We have something we refer  
24 to as the 60th percentile area. The 60th percentile  
25 area is that area from where the bottom of my fingers

1 hit on my leg to the top of -- maybe you have got a  
2 shirt on with a breast pocket here. That is where the  
3 majority of weapons are found on a person.

4 We live in a society that is predominantly  
5 right-handed, so right front waistband, right front  
6 pocket, right front coat pocket is a real common place  
7 where weapons are found. Any type of movement, furtive  
8 movement, into this area, quick movement into this area  
9 can indicate, again given the circumstances of what you  
10 are doing, who you are talking to, what they have been  
11 engaged in, can give officers a good indicator that  
12 that person might be going for a weapon. So any type  
13 of furtive movement is going to be suspect on the part  
14 of the officer, again taking in the totality of the  
15 circumstances, why they are there and who they are  
16 dealing with.

17 Q Now, you have some video for us that kind of  
18 demonstrates a little bit of the action-reaction. Did  
19 you want to show that now?

20 A Yes. This video was done by Force Science  
21 Institute back in 2000. Force Science Institute is a  
22 police -- kind of a research institute. It's run by --  
23 Bill Lewinski who is one of the lead researchers there.  
24 What they did, they put together a series of very short  
25 videos, three or four seconds long. What they did is

1 they use undergraduate students there, and these people  
2 are not police officers that run these videos. Like I  
3 said, they are undergrad students. They gave them a  
4 .22 automatic, and there is ten different positions in  
5 which they draw their handgun.

6 They have got a high-speed camera on them,  
7 and what they did is they told them that this was all  
8 self-initiated activity, that they wouldn't say, "One,  
9 two, three go," anything like that. What they would do  
10 is they would film the self-initiated activity, go  
11 back, play the camera, count it frame by frame and get  
12 these reaction times.

13 I want to show you this just to show you how  
14 fast someone can act when they do have a firearm, any  
15 reaction they have -- doesn't have to be a firearm, can  
16 be knife, gun, any type of weapon that they may have.

17 If you will give me just a moment here, I  
18 will get that loaded up. Only take me just a second.  
19 I can play these back for you a couple times. Like I  
20 said some of them are very, very quick. I want to be  
21 able to have everybody see that.

22 Can everybody see that okay? I know it's not  
23 okay.

24 Now, do they have the little sheet that has  
25 the reaction times on there? If not, I can just use it

1 if you have got the one there.

2 MR. BANFIELD: Yeah.

3 A What I have got is some of the reaction times  
4 because on the videos, themselves, it doesn't show the  
5 reaction time.

6 MR. BANFIELD: I can make copies real  
7 quickly.

8 A I have got the individual reaction times on  
9 here. The first three videos I am going to show you  
10 are of an individual running away. One is going to be  
11 they are going to be running away. They are going to  
12 fire over their shoulder. It's going to be a strong-  
13 arm fire, and then one underneath the armpit. You can  
14 see just how fast these will appear.

15 I don't want to be in anybody's way. I have  
16 got to kind of run this this way here. (Tape played.)  
17 That was an over the shoulder. You can see just  
18 running away the gun coming over the shoulder and  
19 firing.

20 When Glenn gets back, we'll have the times on  
21 that. I'm not going to guess at the times. There is  
22 ten of them.

23 JUROR: I didn't see him do it. Can you  
24 do it one more time? He had his arm over his shoulder  
25 before he came into the --

1 THE WITNESS: It looks like they have got  
2 it framed specifically so they can catch the reaction  
3 time there. I believe the time on that one, cross body  
4 over the shoulder was 9/100's of a second.

5 JUROR: What actually is it you are  
6 timing?

7 THE WITNESS: The timing is from the  
8 furtive movement -- that would be in this case over the  
9 shoulder -- that would be the furtive movement and  
10 fire. So it was 9/100's of a second from the time the  
11 gun, I believe, is in his right hand starts to move  
12 over his shoulder and you hear the click of the  
13 revolver. That was timed --

14 JUROR: Part of what is timed we're not  
15 seeing.

16 THE WITNESS: It's really short framed on  
17 this one. I think it's going to be a little clearer on  
18 this second one. Any of these you want me to replay  
19 for you? I certainly can.

20 That's the turn back. That's with the  
21 extended arm, and that was 14/100's of a second from  
22 the initial motion to go back and to click. That was  
23 14/100's of a second.

24 This is under the armpit here. Again,  
25 that's timed. That's timed from as the subject is

1 running away, as soon as the motion starts to go under  
2 the arm, that is when -- that is when they start to  
3 frame the time on that. It goes from the first initial  
4 motion to the --

5 JUROR: We're only seeing from this  
6 motion to click.

7 THE WITNESS: Right.

8 JUROR: We're not seeing the motion.  
9 We're seeing from the hand already being --

10 THE WITNESS: These next ones, the reason  
11 I did all ten of these is these next ones are very  
12 clear. You can see -- we can see the self-initiated  
13 motion and the discharge of the weapon, itself.

14 This is seated, as if someone were seated  
15 in a vehicle firing out the driver's side. And that  
16 reaction time from the driver's side was 25/100's of a  
17 second. That one it's a little clearer. You can see  
18 the self-initiated activity and the time to discharge  
19 is 25/100's of a second.

20 This is the same thing, only shooting out  
21 the passenger window. As if this were the driver of  
22 the vehicle shooting out the passenger side. Passenger  
23 side was just a little slower at 26/100's of a second.

24 This next video here is gun in waistband,  
25 in what they call a combat tuck, where the gun is not

1 brought out all the way extended. It's a short pull  
2 and discharge of the weapon, itself. And that was  
3 23/100's of a second.

4 The extended firing was 26/100's of a  
5 second. So a little bit -- a little bit slower.

6 This next one right here is a 90-degree  
7 angle, someone you know just standing at a 90-degree  
8 angle and can come up and fire. That one was 32/100's  
9 of a second.

10 Somebody facing the gun coming from their  
11 back with 180-degree turn was 58/100's degree of a  
12 second.

13 JUROR: Show that one again, please.

14 THE WITNESS: You bet. The gun from  
15 behind the back out extended firing and taking off was  
16 58/100's of a second.

17 This last one is a 360-degree turn, which  
18 by the time he comes all the way back around and the  
19 muzzle is back around is 98/100's of a second.

20 Would anybody like to see any of these  
21 again?

22 BY MR. BANFIELD:

23 Q That's all the questions I have at this time.

24 A Could I just draw this together?

25 Q Please.

1           A    You know, I realize I have talked about threat  
2 assessment, the action-reaction, these videos right  
3 here. Just to kind of give you an idea of how fast  
4 things can happen and how much time is needed to  
5 make -- for anybody to make a decision about what they  
6 are going to do, whether it's driving a car, a dog  
7 jumps out in front of you, running out in front of you,  
8 there has to be recognition of that dog being there and  
9 you have to react to that, it takes some reaction time.  
10 There is a lot for an officer to think about.

11                Having this action-reaction principle applied  
12 to scenario-based training helps officers to understand  
13 that these things happen very rapidly and their ability  
14 to be able to pick up some furtive movement, other  
15 types of body language can be very, very critical for  
16 them to be able to avoid a bad situation or to be able  
17 to defend themselves in a situation.

18                The times that we had here on the video, of  
19 course, these were done in a classroom setting, a very  
20 controlled environment, but they did it to give people  
21 an idea of just how fast these things can happen. And,  
22 again, given the circumstances, environment, some  
23 people are faster than others. Some people have better  
24 reaction times than others. It can be different from  
25 person to person, just as that perspective is on that

1 threat assessment is going to be different.

2 So my intention here was to hopefully answer  
3 all your questions and kind of put -- put things into  
4 perspective for you about that action-reaction and some  
5 of the thought processes, not so much tactical thought  
6 processes, but just the general thought processes an  
7 officer goes through in analyzing the situation.

8 Any questions?

9 JUROR: Thank you.

10 MR. BANFIELD: Thank you very much. You  
11 can take your laptop and leave everything else here.

12 THE WITNESS: I can just take this whole  
13 thing out and wheel everything out.

14 PAUL MEYER,

15 Was thereupon called as a witness on  
16 behalf of the State and, having been first duly  
17 sworn, was examined and testified as follows:

18 BY MR. REES::

19 Q Sir if you would please state your name for  
20 the Grand Jury and spell your last name?

21 A Paul Meyer. P-A-U-L, M-E-Y-E-R.

22 Q Can you explain what your position is with the  
23 Portland Police Bureau?

24 A I'm in the Training Division full-time. One  
25 of the Bureau armers. I'm also the lead AR-15

1 instructor for the Police Bureau.

2 Q How long have you been a police officer?

3 A I'm in my 18th year.

4 Q All right. Generally speaking, what goes on  
5 in the Training Division?

6 A We train Advanced Academies. We do -- which  
7 would be new officers that come from the Basic Academy  
8 down in Salem. And we put on our own Academy. It's  
9 another 13 weeks, somewhere right around there, give or  
10 take a week.

11 Then we also do In-Service, which is  
12 providing training, ongoing training for officers on  
13 the street and then also for sergeants, Detectives.

14 Then we also do other programs such as the  
15 Bean Bag program, AR-15 program, the driving, that kind  
16 of thing.

17 Q We have called you today to testify a little  
18 bit about the AR-15. We have heard this term I think  
19 throughout the day today. What is an AR-15? I have a  
20 photograph for you, too.

21 A Sure. Okay. This is -- basically what it is  
22 is a civilian version of a military M-16. When we say  
23 civilian version, what we mean by it's a  
24 semi-automatic, meaning one round can go off for each  
25 trigger pull. It's not a fully automatic weapon, which

1 means you pull the trigger, it will go until you let  
2 go. This will fire one round per trigger pull. It's a  
3 semi-automatic rifle so again each trigger pull fires  
4 one round. It fires 5.56 millimeter 223 cartridge,  
5 which is -- it's a rifle cartridge. It a very small  
6 round, 55-grain, which in comparison to our  
7 nine-millimeter 147-grain, it's about a third of the  
8 size. It's a very small bullet. However it comes out  
9 pretty fast. That's a picture of it there.

10 Q You are throwing out a lot of numbers. But  
11 the bullet, itself, which is fired from the weapon,  
12 which you said is 223?

13 A Yeah, that's the American.

14 Q It's similar in size to a .22 caliber bullet?

15 A Yes, very similar in size.

16 Q So that's smaller than the bullet fired by the  
17 nine-millimeter handguns that officers carry on the  
18 street, right?

19 A Both in diameter and total weight.

20 Q So what's the reason why since about 1999 the  
21 Portland Police Bureau has issued these rifles to  
22 specially trained officers?

23 A It was back in February, '97, if you remember  
24 the North Hollywood shootout that occurred in Northern  
25 California -- Southern California. That kind of

1 sparked a nation-wide trend to go toward rifles based  
2 on body armor we were starting to see suspects with.  
3 So that kind of started the spark.

4 And then in 1999 the Police Bureau adopted  
5 these. Some of the reasons that we wanted this rifle  
6 was -- quite a few reasons. One, it was kind of  
7 brought on as a stand-off weapon, something that gave  
8 us the ability to step back outside of handgun range.  
9 Twenty to 25 yards really starts to deteriorate with a  
10 handgun. This allows us to step back beyond that  
11 distance and still, if necessary, to provide deadly  
12 force, if that's the case.

13 It's far more accurate than a handgun, both  
14 up close and at distance. It's more powerful than a  
15 handgun, which does a few things. One -- and I think  
16 the safest thing is it allows you to fire less rounds.  
17 There is less rounds that an officer has to deploy out  
18 of their handgun, which again at the distance -- I  
19 think this was somewhere around 20, 25 yards.

20 MR. REES: 25 or 30 yards.

21 A Twenty-five or 30 yards, one round versus  
22 multiple rounds, which again, you know, with backdrop  
23 issues, if you are firing multiple rounds, you have got  
24 to account for all of those.

25 Specifically, the rounds that we carry inside

1 of this weapon -- and there is a lot of myth about it.  
2 It's not the military rounds. It not that full-metal  
3 jacketed rounds that will penetrate wall after wall  
4 after wall. It a hollow point round. What that does,  
5 it has less penetration through walls that even our  
6 handgun has. I looked at tests done this morning, both  
7 by the FBI and some other agencies and some gun schools  
8 around the country that are nationally recognized. So  
9 it allows us to stay back farther, which gives us more  
10 time, which gives us more options, hopefully. It  
11 allows us that if we do have to employ deadly force,  
12 there is less rounds we have to shoot, which is safer  
13 for everybody. Then it allows less penetration if  
14 there was a miss and walls and those kinds of things.  
15 So it's a -- it's a good tool in that it allows us to  
16 be safer as well as the citizens to be safer out there.

17 Q So, to summarize what you are saying, sounds  
18 like you are saying it is more accurate than a handgun  
19 especially at any kind of distance; that it is deemed  
20 safer than a handgun?

21 A Uh-hum.

22 Q Both because it is more accurate and because  
23 the round, the bullet, is less likely to penetrate  
24 walls that there might be people behind or something  
25 like that?

1           A    Or over-penetrate whatever the rounds had to  
2 hit.

3           Q    It allows the officers to have greater  
4 distance from the threat; is that right?

5           A    Correct, yep.

6           Q    Does every Portland Police officer carry the  
7 AR-15?

8           A    No. To be -- to carry the AR-15, they submit  
9 an application through their Commander at their  
10 precinct, and then our Commander picks who they want to  
11 go. When they go to the school, it's a five-day class.  
12 It used to be 40 hours, because we were on an  
13 eight-hour schedule. Now it's a fifty-hour class,  
14 because we're on a ten-hour schedule. It's a five-day  
15 class that starts out with ten hours of classroom, then  
16 four ten-hour days on the range.

17                    We have about a 25% failure rate in that  
18 class. So it's -- we hear is one of the hardest  
19 classes in the Police Bureau to pass maybe besides the  
20 Motorcycle school.

21           Q    What would cause someone to fail?

22           A    A lot of different reasons. We have a written  
23 test. There are some pass/fail questions on that,  
24 safety questions and directive questions. And then  
25 it's another 50 questions on top of that they have to

1 pass, which has to do with our directives, safety, how  
2 to operate the weapon. There is a qualification.

3 At the end of last day on Friday, on one of  
4 those inside of 25 yards and in, if you miss the  
5 silhouette, you fail. You have to have all your rounds  
6 hit.

7 Safety, just manipulation of the weapon, if  
8 you are not doing it safely, you will be kicked out for  
9 those reasons and fail. So it's a very difficult  
10 class. It's usually the safety, the test or the  
11 qualification is why they would fail.

12 Q Last question: Once an officer qualifies to  
13 carry this weapon, what kind of situations are they  
14 going to be called upon to respond to and to use the  
15 AR-15?

16 A It could be a myriad of situations. Usually  
17 it's where they believe somebody is armed. Deadly  
18 force could be a possibility and especially where they  
19 want to try to stay back, if possible. There are other  
20 circumstances where it's a better tool up close,  
21 because it's more accurate and faster. We have had  
22 some of those circumstances.

23 But it's usually where an individual is armed  
24 is where you are going to start to see those, they  
25 potentially or they believe to be armed.

1 MR. REES: Folks, any questions?

2 JUROR: I have a question. Bear with me  
3 to get this out right. I understand you train these  
4 officers in how to handle a weapon safely, how to use  
5 it correctly and that kind of thing. Do they get any  
6 kind of specialized training on when to make -- about  
7 making the de -- the decision-making process of when to  
8 fire the gun?

9 THE WITNESS: That -- that's a real wide  
10 deal where they get that training. Not only do they  
11 get -- in fact, the directive -- the deadly force  
12 directive that we have, 10, 10, 10, that's a pass/fail  
13 question on our test. But that process starts all the  
14 way -- when you use deadly force, that process starts  
15 early on. When they go to the Basic Academy,  
16 In-Services, Advanced Academy and throughout their  
17 career. That's a process that is all incumbency;  
18 throughout their entire career they get the training  
19 when to deploy deadly force. Then just -- they are  
20 trained out on the street what they have experienced.  
21 So it's a continual educational process that starts  
22 very early on.

23 JUROR: And continues through this  
24 course?

25 THE WITNESS: Like I say, it's a

1 pass/fail question in our class.

2 JUROR: By pass/fail question, you mean  
3 pass/fail the class?

4 THE WITNESS: Yes. On the last day we  
5 give them a written test, and they have to recite the  
6 directive for deadly force.

7 JUROR: If they can't do that, they are  
8 out?

9 THE WITNESS: We've had people fail for  
10 that reason, yes.

11 JUROR: One more question?

12 THE WITNESS: Yes.

13 JUROR: Bear with me. The percentage of  
14 failure?

15 THE WITNESS: We're about 20%, 25%, right  
16 around there, give or take a few, that fail the class.  
17 We have seen that over the past -- we've been doing  
18 classes since, I think, 2000. That's remained pretty  
19 consistent.

20 JUROR: Thank you.

21 BY MR. REES::

22 Q If I could follow up on your question. You  
23 mentioned direct 10, 10, 10, which is Portland Police  
24 Bureau's policy on deadly force. And is it your  
25 understanding that policy is actually more narrow or

1 more restrictive than State law?

2 A Yes.

3 JUROR: Is that part of what you handed  
4 out?

5 MR. REES: No. We can discuss this  
6 later. But what I have given you is the law of the  
7 State of Oregon which is broader than the Bureau's  
8 use-of-force policy. I mention that only because again  
9 for the purposes of the Grand Jury, you will be  
10 considering Oregon law because you are not reviewing --  
11 although we can certainly give you a copy of this 10,  
12 10, 10 policy he referred to, but that again -- that's  
13 a separate, that is a policy the Bureau has adopted to  
14 guide its members, and it's really separate and apart,  
15 to some degree, from the criminal law. So that a  
16 violation of policy, that might relate to some  
17 administrative or employment-type action. So I have  
18 given you the State law.

19 JUROR: You have given us the looser,  
20 yes.

21 MR. REES: And if I have misstated your  
22 understanding of that, feel free --

23 THE WITNESS: No, not at all.

24 MR. REES: All right. Any other  
25 questions?

1 JUROR: Maybe you are in so many words  
2 telling me not to ask, but if it's short, I wouldn't  
3 mind knowing what the policy is; 10, 10, 10?

4 MR. REES: If you know what it is, you  
5 can say, or I can give you a copy.

6 JUROR: A copy.

7 JUROR: A copy would be perfect.

8 MR. REES: We won't put you to the test.

9 JUROR: We wouldn't want you to fail,  
10 after all.

11 THE WITNESS: Obviously, as the lead  
12 instructor. Thank you very much.

13 JOHN BIRKINBINE,

14 Was thereupon called as a witness on  
15 behalf of the State and, having been first duly  
16 sworn, was examined and testified as follows:

17 MR. REES: Sir, for the record, if you  
18 could state your name and spell your first and last  
19 name?

20 THE WITNESS: John Birkinbine. J-O-H-N,  
21 B-I-R-K-I-N-B-I-N-E.

22 BY MR. REES::

23 Q What's your position with the Portland Police  
24 Bureau?

25 A I'm a patrol Sergeant assigned to North

1 Precinct afternoon shift.

2 Q How long have you been with the Bureau?

3 A Sixteen years.

4 Q How long have you been a Sergeant?

5 A Four years.

6 Q And so in your position -- and we heard from  
7 other witnesses that you and a female Sergeant --

8 A Reyna.

9 Q -- both responded to the Sandy Terrace  
10 Apartments Friday afternoon, January 29th. And can you  
11 just briefly explain what the role of a patrol  
12 Sergeant, like yourself, is; the scene, working with  
13 the officers?

14 A Sure. I actually responded after Sergeant  
15 Reyna had been there for a period of time. I went just  
16 to assist her as a Sergeant. In a big incident like  
17 this, there is a lot of things to manage. There is an  
18 inner perimeter. There is a lot of times an outer  
19 perimeter. There is coordination of officers and  
20 resources. There is coordination of witnesses. There  
21 is giving direction to officers to interview certain  
22 folks. There is decided strategy or talking about  
23 strategy and how you would like to see the outcome of  
24 the call come about and how we're going to get there,  
25 making sure people are safe, all kinds of stuff.

1 Q All right. And what -- what was happening at  
2 the Sandy Terrace Apartments at the time you arrived?

3 A When I arrived -- and the call had been going  
4 on already for 30 minutes-ish. I got there, met up  
5 with Sergeant Reyna. I asked her if she needed any  
6 assistance. She had already set up containment around  
7 the building. She had officers posted at the rear.  
8 She had officers posted in front, watching the front of  
9 the apartment ready to facilitate a custody if  
10 necessary. She was -- we were trying to communicate  
11 with the subject inside. We knew there were kids or we  
12 believed there were kids inside the apartment. We  
13 believed that he had a handgun, that he had threatened  
14 to kill himself with the handgun. And so we were in  
15 the process of trying to work through the situation.

16 Q Okay. And either using that photo behind you  
17 or the sketch that Mr. Banfield has, take your pick --

18 A I think the sketch will be easier.

19 MR. BANFIELD: Okay I'll put that up  
20 there for you.

21 A Okay.

22 BY MR. REES::

23 Q Can you show us where you went?

24 A Sure. I --

25 Q If you want to stand up, feel free.

1           A    I arrived here up on Sandy. I parked my car  
2 about here. I walked around I got direction from an  
3 officer who was posted here with a witness. And I was  
4 told that Sergeant Reyna and two other officers were in  
5 this hallway right here. This is an entrance into  
6 these apartments.

7                    So I walked down and took a position inside  
8 this hallway with Sergeant Reyna.

9           Q    All right. And did she -- did she remain  
10 there the whole time, or what happened?

11           A    She remained here until Captain Day and  
12 Lieutenant Rod Digest, who are immediate supervisors,  
13 arrived on the scene and they wanted to be briefed.  
14 Typically, when a supervising officer arrives, they  
15 want the Sergeant or the person with the most  
16 information, who has been running the incident, to  
17 brief them so they have all of the information so they  
18 can take over command of the incident. So they had  
19 asked her to come from here, up here, which is where  
20 they were. And she briefed them there.

21           Q    And Captain Day, is he the highest ranking  
22 officer in that scene at that time?

23           A    He is second in command for Commander  
24 Ferreras. He was the highest ranking officer on the  
25 scene that night.

1 Q I imagine for him to respond on the scene is  
2 because this was deemed to be a significant event?

3 A It is.

4 Q And so you remained in the alcove?

5 A Right.

6 Q With Officer Quackenbush?

7 A Officer Quackenbush, Officer Boylan and that  
8 was it after Sergeant Reyna left.

9 Q You can sit down if you want or not.

10 You are also a sergeant with the Hostage  
11 Negotiation team with the Portland Police Bureau,  
12 right?

13 A Right.

14 Q So when Officer Quackenbush attempted to make  
15 contact with Aaron Campbell, were you working with  
16 Officer Quackenbush as far as a strategy to talk to Mr.  
17 Campbell?

18 A Yes.

19 Q What did that entail?

20 A Well, knowing -- knowing Officer Quackenbush  
21 for a long time, I know he's very capable of making a  
22 phone call and having -- accomplishing our goal, which  
23 was to determine is Mr. Campbell -- is he suicidal?  
24 Can we determine on the phone? Can we determine the  
25 status of the kids? Are they okay? Do we need to

1 make -- based on his demeanor and the things we can get  
2 out of the phone calls, what kind of direction do we  
3 need to give Sergeant Reyna and then Lieutenant  
4 Rodriguez and Captain Day, what kind of information do  
5 they need to be able to make decisions based on what we  
6 determine inside the apartment?

7           So my conversations with Officer Quackenbush  
8 were try to engage him in as much conversation as we  
9 can. Let's see if we can determine, is he suicidal?  
10 What is his demeanor like? Is he despondent? Can we  
11 decide, is he intoxicated? Can we hear the kids in the  
12 background? Do they sound like they are happy? All  
13 those kinds of things we need to get out of that phone  
14 call.

15           Q Let me ask you -- moving up the time, but let  
16 me ask you about your awareness that Aaron Campbell had  
17 actually left his apartment. Did you become aware of  
18 that?

19           A Yes.

20           Q And how did you become aware of that?

21           A I heard officers who were out -- officers who  
22 were here behind this vehicle. So I guess it would be  
23 this police car right here. I was in the alcove. I  
24 heard the officers back here, say something to the  
25 effect of, "He's out." That was the first I heard of

1 it.

2 Q And could you see him with your eyes?

3 A I could. I didn't see him come out. I didn't  
4 see him until he was out in this area here, away  
5 from -- probably about right here. I didn't see him  
6 come out of the apartment. I didn't see him clear this  
7 car. I saw him as he was out here somewhere.

8 Q All right. And I'm looking, ladies and  
9 gentlemen, for reference at page four of the CAD  
10 printout. Are you involved in sending out those  
11 messages?

12 A Let's see, well, there is just one listed --  
13 I've not seen him. The things that talk about, "The  
14 blinds open up. He is looking out," I have no  
15 reference for that.

16 Q Where are you?

17 A I am advised on the radio that he is being  
18 compliant. And then he has -- it's right there at  
19 1807:59.

20 Q That's what I wanted to ask you about. So  
21 your number is what?

22 A 3610 afternoon is my designator.

23 Q 3610 afternoon. Can you wait one second just  
24 so I finish the train of thought. Is that something  
25 you put out over the air, "Compliance so far,"

1 something to that effect?

2 A "Compliance so far" and then just a few  
3 seconds later, "Bean bag deployed."

4 Q So let me just ask you: Of course, you are  
5 down at this alcove area. But what -- what is it that  
6 you saw that led you to put that out, "Compliance so  
7 far"?

8 A Well, my first -- the first thing that I saw  
9 was him. He was standing facing away from the  
10 officers -- at their direction, I'm sure. He was  
11 walking backwards towards them. He had his hands up  
12 behind his head. His hands weren't interlaced.

13 When we ask people to interlace their  
14 fingers, we like them to be interlaced tight. It  
15 allows us to be able to control their hands with one  
16 hand versus having two hands. His we're kind of  
17 fingertips touching. Kind of maybe here, somewhere in  
18 here.

19 And so he was walking back towards them, and  
20 that was my -- when I put out, "He's being compliant,  
21 he's moving" and then --

22 Q And may I ask was that an assumption on your  
23 part, or was that based on actually hearing an order  
24 for him to do that?

25 A My -- my assumption was he was being

1 compliant, because he was moving. He was doing what I  
2 know officers would have given him direction to do,  
3 "Put your hands on the back of your head, walk  
4 backwards to the sound of my voice." That to me, he is  
5 doing those things, means he is being compliant.

6 At the point where those things stop, to me,  
7 that enters into the area of noncompliance. There is  
8 all different levels of that.

9 Q So what happens then in terms of what you see  
10 and hear after this initial exit from the apartment?  
11 What happens?

12 A I see him in compliance and he is walking  
13 back, his hands behind his head. And then he stops.  
14 And I -- I have my attention diverted -- I don't  
15 remember if I was talking to Officer Quackenbush or I  
16 looked back, but there is a couple of seconds there  
17 where I look away from him and then I look back, and  
18 then I hear a bean bag round being fired. And I  
19 actually broadcast right down below, next entry, "Bean  
20 bag was deployed." I broadcast that.

21 Q Okay. And could you hear any commands from  
22 the officers as far as what they are telling him?

23 A I heard yelling from the officers. And what I  
24 heard was, "Get your hands up." And what I took that  
25 to mean was -- one of two things. I looked away, and

1 so I didn't know if that meant he brought his hands  
2 back down and then they were ordering him to put his  
3 hands back up. And then -- or it meant to me they  
4 wanted his hands up higher, not just behind his head,  
5 but actually physically all the way up.

6           Either one of those is a reasonable command  
7 based on where they were at in the custody procedure.  
8 If he had gotten back to the point where he was and  
9 they decided -- typically, they would tell him to put  
10 his hands all the way up straight in the air and they  
11 would either have him turn around 180 degrees to face  
12 them or they would have him do a complete 360-degree  
13 rotation and then turned around. The point of the  
14 purpose of rotation is to be able to see anything that  
15 might be concealed under his -- in his waistband, that  
16 if you lift your hands all the way up, it will cause  
17 your sweatshirt or shirt to lay -- it changes the way  
18 your clothing lays on the body. You are able to see  
19 bulges better. So either one of those is possible.

20           Q    So, as you are watching this situation evolve,  
21 was it your perception that this person was remaining  
22 in compliance, or did it appear that he was not  
23 remaining in compliance?

24           A    Well, because of the way -- the way that the  
25 voices of the police officers escalated -- the voices

1 were pretty consistent as they are giving him commands.  
2 But because of the way that the voices escalated and  
3 the volume escalated, it told me -- even though I  
4 didn't know exactly what, it told me he was out of  
5 compliance. Whatever they were asking him to do, he  
6 was out of compliance.

7           So if they were telling him to lift his hands  
8 back up, put his hands back up, they knew something had  
9 gone -- something wasn't going exactly how they wanted  
10 it to. Then the bean bag rounds confirmed to me he was  
11 not following directions.

12           Q    What did you observe happen?

13           A    Well, I observed -- I heard the bean bag  
14 round. I saw the impact -- I saw the round hit, strike  
15 him, and then I heard more rounds. And then I saw his  
16 hand come down, and I saw him start to run, the bean  
17 bags continue to be deployed as he was running.

18           Q    All right. And were you aware that a lethal  
19 round was fired?

20           A    I was aware after -- I heard -- I heard at  
21 least -- I'm going to say three or four bean bag rounds  
22 before I heard the lethal round. But, yeah, I knew  
23 there was a difference. I heard the lethal round was  
24 fired, because the two sounds are real distinctive from  
25 each other.

1           Q    Did you identify who had fired the lethal  
2 round?

3           A    I did. It took me a couple seconds. I left  
4 the alcove, went to where the officers were and  
5 confirmed -- I just confirmed -- I said, "Somebody  
6 fired a lethal round" or "Was that a lethal round?"  
7 Somebody said, "Yeah, it was a rifle." I double  
8 checked, "Ron Frashour," I said, "is that you?" He  
9 said, "Yeah."

10           MR. REES: All right. Any questions  
11 about that?

12           JUROR: Just because I know virtually  
13 nothing about police affairs and situations like this,  
14 we kind of got spoken to a little bit about training.  
15 But as far as commandings in situations like this, if I  
16 understand this right, there is two sergeants, one of  
17 them being you, and a Lieutenant and a Captain. How --  
18 how is commands generated is that scenario like this?  
19 Are lower-ranking officers obliged to comply with like  
20 a -- your orders, meaning -- I'll just cut to what I  
21 really want to ask, which is like was there an  
22 understanding before any rounds were fired, based on  
23 the text messages, about how to handle what would  
24 happen if he did come out?

25           THE WITNESS: There was no -- there was

1 no direction given to the officers out there on if he  
2 comes out. There was no -- I didn't -- I didn't give  
3 any direction to the officers; "If he comes out, then  
4 X".

5 JUROR: Right.

6 THE WITNESS: I didn't give that  
7 direction. The implied direction would be if he comes  
8 out, we want to take him into custody as safely as  
9 possible. That's the goal.

10 JUROR: Right.

11 THE WITNESS: There was some discussion  
12 amongst Sergeant Reyna and I about if he comes out, are  
13 we going to allow him to go back into the house if he  
14 chooses not to comply? We never -- there was just a  
15 discussion. We never did come to an agreement. We  
16 never did come to an answer. There was no -- there was  
17 just a discussion about it.

18 Do you want more answer to your question?

19 JUROR: No. You totally answered my  
20 question except it leads me to something else, which is  
21 that one of the previous officers said that you had  
22 been texting with the victim.

23 THE WITNESS: Right.

24 JUROR: And the woman had come out. The  
25 kids had come out, and there was a discussion about

1 whether or not you were even going to stay on scene?

2 THE WITNESS: Uh-hum.

3 JUROR: That's true?

4 THE WITNESS: That is true.

5 JUROR: And in the scenario that actually  
6 did happen, just because I don't know how officers can  
7 act on their own, they don't need to wait for anyone to  
8 say something in order to shoot any kind of round; is  
9 that correct?

10 THE WITNESS: Well, that -- that's true.  
11 The decision -- the decision to fire either a lethal  
12 round or less-lethal round -- in this case a bean  
13 bag -- lies with the operator -- each individual  
14 operator. And the training part of the Police Bureau,  
15 we train our folks to where we set a standard for them  
16 based on threat level, and it's that point where that  
17 Officer believes that their life or somebody else's  
18 life is in danger or that that use of force is  
19 necessary to accomplish the goal that the police have  
20 set.

21 And so Officer Lewton decided, you know,  
22 he had the right to decide at some point that the  
23 subject was not being compliant and that less-lethal  
24 round was going to give him -- was going to encourage  
25 compliance. And Officer Frashour the same thing with

1 his lethal round.

2 MR. REES: Okay. Thank you.

3 CRAIG ANDERSEN,

4 Was thereupon called as a witness on  
5 behalf of the State and, having been first duly  
6 sworn, was examined and testified as follows:

7 EXAMINATION

8 BY MR. BANFIELD::

9 Q Can you please state and spell your full name?

10 A My name is Craig Andersen, C-R-A-I-G,  
11 A-N-D-E-R-S-E-N.

12 Q How long have you been a member of the  
13 Portland Police?

14 A About four years.

15 Q And what are your current duties?

16 A I work patrol at North Precinct on afternoon  
17 shift.

18 Q And can you just tell us a little bit about  
19 your background, a little bit about your training and  
20 experience?

21 A Uhm, the -- the training I received is  
22 initially we go to the Basic Academy. And after the  
23 Basic Academy, I went to the -- I was on the street for  
24 about ten days, began the FTAP, the field training  
25 program.

1                   And from there, I went to the Advanced  
2 Academy. That was approximately 18 weeks for me. Then  
3 after that I went back to the street where I finished  
4 my field training program.

5           Q     And did you respond to the Sandy Terrace,  
6 12800 N.E. Sandy on January 29th?

7           A     Yes, I did.

8           Q     And where were you when the call came out?

9           A     I was at approximately Grand and Broadway.

10          Q     And who were you with?

11          A     I was with Officer McAllister.

12          Q     And what general information did you receive  
13 before you responded to the call?

14          A     Uhm, we -- I was aware that the call had been  
15 going on for quite sometime before -- before we --  
16 before we responded. And then once we were dispatched  
17 by radio, I just started trying to slog through the  
18 call on our MDC and had looked at what -- what had --  
19 what kind of was transpiring.

20                   The information I received was that there was  
21 a subject out there that had made threats of killing  
22 himself, and he had some history of gun -- of assault  
23 with handguns.

24          Q     And why did you respond to the call?

25          A     They -- I believe the Sergeant on scene

1 started asking for more -- for more assistance, and  
2 then Radio actually dispatched us.

3 Q See, we have a diagram back there. Using that  
4 diagram, where did you come in from? Which direction?  
5 Or if you want to, there is also a photo behind here.

6 A Oh, this is okay.

7 Q Okay.

8 A Uhm, we initially came in and parked somewhere  
9 right here and actually contacted Officer Lewton, who  
10 is somewhere in this vicinity. And then he advised us  
11 to come around -- come around to over here to where we  
12 could get eyes onto the front of the apartment in  
13 question, No. 37.

14 So Officer McAllister and I were -- this is  
15 actually another apartment complex over here, and there  
16 is actually like a parking -- like a place to park  
17 there, a covered parking. We are kind of back in here  
18 somewhere.

19 Q So you arrive on the scene and you spoke with  
20 Lewton?

21 A Yes.

22 Q What information, if any, did you receive from  
23 Lewton or any of the other officers on scene when you  
24 got there?

25 A Didn't really receive any information. He

1 just sent us over here, which I think he cleared that  
2 with Sergeant Reyna before he sent us over there.

3 Q Now, how long after you arrived did you see  
4 the suspect coming out of the apartment?

5 A Uhm, to me, it seemed like it was pretty  
6 quick. I'm guessing eight to ten minutes.

7 Q Now, were you there when the children came --  
8 the kids came out?

9 A No. We arrived --

10 Q After that?

11 A Prior -- or post that.

12 Q So describe your vantage point. Were there  
13 any obstructions to your view? How well could you see  
14 the area?

15 A Uhm, it seemed like, if I recall correctly,  
16 that there was some cars and dumpsters and some other  
17 stuff kind of in the way. We could see the front door  
18 fairly well, and -- but -- it's back through here is  
19 where our view started to get limited.

20 Q Okay. There is a photo right down in there.  
21 Is that kind of from where your vantage point was or  
22 no?

23 A Uhm, which -- I'd have to know. Because  
24 obviously they all look the same from the front. Is  
25 that No. 37 or is that No. 37?

1 Q To the left.

2 A To the left? So we would have been kind of  
3 over here.

4 Q Okay. Now, what was going on before he came  
5 out? Were you communicating with the other officers?  
6 What were you doing before he came out?

7 A No, there wasn't much communication going on.  
8 We had heard over the radio that they -- that they were  
9 having some kind of communication with the subject  
10 over -- if I recall correctly, text messaging him and  
11 some sort of cell phone communication. So we were  
12 totally out of that.

13 Q You weren't privy to any of that  
14 communication?

15 A No, beside -- yeah.

16 Q And it was just you and McAllister together?

17 A Yes.

18 Q Now, was your -- go ahead.

19 JUROR: Would your numerical designation  
20 on this be 2657A?

21 THE WITNESS: No. It's 674.

22 JUROR: Page four.

23 BY MR. REES::

24 Q So, what was your initial reaction when you  
25 saw the subject coming out?

1           A    Sort of surprised, but it -- and we -- we  
2 actually were trying to get a better vantage point and  
3 trying to move forward so we could get a better view of  
4 him.

5                    We saw him come out of the -- out of the  
6 apartment No. 37. His hands were on his head -- it  
7 appeared they were on his head and he was walking  
8 backwards. And then when he came into sight of the  
9 officers, the officers -- we could hear them giving him  
10 commands.

11           Q    What commands could you hear?

12           A    I heard them say -- I believe I heard them say  
13 to come back to the sound of their voice. Then after  
14 that, it became distorted to me, because I was watching  
15 the subject. I heard their commands get louder and  
16 louder, because the subject started to run backwards  
17 towards them swiftly.

18           Q    With his -- still turned -- back turned to  
19 them?

20           A    Yes.

21           Q    You said he was running backwards towards  
22 them?

23           A    Yes.

24           Q    Now, how far away from the subject were you at  
25 this point?

1           A    I would say at least a hundred feet, taking a  
2 guess. At least a hundred feet. It seemed like a  
3 pretty good distance.

4           Q    Now, could you see his face or the front of  
5 his body from your vantage point?

6           A    We had like a side view.

7           Q    So you couldn't see the front of his body?

8           A    No, not the complete front of his body.

9           Q    Now, did you hear the subject respond to any  
10 of the verbal commands?

11          A    No. I -- I can't say I heard any kind of  
12 verbal from the subject.

13          Q    So, tell us what you remember, starting from  
14 when he first came out.

15          A    I recall he comes out, and he's moving rather  
16 quickly. He comes around the corner, because he was  
17 kind of -- the door is kind of an alcove. And it seems  
18 that he starts backing up rather swiftly towards them.

19                    I hear their commands getting louder and  
20 louder and louder. And then I hear what I believed  
21 were approximately three bean bag -- less-lethal bean  
22 bag rounds kind of in succession. And after the first  
23 one, it appeared to me that the subject dropped his  
24 hands and started to move -- move the opposite  
25 direction now back towards the apartment. And then

1 that's when -- then there is like a second bean bag,  
2 third bean bag and then what I believed to be a lethal  
3 shot, and then the subject went out of our sight.

4 Q Did you see the K9 deployed at any time?

5 A No, I did not see the K9.

6 Q Did you see the K9 get on the body at any  
7 time?

8 A No.

9 Q Okay. After the lethal shot, then what do you  
10 remember?

11 A I just remember hearing the radio  
12 transmissions, the Sergeant saying, "Shots fired,"  
13 Asking for Code Three medical to stage. And then I  
14 remember the officers over on the far side giving  
15 him -- giving the subject commands. It didn't appear  
16 there was any kind of response from the commands. And  
17 then I knew over the radio they asked for SERT -- for  
18 SERT to respond.

19 Q Now, when he was first -- when you first heard  
20 the bean bag rounds, you saw him going back towards the  
21 direction he came; is that right?

22 A Yes.

23 Q Could you see what his hands were doing?

24 A Alls I could see, because of some of the  
25 obstruction and it's kind of up on a hill, I could just

1 see -- I just saw his hands drop. I couldn't see any  
2 more than that.

3 MR. BANFIELD: Folks, any questions?

4 JUROR: From where you guys were, would  
5 you say your -- I'm not entirely clear where you said  
6 you were.

7 BY MR. BANFIELD::

8 Q Can you show him again?

9 A Absolutely.

10 JUROR: Please show me and then give me  
11 your best guess to how close you were to this guy.

12 JUROR: Excuse me there is a photograph  
13 underneath that shows Darrin -- Derrick -- Darrin.

14 JUROR: Darrin's Place?

15 BY MR. BANFIELD::

16 Q This would be Darrin's Place. This would be  
17 Sandy Terrace?

18 A So this is actually perfect. This parking  
19 structure here, it's just a covered parking. We were  
20 probably about back in here under the structure.

21 JUROR: On the other side of that blue  
22 wall?

23 THE WITNESS: Well, we would have been  
24 underneath this blue wall.

25 JUROR: So if this had been a picture

1 while you were there, we wouldn't be able to see your  
2 car?

3 THE WITNESS: No, no. Our patrol car was  
4 parked back here.

5 JUROR: You were standing in there?

6 THE WITNESS: And we were standing up  
7 here.

8 JUROR: Thank you.

9 JUROR: And how far do you think you are  
10 from Campbell at this point? Just your estimation how  
11 close you are.

12 THE WITNESS: I would guess at least a  
13 hundred feet, at least, if not a little bit further.

14 JUROR: And from where you are, when you  
15 see him with his hands over his head, can you see his  
16 waistband?

17 THE WITNESS: No.

18 JUROR: Because you are not close enough  
19 or you just don't remember it, it was concealed?

20 THE WITNESS: It was -- partially  
21 probably because of the lighting. And like I said,  
22 this is actually kind of the hump up here. This is  
23 raised, so we could only kind of see like -- it seemed  
24 to me like his upper half for the most part.

25 JUROR: Okay.

1 THE WITNESS: Then when he was going  
2 back -- through here, we're kind -- it's intermittent  
3 views between the trees and the bushes and whatnot.

4 JUROR: Thank you.

5 JUROR: This may just be my notes:  
6 Between -- you had seen him with his hands behind his  
7 head and you saw him stop; is that correct? Or did I  
8 just make that up? Did you see him stop moving towards  
9 the officers?

10 THE WITNESS: No. It appeared to me that  
11 he like -- once he came out, he continued moving.

12 JUROR: So then he was still moving when  
13 he got bean bagged?

14 THE WITNESS: I don't recall. That's  
15 kind of one of those areas where he was kind of out of  
16 my sight. I heard the bean bag, and then I saw him  
17 drop his hands and then he was coming back towards the  
18 apartment.

19 JUROR: So the hand drop came after the  
20 bean bag shot, as far as you can tell?

21 THE WITNESS: I -- I -- it was kind of  
22 like consecutive.

23 JUROR: All right. Thank you.

24 MR. BANFIELD: Thank you very much.  
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TYRONE WILLARD,

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Was thereupon called as a witness on behalf of the State and, having been first duly sworn, was examined and testified as follows:

BY MR. BANFIELD::

Q And would you please state and spell your full name, please?

A My name is W-I-L-L-A-R-D, T-Y-R-O-N-E.

Q Officer Willard, how long have you been a member of the Portland Police?

A Three-and-a-half years.

Q And what are your current duties?

A I'm assigned to East Precinct afternoon shift as a patrol officer.

Q And just briefly for the Grand jurors, can you give us an idea of your background as an officer, your training and experience?

A Sure. I was hired three-and-a-half years ago, was initially sent to the Basic Police Academy in Salem Oregon, was down there for ten weeks. I spent about a year or so on -- through training process throughout the Bureau, going to different precincts and being trained by a variety of field training officers; and went to an Advanced Academy and was there for about 18 weeks with the Portland Police Bureau.

1 Q And what are your current, I guess -- what do  
2 you do as a patrol officer?

3 A Respond to 911 calls. When someone calls 911,  
4 that's where I come into play. I get dispatched to  
5 those calls, a very large variety, style of calls.

6 Q Now, on January 29th, you responded to the  
7 Sandy Terrace at 12800 N.E. Sandy, correct?

8 A Yes.

9 Q Where were you when the call first came out?

10 A I was behind the wheel of my patrol car,  
11 marked patrol car. I was in the parking lot of Taco  
12 Bell at 122nd and Glisan trying to eat some food before  
13 we get dispatched to another call.

14 JUROR: Was this in response to a 911  
15 call that you were -- that you were called?

16 THE WITNESS: While at Taco Bell?

17 JUROR: Yeah.

18 THE WITNESS: No. I was just eating.

19 JUROR: 911, I have to have lunch? I  
20 mean when you went to Sandy Terrace?

21 BY MR. BANFIELD::

22 Q Why did you respond?

23 MR. REES: Before you answer that  
24 question, if I can interrupt, off the record.

25 (Short recess taken.)

1 BY MR. BANFIELD::

2 Q Foreperson, of course, you are still under  
3 oath. So I guess I left off we were talking about why  
4 did you respond to this call or where were you when you  
5 responded to this call? You were in Taco Bell?

6 A Yes, in the parking lot.

7 Q Eating some food. And who were you with?

8 A Frashour, Officer Frashour was my partner that  
9 day. He was seated to my right in the patrol car.

10 Q I think the question was why -- what kind of a  
11 call was it that you were responding to, do you know?  
12 Was it a 911 call?

13 A First of all, Officer Frashour was in East  
14 Precinct. This happened on North Precinct on a  
15 separate dispatch. Dispatch came onto our net and  
16 asked if anybody with an AR-15 was available to respond  
17 to a call in North Precinct. That's when Officer  
18 Frashour keyed up and said, "Show us in route." And at  
19 that point, I began driving Code Three northbound on  
20 122nd to head to the call location. We switched over  
21 to their net. At this point, we didn't have any clue  
22 what was going on.

23 Q Was there a point where you received  
24 information before you arrived on scene?

25 A Yes. The call came up onto our computer

1 screen. While I was driving, Officer Frashour briefly  
2 read through the entry of the call and --

3 Q Do you recall what he read through or what  
4 information, general information you had?

5 A General information I got, a guy inside of  
6 apartment, suicidal, handgun and possibly kids in the  
7 apartment or something like that.

8 Q Did you have an opportunity to review the CAD  
9 or --

10 A No, I didn't read anything on the screen, just  
11 he told me 128th and Sandy. I headed north.

12 Q How long did it take before you arrived?

13 A Maybe four or five minutes I guess.

14 Q And using the diagram behind you -- or if this  
15 one is better at a later time, let us know, I can  
16 switch them out -- where did you arrive on scene?

17 A Is it okay if I stand?

18 Q Yes, please, stand to the side.

19 A We pulled up, and I parked my patrol car right  
20 about here where this white car is. Both of us got  
21 out. I saw an Officer Burns, who I recognized from the  
22 Academy. We both -- Officer Frashour and I ran over  
23 and took a spot right somewhere over here. There is  
24 two officers from North Precinct already standing  
25 there.

1           Officer Frashour decided that we would be  
2 best used onto the east side of the apartment complex.  
3 So we ran around, and there is a patrol car.

4           Q    Why don't we use this one for that?

5           A    There it is.

6           We ran around over here, and Officer Frashour  
7 took a position right behind the engine block of the  
8 vehicle, focused on this unit right here. There is two  
9 windows right here on the unit that we fixated on.

10           And I was standing -- it was quite awhile  
11 kneeling down behind the vehicle.

12           Q    Just keep going. In relation to where  
13 Frashour and Lewton, perhaps, where were you?

14           A    I was standing right between the two. Officer  
15 Lewton was to my right -- well, when we first got  
16 there, everyone kind of shifts and moves around, your  
17 knees start aching from kneeling down on the concrete,  
18 certain body parts go numb, it seems like. But  
19 eventually, uhm, you know, overall I remember standing  
20 there with Lewton, Kemple, Frashour. And Officer Elias  
21 with his dog took a position over behind the recycling  
22 large metal bins. And there was a street light right  
23 above him that was illuminating us all, which is a  
24 tactical nightmare, in my opinion.

25           Q    What information did you receive? You said

1 you didn't have much before you got there, but when you  
2 got there, what information did you receive?

3 A Once we knelt down behind this vehicle here,  
4 the patrol car, I believe it was Kemple that informed  
5 me that we're dealing with a guy in this unit. I  
6 already knew it was 37. He pointed it out in reference  
7 to a satellite dish that was right here. So I knew  
8 what I was looking at. I knew that he was making  
9 suicidal statements, death-by-cop scenario and that  
10 there were children -- there was potentially children  
11 inside of the unit, which is a huge concern to us.

12 Q And were you aware that Quackenbush was  
13 communicating with the subject inside the unit?

14 A I new somebody was. I knew that there were  
15 some sergeants that were in this -- some command staff  
16 were over here. I have never been to North Precinct,  
17 so even though it's my same agency, it's different  
18 people. I don't know who -- who the command staff was.  
19 But they were texting or calling. I knew that they  
20 were trying to communicate to him in some fashion.

21 Q So you knew that there was some command,  
22 somebody in command, but you didn't know who they were  
23 at this time?

24 A Yes.

25 Q And you didn't know who was communicating?

1           A    I did not know.

2           Q    Now, how long after you arrived and took up  
3 position behind the car did -- did you see a female  
4 exit the apartment or did a female exit the apartment  
5 when you arrived, when you were there?

6           A    The kids.

7           Q    You saw the kids. Did you see a female exit  
8 before the kids?

9           A    No, I didn't.

10          Q    Okay. How long after you arrived and took a  
11 position behind the vehicle did you see the kids come  
12 out?

13          A    It seemed to me maybe 15 to 20 minutes before  
14 I noticed two little kids come walking out right here,  
15 coming around this vehicle, really little kids. I  
16 keyed up on the air and let dispatch know, "946, two  
17 small children are coming out." And then I saw a  
18 third, that looked maybe a year old, like the little  
19 kid just learned how to walk. I keyed up again and let  
20 dispatch know there is actually three coming out.

21                   The two older of them walked this way and an  
22 officer or a sergeant ran over and scooped them both up  
23 and turned and ran. The little one holding a stuffed  
24 animal was just walking really slowly up here.

25                   And I ran back over behind one of these cars

1 here, and another officer ran up and snagged up the  
2 littlest one and turned and ran.

3 As soon as I saw all three were out of, you  
4 know, this hot area, I took a position back behind the  
5 vehicle again next to Officer Frashour and Officer  
6 Lewton.

7 Q And what happened after that?

8 A We waited. I continued staring at the two  
9 front windows. At different points I thought maybe I  
10 saw a movement in the window, but I couldn't  
11 differentiate if it was actually some movement inside  
12 or a reflex off of the window at that time.

13 Q And how long did you wait?

14 A Maybe half-hour or so. Later, when we saw --  
15 I saw -- everyone else saw an individual come walking  
16 out, come straight out, he was walking backwards with  
17 the hands on top of his head, fingers were interlaced  
18 walking very quickly. For me it startled me.  
19 Normally, when I -- I have pointed my gun at people  
20 before and called out commands, and most show their  
21 body language that they are in fear of their life.  
22 They move slowly and they are fearful, because there is  
23 weapons being pointed at them.

24 He wasn't -- his body -- he was acting as if  
25 he was in charge, come out really quick. His movements

1 were reckless, careless and got right here, turned and  
2 started walking backwards quickly. That's when Officer  
3 Lewton started calling out commands to him. We're  
4 trying to slow the situation down. At this point, we  
5 don't want anything to be going fast. We want to slow  
6 it down, keep it safe and orderly.

7           And he just walked straight back towards our  
8 patrol car, and Officer Lewton is telling him to,  
9 "Stop. Keep your hands up." Uhm, he ended up stopping  
10 somewhere out here-ish in front of the patrol car. And  
11 Officer Lewton said, "We believe you have a weapon. If  
12 you reach for that weapon, you may be shot. Do you  
13 understand?" Most people give an answer to that,  
14 "Yes". He's facing away from me and us, had his hands  
15 on top of his head and he brings his hands apart, and I  
16 saw -- first saw his face as he looked at me, as he  
17 look through the arm here looking at me. And he said,  
18 "Shoot me, just fucking shoot me." And he said it a  
19 couple times.

20           JUROR: You are absolutely positive that  
21 officer Lewton said, "We believe you have a weapon"?

22           THE WITNESS: Yes, absolutely. "We  
23 believe you have a weapon. If you reach for the  
24 weapon, you may be shot. Do you understand?" It's  
25 something we're all trained to do verbatim. If Lewton

1 was not the one giving commands, it was me, I would  
2 have said the same thing.

3 So he comes back here. Even when he was  
4 walking backwards with Officer Lewton yelling out  
5 commands, I could tell that he was saying something.  
6 There was an angry sounding tone of this individual  
7 coming out. He was mumbling something. But the only  
8 time I heard him actually say something is when he  
9 brought his hands off his head, turned his head and  
10 said, "Just shoot me, effing shoot me."

11 Q You said he had an angry tone. What was his  
12 tone like when he said, "Shoot me, just effing shoot  
13 me"?

14 A Well, his eyebrows were furrowed down. His  
15 tone was almost yelling at us, looked very mad, very  
16 distraught. He wasn't following Officer Lewton's  
17 commands of keeping his hands up.

18 He started reaching back towards, just  
19 dropping this area. That's when Officer Lewton fired,  
20 I believe, two rounds of less-lethal bean bag rounds,  
21 hitting him in the back -- back or the side area. And  
22 that's when he started sprinting straight line towards  
23 this direction, right back towards his unit, his  
24 Apartment 37.

25 While he was running, I remember him reaching

1 back and doing something in this fashion, reaching for  
2 something. I don't know what he was reaching for.

3 JUROR: You are gesturing with both  
4 hands. Was he doing this with both hands?

5 THE WITNESS: Yeah, both hands were  
6 coming down towards this section right here.

7 BY MR. BANFIELD::

8 Q And after you saw that motion, what happened?

9 A So I see the two rounds or hear the rounds to  
10 my right of shotgun rounds, less-lethal, boom, boom,  
11 and then to my left I hear maybe one or two rifle shots  
12 from the AR from Officer Frashour. And at the same  
13 time I see Officer Elias' dog sprinting after the guy.  
14 And he fell right in front of this vehicle, and the dog  
15 got to him right as he fell and started biting him.

16 Q Did you ever get a shot of the front portion  
17 of his body?

18 A The most I got was when he turned, maybe at  
19 this angle.

20 Q Okay. And what was he wearing? Do you  
21 remember what he was wearing?

22 A He had a baggy -- I believe it was a hooded  
23 sweatshirt, zip-up style, baggier. I remember there  
24 being white tennis shoes. For some reason I can  
25 picture that and darker pants. I'm wanting to say

1 jeans. I'm not exactly sure.

2 Q Now, what was your thought process or your  
3 analysis of the situation as he is backing up and you  
4 are saying, "He is backing up quickly and not listening  
5 to commands"? What is your thought process and  
6 analysis at this time?

7 A My fixation, my eyes are focusing on his  
8 mid-section. Most people I deal with, when I have  
9 found guns on people, they are in here (indicating).  
10 So I'm looking for that.

11 Uhm, once again, I go back to the fact that I  
12 have pointed my gun at people and have said, you know,  
13 "Stop. Make a side step to the left, walk back to the  
14 sound of my voice." I'm calling out commands, and they  
15 do it so carefully because they don't want to die. I  
16 mean literally, I mean, they know their life is in our  
17 hands, my hands.

18 He wasn't listening to commands. He was --  
19 it just gave me -- I don't know, I guess, it --  
20 something didn't seem right. He was not in fear of his  
21 life.

22 MR. BANFIELD: Questions?

23 JUROR: When he's got his hands behind  
24 his head, maybe -- is his hoodie raised up enough that  
25 you are able to see his waistband?

1 THE WITNESS: With his hands up like  
2 this, the shirt came up -- the jacket came up to about  
3 his belt. I didn't have a clear picture of what was  
4 inside. I was definitely looking for it.

5 At one point I thought I saw something  
6 over here. Lighting was dark. We had a spotlight here  
7 and this street light. But I was looking -- I couldn't  
8 see a clear shot. With the bagginess of his sweatshirt  
9 flopping around back there, I did not have a clear --  
10 personally, I did not have a clear sight, line of  
11 sight.

12 JUROR: Where was his belt? A lot of  
13 kids wear their belts pretty low.

14 THE WITNESS: Uh-hum.

15 JUROR: Did he have his belt at his  
16 natural waist line like you do, or was his belt halfway  
17 down his butt?

18 THE WITNESS: His was sagging a little  
19 bit more. I don't remember -- I can't testify that I  
20 know for a fact he was wearing a belt.

21 JUROR: Okay. Waistband?

22 THE WITNESS: Sure. I mean, I've seen  
23 many where it's down here and they are pulling it up.

24 JUROR: I don't know how they walk.

25 THE WITNESS: He wasn't sagging a whole

1 lot. His mobility -- he was moving pretty quick back  
2 towards us.

3 JUROR: Thank you.

4 JUROR: What color was his jacket or  
5 sweatshirt?

6 THE WITNESS: My mind, I want to say a  
7 dark colored, maybe a gray, a dark gray.

8 MR. BANFIELD: Thank you.

9 JUROR: Thank you very much.

10 MARK SLATER,

11 Was thereupon called as a witness on  
12 behalf of the State and, having been first duly  
13 sworn, was examined and testified as follows:

14 BY MR. BANFIELD::

15 Q And can you please state and spell your full  
16 name?

17 A It's Detective Mark Slater. Mark with a K and  
18 S-L-A-T-E-R.

19 Q And Detective Slater, how long have you been  
20 with the Portland Police?

21 A Since 1993.

22 Q And how long have you been a detective?

23 A I have been a detective for seven years and in  
24 Homicide for three to four years.

25 Q And can you just give us a little bit of your

1 background as an officer, tell us a little bit about  
2 your training and experience?

3 A I worked on the street as a patrol officer  
4 primarily North Portland for about ten years. And  
5 promoted -- after getting promoted, I went to  
6 Detectives, where I worked at various assignments from  
7 auto theft to child abuse to robbery, assault and  
8 eventually I have been in Homicide for the past several  
9 years.

10 Q And you responded to the Sandy Terrace on  
11 January 29th of this year, correct?

12 A Yes, I did.

13 Q And where were you when you received the call?

14 A At home.

15 Q And so you were off?

16 A Off duty at home, yes.

17 Q And why were you called?

18 A I was on call with my partner Eric Kemper as  
19 the up team for the Homicide Detail if any calls came  
20 in. The two of us are primaries. We get paged out to  
21 the scene.

22 Q And what information did you receive before  
23 you responded to the scene?

24 A The text on my pager just told me to respond  
25 to 12800 N.E. Sandy Boulevard. I think the text was

1 "officer-involved shooting". And it come up on the  
2 Nextel. I got on the phone and talked to my  
3 supervisor, who asked I respond to that location, so I  
4 did.

5 Q And tell us, when you arrived, what was the  
6 scene like?

7 A It was -- I see crime scene tape up along the  
8 apartments along Sandy Boulevard, and there are a lot  
9 of police cars everywhere, a lot of police personnel,  
10 police cars. Everyone is kind of discussing what the  
11 plan was from that point.

12 Q Were you briefed on what happened?

13 A Yes.

14 Q And who briefed you on that?

15 A Lieutenant Lee gave a briefing, an initial  
16 briefing with the detectives who were there.

17 Q What information did you guys receive?

18 A Briefly, it was that there was a situation  
19 where there was a subject in an apartment who was  
20 armed -- information who was armed with a handgun and  
21 there was information about three small children who  
22 were possibly being held hostage inside the location.

23 I learned that there was also a female in the  
24 house, an adult, who came out and there were kids who  
25 also came out and that there were less-lethal rounds

1 fired at the suspect and shortly after that there was  
2 a -- one shot fired from an AR-15 rifle and the subject  
3 was deceased in the parking lot.

4 Q You said you and your partner were primary to  
5 respond; is that correct?

6 A We were primary, yes.

7 Q What is your primary role as a detective when  
8 you respond to a homicide scene like this?

9 A We oversee the entire investigation. In this  
10 case, my partner, Eric, was the lead, and I'm his  
11 assist on the case. Next one that comes in, I'll be  
12 the lead and he will assist me. So it's gathering  
13 information from every source and compiling the entire  
14 case book for the District Attorney's Office.

15 Q Okay. And part of that gathering of  
16 information, does that include searching?

17 A Yes. Yeah. Everything; gathering  
18 information, we search everything, we're included in  
19 the searching. Everyone briefs us from what they  
20 learned from talking to the people at the scene, what  
21 they found, what they saw. We get all the information.

22 Q Were you actually involved in the search of  
23 Angie Jones' home, apartment?

24 A Yes.

25 Q And what did you find when you searched her

1 apartment?

2 A In the kitchen, I -- I -- four of us searched  
3 the apartment. I searched the kitchen area first. It  
4 was a mess. In the garbage I found several little  
5 small wine bottles, little like travel size, empty  
6 ones.

7 And then near the front door there is like an  
8 entry closet, and then just a few feet from there was  
9 like a linen closet. And on the top shelf of a linen  
10 closet was an open-top box, like for a VCR maybe. I  
11 looked on top of it and I saw a white sock. I had  
12 prior information that the gun could be located in a  
13 white sock. I see the white sock, and so I got up and  
14 looked down the end of the sock and I could see the  
15 barrel of what appeared to be a gun to me.

16 So I -- I felt with my hands, like tapped,  
17 and I could feel it was a hard object about the shape  
18 of a small handgun. So I had people come in,  
19 photograph it in place, and then my partner recovered  
20 it from the shelf and made it safe.

21 JUROR: Did you have to have a search  
22 warrant to go in her apartment, or did she give  
23 permission?

24 THE WITNESS: She gave permission, yes.

25 BY MR. REES:

1 Q I'm just going to show a series of  
2 photographs.

3 A That's exactly it. There is the box. The  
4 front door is just right around the corner right there.

5 Q Again, that's a shot of the --

6 A Yeah, there is the open box. The top shelf of  
7 the linen closet and that's the box. You can just kind  
8 of make out the edge of the sock.

9 And there is a closer look. That's what I  
10 saw when I looked at it. You can see the end of the  
11 barrel sticking out of the sock.

12 Q And then finally?

13 A That is the gun. It's a Beretta .22.

14 Q And what did you do with the gun after -- or  
15 you didn't do?

16 A My partner, Eric, made it safe and it was  
17 collected by the Forensic Evidence Division.

18 Q What do you mean by "making it safe"?

19 A Uhm, took the magazine out of the gun and made  
20 sure there were no live rounds in the chamber, and then  
21 we take a strap tie and put it through the gun so it  
22 can't chamber anything, makes it inoperable.

23 Q Were there any live rounds in the gun?

24 A There were.

25 Q Now, we've had a lot of testimony today using

1 this diagram here. Can you explain what the numerical  
2 indicators are on that diagram?

3 A Absolutely. We'll just go through one, two.  
4 No. 1 is a spent AR. It's a shell casing from an  
5 AR-15, 223 round.

6 No. 2 is the casing for less-lethal shotgun.  
7 It just looks like a shotgun shell, basically.

8 The same with No. 3.

9 And No. 4 is also a casing for that.

10 So is No. 5.

11 No. 6 is the same.

12 No. 7 is the same. They are all cases from  
13 less-lethal shotgun.

14 Placard No. 8 is the actual projectile that  
15 comes out of the less-lethal round. It's called a sock  
16 round, just a piece of cloth with some weight in it.

17 So is No. 9, is also a round from the  
18 less-lethal shotgun and as well as No. 10 and No. 11.

19 And No. 12 as well is a sock round.

20 So is 13, which is found against the wall  
21 over here.

22 No. 14 is -- there were two cell phones and  
23 little green stuffed toy.

24 And No. 15 back here is two traffic warning  
25 citation books that were used for knee pads, that we

1 later learned were used as knee pads for Officer  
2 Frashour.

3 And 16 was not measured -- I'm sorry. It was  
4 the gun. It was found inside here. That's it.

5 Q And we have heard a lot of testimony by some  
6 of the witnesses about the jacket that Mr. Campbell was  
7 wearing. Were you able to observe Mr. Campbell after  
8 this incident?

9 A Yes, I was.

10 Q Can you identify this photo and tell the  
11 jurors what you are looking at?

12 A Kind of hard to tell with the lighting. But  
13 it's a black -- kind of like a sweatshirt jacket, and  
14 it's got the gold leaf pattern all over it. Basically  
15 this whole area here, that gold, it's like leaves and  
16 feathers.

17 JUROR: It blends into the leaves on the  
18 porch.

19 THE WITNESS: It's feathers. It's very  
20 busy.

21 JUROR: It dark?

22 THE WITNESS: Yes. It goes the full  
23 length. The cuffs go up to his wrist. And there is  
24 gold, you can see feathers and different -- like  
25 full-size birds even on it.

1 BY MR. REES:

2 Q So he -- as far as his question went though,  
3 as far as was he wearing a jacket or not wearing a  
4 jacket, he, in fact, was wearing a jacket? Right?

5 A Absolutely.

6 JUROR: The embroidery or pattern that is  
7 on there is gold?

8 THE WITNESS: Gold or bright yellow,  
9 birds and leaves, feathers, very busy.

10 BY MR. REES:

11 Q I have a question before. In terms of this  
12 diagram, maybe you already -- maybe you already  
13 testified to this, but as far as the locations of the  
14 cars and everything, was this scene frozen in place so  
15 this would be an accurate drawing of the scene as it  
16 appeared at the time of the shooting?

17 A Everything is -- yes. The only thing that is  
18 different that I know of from this diagram is this  
19 patrol car was backed up. I think it was probably  
20 three or four feet so our SERT truck could come up  
21 alongside the garage and police car to make contact  
22 with Detective Kemple.

23 JUROR: Detective, could you do something  
24 for me? Could you turn around with your back to me and  
25 put your hands in the position they would be if they

1     were in handcuffs? I just want to see how high your  
2     hands from your waistband or where, I guess, your  
3     waistband is?

4                     THE WITNESS: (indicating).

5                     JUROR: Thank you.

6 BY MR. REES:

7             Q     If I could follow up on that question about  
8     the diagram. If a witness testified that the diagram  
9     did not correctly show where the cars were parked, the  
10    civilian cars, at the time this all happened, would  
11    that be -- is that possible?

12            A     No. The scene was frozen immediately. From  
13    my understanding, the only thing shown in this whole  
14    image that was moved was the police car. Everything  
15    else is diagramed exactly as the scene was.

16                     MR. REES: Okay. I'm sorry.

17                     MR. BANFIELD: No, that was all my  
18    questions. Any questions?

19                     MR. REES: Obviously you covered the gun  
20    already.

21                     MR. BANFIELD: We covered, yes. Thank  
22    you very much, Detective.

23                     THE WITNESS: Thank you.

24                     (Discussion re: Scheduling off the  
25    record.) (Whereupon, a 30-minute recess was taken 5:00

1 p.m. - 5:30 p.m.)

2 MR. REES: We're on the record. Officer  
3 if you could raise your right hand, please.

4 DAVID KEMPLE,

5 Was thereupon called as a witness on  
6 behalf of the State and, having been first duly  
7 sworn, was examined and testified as follows:

8 BY MR. REES:

9 Q If you would state your name, please? Spell  
10 your first and last names, please?

11 A David Kemple, K-E-M-P-L-E.

12 Q All right. Are you a Portland Police officer?

13 A I am.

14 Q How long have you been a police officer?

15 A Little over eight years.

16 Q And what's your current assignment?

17 A I work out of North Precinct, patrol  
18 afternoons.

19 Q So what shift is that?

20 A I work 4:00 p.m. to 2:00 a.m.

21 Q 4:00 to 2:00. We also heard there is a shift  
22 overlapping, 3:00 to --

23 A Pre-relief, which is 3:00 to 1:00.

24 Q You come on at four o'clock. Were you working  
25 on Friday, January 29th, 2010?

1           A    Yes, I was.

2           Q    When did you get involved in a call out to  
3 12800 N.E. Sandy Boulevard?

4           A    Right out of roll call, saw that the call had  
5 gone on. I didn't actually get out there until around  
6 5:00. 5:02, I think was my time I got there.

7           Q    When you arrived at the location, what was  
8 your general understanding of what was going on?

9           A    I knew that there was a suicidal person, and I  
10 knew that there was mention of a gun.

11          Q    All right. Feel free if you want to stand up  
12 to show everybody, but we have both this line diagram  
13 and then the photo underneath. Do you have a  
14 preference?

15          A    Either is fine.

16          Q    Okay. I'm just going to ask you -- you might  
17 even want to use both, I suppose. If you could stand  
18 to one side and then show us where you went?

19          A    All right. At first I parked my car here, and  
20 I went and -- there wasn't a whole lot of time to  
21 brief, so when I got there, the information was the guy  
22 has -- the guy is suicidal. At first we weren't sure  
23 he was in the apartment or not. Then he was in the  
24 apartment we found out. He was in the apartment with  
25 three kids. Somebody also mentioned that he was

1 possibly wanting to do suicide by cop.

2           So -- so I got briefed here. I went around  
3 to the back at first. I was with Officer Bochino's(ph)  
4 trainee. When Officer Bochino got back there with his  
5 trainee, I went to the front, which is about right  
6 here. At that time I talked with Sergeant Reyna, who  
7 was at the front with Officer Boylan and Officer  
8 Lewton. And we had talked about doing kind of a  
9 high-risk stop kind of thing.

10           When we have a stolen vehicle we do a high-  
11 risk stop where we set up two cars for cover. We do  
12 four cars for that, but we decided to do two cars in  
13 this situation.

14           Originally --

15                   MR. REES: Can everybody see okay?

16                   JUROR: Yeah.

17           A   Originally, when we decided to do the  
18 high-risk stop, this car was stopped there. This car  
19 was my car, and it was actually about right here. I  
20 was the second car for cover. So we were going to try  
21 to -- when he came out, we were going to either pull  
22 him around here or pull him in between cars. This is  
23 not the original location of the police car. This is  
24 moved after the shooting.

25                   Uhm, I had -- when I moved to the front, I

1 had out my shotgun, and then Officer Lewton had his  
2 less-lethal gun. And Sergeant Reyna asked me if I  
3 would put my gun back, my shotgun back, so I could be a  
4 custody team.

5 Officer Boylan and I were going to be the  
6 custody team. Sergeant Reyna had the rifle. Officer  
7 Lewton had the bean bag gun.

8 Q If I could interrupt, I'm sure people are  
9 curious about this.

10 A Yeah.

11 Q We have heard about a number of different  
12 weapons on the scene. So when you say a shotgun, are  
13 you talking about an actual shotgun that shoots lead  
14 pellets?

15 A A twelve-gauge shotgun. I had it loaded with  
16 slugs at the time. We have the option of using slugs  
17 or buckshot. And I had it loaded with slugs.

18 Q And do you have an understanding of why you  
19 were told that that weapon was not necessarily  
20 appropriate or needed in this situation?

21 A Yeah. At first when there was no long gun,  
22 nobody had a rifle out, that's when I had the shotgun.  
23 Once somebody had a rifle, Sergeant Reyna, had out the  
24 AR, that's when I put mine in the trunk, so we had a  
25 long gun, an accurate long gun.

1 Q I know I'm jumping ahead here, but just to  
2 complete this: It's your understanding that Officer  
3 Reyna -- Sergeant Reyna was then relieved by Officer  
4 Frashour when he showed up with his AR?

5 A That's correct.

6 Q Okay. So that allowed her then to conduct her  
7 supervisor duties; is that right?

8 A Yes.

9 Q So sorry for interrupting. So you know where  
10 you are?

11 A Thanks for clarifying.

12 Once Officer Frashour arrived, he arrived  
13 with Officer Willard. And at that point, we're all  
14 right here behind this car. Officer Frashour's right  
15 here with a rifle across the hood of the car. Officer  
16 Lewton is right about here with a less-lethal.

17 Less-lethal is a twelve-gauge shotgun that fires bean  
18 bag rounds.

19 I'm about here, and Officer Willard is right  
20 here. Officer Willard and I, we don't have our guns  
21 drawn. We're going to be strictly hands on for when  
22 the guy comes out.

23 JUROR: Show me again where you were.

24 THE WITNESS: I was about right here  
25 where the car door -- in the --

1 JUROR: In the bend of the door?

2 THE WITNESS: It might have been a little  
3 back because, Officer Lewton was right here, Officer  
4 Frashour right here. I was in between them. I don't  
5 remember exactly where I was at. I was bent down  
6 behind the car.

7 MR. REES: Do you have a question?

8 JUROR: No.

9 BY MR. REES::

10 Q Just so we're all clear, we know we have an  
11 Officer Elias. He has got his German Shepherd. We  
12 have got Officer Frashour with the long rifle. Officer  
13 Lewton has the bean bag. You just said you and the  
14 other officer were the hands-on guys?

15 A Yes.

16 Q Explain what that means.

17 A That means somebody, when they come out, we're  
18 going to actually be the contact team; we're going to  
19 be the ones that take him into custody. We don't have  
20 our guns out, so we can actually just primarily concern  
21 ourselves with the subject's hands, take him into  
22 custody, place him in handcuffs.

23 Q It sounds like each officer on the scene  
24 really has kind of a specific job and a tool for the  
25 job?

1           A    Yes.

2           Q    Is that right?

3           A    That's correct.

4           Q    And are these other officers -- you don't have  
5 your guns out and you are in a situation where it's  
6 your understanding somebody might have a gun and might  
7 be willing to use that gun, who's keeping you safe in  
8 that situation since you don't have a gun out?

9           A    Yeah.  Officer Frashour with the long gun, and  
10 if need be, we can draw pretty quick.  It's possible  
11 that Officer Willard had his gun out.  I'm sure at some  
12 point I had my gun out and stored it back, depending on  
13 where we are positioned.

14                    But, generally, yeah, when the subject comes  
15 out, that's when we're going to be primarily the  
16 contact team.

17           Q    If that had occurred, you are approaching  
18 someone to make hands-on contact, are you relying on  
19 other police officers to cover you with weapons just in  
20 case something bad happens?

21           A    Yes.  Actually, if I could -- basically, what  
22 we'll do is if we're approaching a subject, we like to  
23 prone them out on the ground, lie down, put their arms  
24 out like this.  And then we'll have them lift their  
25 wrists -- their hands toward the sky.

1           One officer on each side, one going to the  
2 left arm, one going to the right arm, we'll approach  
3 him from the head. We'll also have the officer that  
4 will be in the middle. That officer will have their  
5 gun trained on the subject if they do anything. As we  
6 approach the suspect, we'll take -- one officer will  
7 take each hand and then we'll place him into custody.

8           Q    What was the reason for putting the police  
9 cars in the position that they were placed in? Was  
10 that just the way they were parked, or is there a  
11 specific reason for that?

12           A    It's for cover in this case -- since he was  
13 reported to have a gun and it was also mentioned, the  
14 suicide by cop thing, our concern is that he is going  
15 to come out shooting. And so we want to have cover.  
16 The engine block of the vehicle is the best cover in a  
17 situation like this, where we don't have really any  
18 other good cover.

19                   We have a fence here. These are all bushes.  
20 So none of this is good cover.

21                   The garbage cans here, you know, they would  
22 provide okay cover, but if it ends up being a big  
23 weapon, a bullet is going to go right through those.

24                   If it's a handgun, these are probably okay  
25 cover, but the engine block for us provides the best

1 cover.

2 Q So you are in this position. Did you  
3 indicate -- how near or far are you from Officer  
4 Lewton?

5 A I'm within an arm -- arm reach, so --

6 Q He's right next to you?

7 A Yes.

8 Q What about Officer Frashour?

9 A Same thing. He's right there, because we're  
10 all -- we're all lined up right in this little area on  
11 the police car. So it's a pretty -- pretty close  
12 proximity.

13 JUROR: Was the door actually open like  
14 that at this point in time?

15 THE WITNESS: I don't remember if it was  
16 or wasn't.

17 JUROR: Sorry.

18 THE WITNESS: No, it's okay.

19 JUROR: I have one quick question. So  
20 Officer Lewton would be shooting over the roof of the  
21 car with the non-lethal from where he was positioned or  
22 just across the windshield?

23 THE WITNESS: Yeah. I think it would be  
24 probably -- yes, since the angle is like this, it would  
25 be just across the windshield here. And to be honest,

1 I don't -- when it happened, I don't remember exactly  
2 where he was shooting from.

3 JUROR: I do have one quick question.

4 THE WITNESS: Yes.

5 JUROR: There is a Captain Day and  
6 Lieutenant Rodriguez on the site. They are off to one  
7 of the alcoves at this time?

8 THE WITNESS: I don't recall ever seeing  
9 them at the scene. They were probably there, but they  
10 were probably in the alcove or over here. So, yeah, I  
11 had zero contact with them.

12 BY MR. REES:

13 Q Safe to say -- I think what he is asking, is  
14 curious, safe to say someone in a situation like this  
15 someone the rank of Captain is not going to be right up  
16 in the line of fire, right?

17 A Generally. They are probably going to be,  
18 yeah, somewhere --

19 JUROR: What I'm trying to get at though,  
20 these people who have rank over everyone actually  
21 involved, is there any discussion between them and you  
22 guys as to how this is going to proceed, or are you  
23 guys just waiting to see what happens at this point?

24 THE WITNESS: At this point, Sergeant  
25 Birkinbine and other officers, I believe, are on the

1 phone with him. And our primary function here is if  
2 the guy comes out, contact him.

3 So they are telling us, you know, what is  
4 happening with them as they are contacting the guy.

5 Sometime while we're here a phone  
6 message, a text message comes out that they relay to us  
7 that the guy says in the text message, "Don't mess with  
8 me. I'm serious. Don't make me get my gun."

9 So as they are getting information, they  
10 are relaying it out to us. So they are giving us  
11 intel. We're the contact officers if he ends up coming  
12 out though.

13 JUROR: Right.

14 BY MR. REES::

15 Q Officer, if you want, you can sit down.

16 JUROR: Can I ask a stupid question?  
17 They are getting this information to you and they are  
18 doing it in what way? Through your individual radio  
19 kind of things or how?

20 THE WITNESS: No, they are actually --  
21 being that we're pretty close, the important stuff they  
22 are coming over and telling us. There is information  
23 that's being relayed back and forth. And the distance  
24 between the alcove here and the car is probably not  
25 more than 30 feet.

1 JUROR: Okay. Thank you.

2 BY MR. REES:

3 Q That is a good question though. You are just  
4 asking like that bit of information, "Don't mess with  
5 me I'm serious. Don't make me get my gun," how did you  
6 get it? You are saying Birkinbine or somebody walked  
7 over and said, "Hey, we just got that information"; is  
8 that right?

9 A Yeah.

10 Q If you remember, when you got that information  
11 that there had been this text message, "I'm serious,  
12 don't make me get my gun," what are you thinking?

13 A It starts to be a lot more serious. We have a  
14 lot of suicidal calls that we deal with, a lot of  
15 people that have intentions -- whether or not they have  
16 true intentions, we go to calls like this -- maybe not  
17 that end up where we do a high-risk stop type thing  
18 where we come bring them out at gunpoint. But a lot of  
19 times what people who are suicidal want is a call for  
20 help. So, you know, when you actually get something  
21 like this, the text, where the guy is basically -- it  
22 sounds like a threat, where he is talking about getting  
23 a gun, it kind of escalates in our minds to this guy is  
24 more serious than just a cry for help.

25 Q All right. At some point after that, what do

1 you see happening?

2 A A little bit after that, three little kids  
3 come running out of the apartment. And they started to  
4 run towards the outside of the police car. And I  
5 repositioned myself to right here. And again this  
6 police car was right here, so I repositioned myself to  
7 right here and got down on a knee, held out my arms,  
8 and two of the little kids ran right to me and jumped  
9 into my arms. They were very scared.

10 The other kid, we brought them all -- she ran  
11 with them and brought them all to the alcove where the  
12 father, I believe -- the father of the kids came and  
13 got them.

14 Q Do you have kids, yourself?

15 A I do.

16 Q And so you -- being around little kids -- you  
17 said they seemed scared. What made you think they were  
18 scared?

19 A Well, the look on their faces. The one kid --  
20 the littlest kid wasn't talking. I believe it was the  
21 middle kid just said something about, "My sister" but  
22 they weren't -- they weren't vocal at all and just the  
23 looks on their faces, they really seemed terrified.

24 Q Did -- somebody said, I believe, one of the  
25 little boys came out like with his arms out like this

1 as he is coming across the lot. Did you see that?

2 A Yeah, that was the kid that came to me. I  
3 picked him up.

4 Q Okay. So you scoop him right up?

5 A Yeah.

6 Q Were you surprised when they popped out of the  
7 apartment?

8 A Yes. And when we saw the kids, in my mind,  
9 I'm thinking, okay, this is -- it's good that the kids  
10 are now out of the apartment, but this could be really  
11 bad because now you have the kids leaving, which is the  
12 thing that he was using earlier possibly, "I'm in the  
13 apartment with a gun with my three kids," but now you  
14 have the three kids out of the picture. So, again,  
15 this is in my mind another thing that escalates the  
16 situation.

17 Q Can you explain that a little bit more? You  
18 are saying it was good the kids are out of there, but  
19 it made you -- you are saying it also made you think of  
20 another possible scenario. Can you explain what that  
21 was?

22 A In my mind, with the kids in there, I consider  
23 them -- if the guy is hostile -- to be possible  
24 hostages-type situation. Once I see the little kids  
25 out, I know that anybody -- that these kids are safe,

1 that they are going to be totally out of the situation,  
2 so that's good.

3 But at the same time, in my mind, I'm  
4 thinking, "Okay, he just sent the little kids out, so  
5 I'm" -- it's possible that he is going to come out  
6 shooting or something like that, because now you have  
7 little kids -- if he cares about them, he is going to  
8 get them out of the way just so they don't see it or  
9 something doesn't happen to them.

10 Q Okay. So it sounds like you are thinking that  
11 it may be like the next step after the kids come out?

12 A Yes.

13 Q Now he's coming out?

14 A Yes.

15 Q And, in fact, did you see him come out?

16 A Yeah, a short time later he did come out.

17 Q And even though you thought maybe that was  
18 going to happen, were you surprised or not surprised  
19 when you saw him?

20 A Uhm, I was a little surprised, yeah. When he  
21 first -- the first time I saw him, he was about right  
22 here. That's the first time I saw him. And he came  
23 out with his hands on his head. And he was coming out  
24 slow. And then when he came around the corner of the  
25 car, he had his back to us.

1 Q So he came out slow. Did he maintain that  
2 pace as he's moving across the parking lot?

3 A Yes.

4 Q And so what happens as far as your fellow  
5 officers?

6 A As he comes out slow, he has his hands on his  
7 head and he's backing up towards us, Officer Lewton  
8 starts giving commands.

9 BY MR. BANFIELD:

10 Q Can I just be clear on that? You had just  
11 received the kids. Did you reposition yourself back at  
12 the car, or where were you now at this point?

13 A It was a few minutes later. It wasn't right  
14 away. I can't say exact time, but it was probably five  
15 or six minutes later. So I had -- after dropping the  
16 kids off, I went back to the car, yes.

17 MR. BANFIELD: All right.

18 BY MR. REES::

19 Q So go ahead. Do you remember where you were  
20 now?

21 A Uhm, yes. As he's coming out, Officer Lewton  
22 starts giving him commands, "Come back towards the  
23 sound of my voice," which is pretty standard commands  
24 when we're doing a high-risk stop. It's "Come back  
25 towards the sound of my voice, walk backwards, keep

1 your hands where we can see them." And the guy with  
2 his hands on his head was walking backwards towards the  
3 sound of our voice.

4 He got to probably about, I don't know, ten  
5 feet, maybe a little closer in front of the police car  
6 and stopped. At that point, I had my spotlight on him.  
7 The spotlight was a vehicle, so probably -- the door --  
8 I don't know if it was open or shut. I honestly don't  
9 remember. It was probably shut and the window was  
10 down, so I'm using the spotlight to check for weapons.

11 And I looked at his back, and he was wearing  
12 really baggy clothes and his pants were kind of  
13 sagging, so I could see his underwear. I could see his  
14 pants, and I could see his shirt was up a little bit  
15 just from, I don't know, tussle or whatever. I could  
16 see the top, a little bit of his back. So I had the  
17 spotlight there.

18 At this time, Officer Lewton is still giving  
19 commands. He tells him to put his hands in the air.  
20 "Put your hands in the air, put your hands in the air."  
21 The guy is not responding to that, and Officer Lewton  
22 hits him with a bean bag around.

23 Q Can you explain when you say that Officer  
24 Lewton is telling him to put his hands up, and you just  
25 said that he is not responding, what does that mean to

1 you, he is not responding?

2 A Uhm, it could mean that -- it could mean --

3 Q I'm sorry, just so you are clear?

4 A What I think --

5 Q I'm not asking for your interpretation. If  
6 you can just explain what you are actually seeing  
7 that -- that led you to conclude he wasn't complying.  
8 Do you see what I mean?

9 A Yeah.

10 Q Did he not -- he is being told to put his  
11 hands up, so what is he doing?

12 A He kept his hands where they were, kept them  
13 on his head, and he just -- he wasn't doing -- and he  
14 wasn't doing anything.

15 Officer Lewton gave the commands. They were  
16 very -- they were very loud. You could hear them, and  
17 so you could definitely hear him say it three times or  
18 four times. I don't remember the exact amount of  
19 times. "Put your hands in the air, put your hands in  
20 the air, put your hands in the air," and when the guy  
21 didn't do it, at this point, this guy has possibly got  
22 a gun. We don't know. He is not following commands,  
23 so Officer Lewton fires a bean bag round at him.

24 At that point, the guy takes off running, and  
25 Officer Lewton fires another bean bag round or two. I

1 don't remember the exact number.

2 As he's -- as the guy is getting to --

3 BY MR. REES:

4 Q If you want to stand up, that's okay.

5 A There are actually two cars here. As the guy  
6 is getting to the car here, he's just coming around the  
7 car, he's running. His hands are coming down. And  
8 Officer Lewton fired a couple more bean bag rounds. I  
9 don't know how many rounds he fired. But as he's  
10 coming around to about right here. That's when Officer  
11 Frashour, I hear him fire a shot. And about the same  
12 time is when Officer Elias releases the dog to go after  
13 the guy because we don't want the guy going back in the  
14 apartment. So that's why the dog is released.

15 Q Okay. Maybe you said, but as he's moving  
16 across the parking lot, could you ever see  
17 Mr. Campbell's hands?

18 A Uhm, as they came down, you know, they were  
19 going in front of him. I didn't see. All I saw was  
20 them coming down like this.

21 Q Okay. All right.

22 JUROR: I have a question. From -- you  
23 said that he backs up close to you guys and he gets  
24 within about ten feet and you shine the spotlight on  
25 him and he is not complying and you shot the bean bag

1 rounds. How much distance would you say he actually  
2 travels from when he first takes off to when he gets  
3 shot with the live round? What do you think that  
4 distance is?

5 MR. REES: Let me ask you: Are you  
6 asking him to estimate or do you want to actually know  
7 the exact distance because it was all measured?

8 JUROR: I want to know what he thinks. I  
9 would like to know both, actually.

10 THE WITNESS: Yeah, it's a total  
11 estimate. So I would say he was about here, probably  
12 about, I don't know, 45 feet?

13 JUROR: My question has to do, you have  
14 shown the spotlight on his back. At that point, on the  
15 assumption he was still armed, was there anything that  
16 led you to believe there was anything behind him that  
17 would make you believe he was armed, or did you at that  
18 point figure that if he has anything, it's in front of  
19 him?

20 THE WITNESS: I figured if he had  
21 anything, it's in front of him.

22 JUROR: Thank you.

23 THE WITNESS: Also, it's possible --  
24 we've had people have guns in their socks, weapons all  
25 over their body. So all I'm seeing is -- I'm sure that

1 he doesn't have a gun probably in this area of his  
2 waistband, at least that I can see. You know, it's  
3 possible that it's below the waistband. I have been  
4 pulling guns off people -- we have pulled them out of  
5 everywhere you can possibly imagine.

6 JUROR: Okay. Thank you.

7 BY MR. REES::

8 Q You can go ahead, sit down if you want.

9 Let me show you this picture. You haven't  
10 seen, I assume, any of the scene photos, have you?

11 A I have not.

12 Q Does this look familiar to you?

13 A Yes.

14 Q Okay. And so let me ask you about the  
15 diagram. I think you indicated when you were  
16 testifying that you believed there was another vehicle  
17 right up here. I think you said that?

18 A Yeah.

19 Q But in looking at this photo, is it possible  
20 that, in fact, the sketch shows accurately the  
21 placement of the vehicles?

22 A Yeah. To me, it looked like these two cars --  
23 in my mind, I'm thinking that these two cars are  
24 actually in connecting spots.

25 JUROR: It looks like it from here.

1 JUROR: Yeah it does look like it.

2 THE WITNESS: In my mind it was next to  
3 each other.

4 JUROR: You see immediately next to each  
5 other?

6 THE WITNESS: In my mind, I don't see a  
7 space between the cars. I just see what I would  
8 imagine would be the opening of the apartment goes on  
9 the other side of the red car and that these two cars  
10 are maybe parked here. Like this car is supposed to be  
11 here. This would be the red car here, and this would  
12 be the -- whatever this is, the Volvo here.

13 BY MR. REES::

14 Q So you see now on the sketch that's actually  
15 the opening to the alcove, right?

16 A Yeah.

17 Q I guess this is probably not -- you didn't  
18 have a view from that angle?

19 A I did not.

20 Q Is that correct?

21 A That's correct.

22 Q When you saw the subject run, did you -- if  
23 you know, did it look as if he was cutting around the  
24 back of the Volvo or around the front?

25 A He was cutting around the front. When he was

1 hit, he was hit just prior to the car, and he actually  
2 hit the hood. When he went down, he hit the hood and  
3 then went to the front of the car.

4 MR. REES: All right. Did you have any  
5 questions?

6 MR. BANFIELD: I don't.

7 MR. REES: Were there any other  
8 questions, folks? All right. Thanks, Officer.

9 JUROR: Thank you.

10 MR. REES: Our last witness is Officer  
11 Frashour. Anyone need a break or anything before that?

12 JUROR: I need a short break.

13 RONALD FRASHOUR,

14 Was thereupon called as a witness on  
15 behalf of the State and, having been first duly  
16 sworn, was examined and testified as follows:

17 MR. REES: Be seated. And then if you  
18 would please state your name, spell your name for us.

19 A My name is Ron or Ronald Frashour,  
20 F-R-A-S-H-O-U-R.

21 Q And how are you employed?

22 A I'm a Portland Police officer.

23 Q How long have you been a Portland Police  
24 Officer?

25 A Over eight years.

1 Q All right. And before that, did you go to  
2 college?

3 A I did.

4 Q Where did you go?

5 A I went to Oregon State University and Portland  
6 State University.

7 Q And did you earn a degree?

8 A I have a Bachelor of Science in History.

9 Q Any particular area of history that you  
10 focused on?

11 A The degree is general, just history in  
12 general, but my favorite was always U.S., U.S. history.

13 Q And then upon graduation, did you go directly  
14 into law enforcement?

15 A No, I didn't.

16 Q What did you do?

17 A I worked for Far West Fibers Recycling in  
18 Beaverton and Hillsboro, doing a variety of different  
19 positions for two years.

20 Q Two years, and then did you then join the  
21 Police Corp?

22 A I went to police work from Far West Fibers.

23 Q Then following that period of training, did  
24 you move into the Portland Police Bureau?

25 A Yes -- well, I was offered a job with the

1 Portland Police Bureau on the condition that I  
2 successfully complete the Oregon Police Corp, which was  
3 a 20-week training program and it was outstanding and  
4 it went fine. I did that and then was officially hired  
5 in November of 2001, after finishing the Oregon Police  
6 Corp.

7 Q All right. Thank you for clarifying that.  
8 And then what assignments have you had with the Bureau  
9 since 2001?

10 A I have been a Portland Patrol officer ever  
11 since being hired. However, I have worked at a number  
12 of different locations as a trainee. I worked -- well,  
13 a trainee is hired and they are brand new. We call it  
14 "phase zero". And you work in each precinct throughout  
15 the Bureau. At that time there were five precincts in  
16 Portland. And you were assigned a coach to oversee you  
17 as you develop and as you learn your skills,  
18 techniques. I was assigned a coach, and I worked every  
19 precinct in Portland as a trainee except for the old  
20 North Precinct.

21 Q All right. And then after that, have you been  
22 assigned to different precincts or the same precinct?

23 A I spent six years at Northeast Precinct, which  
24 is roughly at MLK and Killingsworth, N.E. MLK and  
25 Killingsworth. I spent six years there. The last part

1 of my probationary period where you are riding by  
2 yourself and then up until, uhm, January, '09. And  
3 from January of last year until today, I am at East  
4 Precinct. I have been at East Precinct.

5 Q Okay. And what's your current shift at East  
6 Precinct?

7 A It's the afternoon shift from 4:00 in the  
8 afternoon until 2:00 in the morning.

9 Q And so on Friday, January 29th, 2010, were you  
10 working your regular shift?

11 A Yes.

12 Q And prior to the call at 12800 N.E. Sandy  
13 Boulevard, were you assigned to any other calls before  
14 that?

15 A Uhm, to my memory, the only thing I did before  
16 that call, I took one very -- very normal, very regular  
17 low-key call from a lady who just wanted some  
18 additional follow-up done on an event that actually  
19 took place in Gresham. And I -- after hearing her  
20 story and hearing what she had experienced, I referred  
21 her back to the Gresham Police to continue follow up,  
22 follow that up. I think that was the only call I was  
23 on before the call at 128th and Sandy.

24 Q All right. And were you working with another  
25 Officer, a partner in the car that day?

1           A    My partner was Officer Tyrone Willard.

2           Q    And is there any significance to that, having  
3 a two-man car like that?

4           A    Uhm, just -- well, we both work that same  
5 district. The district I work is very large in East  
6 Precinct, and it's staffed with a number of officers  
7 who always work the same area. We usually work by  
8 ourselves, but on occasional -- on occasion, excuse me,  
9 we have enough extra officers where you have to stick  
10 somebody somewhere. So we get along quite well, and we  
11 just were partners working our district together that  
12 night.

13          Q    Okay. And I understand that you have received  
14 special training and are certified to carry the AR-15  
15 rifle; is that correct?

16          A    That's correct.

17          Q    And how -- how long ago did you go through  
18 that training program?

19          A    I think that my training was in the summer of  
20 '07. I say "think". I mean, it might have been June.  
21 It might have been spring. I'm pretty certain it is  
22 '07.

23          Q    Since that time then have you carried that  
24 AR-15 when you are on patrol?

25          A    Yes.

1           Q    Can you explain to the Grand jurors what the  
2 set up is as far as where that's carried?

3           A    Yeah.  If you can picture the inside of a car,  
4 a police car, if I'm in the driver's seat right now,  
5 the AR-15 is carried in a gun rack, which would be  
6 straight to my right, in between me and the passenger's  
7 seat.  And it's locked in -- locked in place  
8 vertically.

9           Q    And when you are carrying it in the car, is  
10 it, you know, ready to go, as far as a bullet in the  
11 chamber, or are there steps you have to take to make  
12 the gun ready to fire?

13          A    There are steps.  Bringing it to the car --  
14 well, if I can back up a second.  I bring it out of the  
15 Precinct -- I store it in the Precinct in my own  
16 individually assigned locker for it.  It's stored  
17 unloaded, completely unloaded, and with what you would  
18 call the action open, locked open, and with a yellow  
19 block we put it in the magazine well to signify to  
20 anybody who might see it that it's unloaded and safe.  
21 That's how I store it.  That's how I bring it out to  
22 the police car every day.

23                    Then when I get out to the car, I close the  
24 bolt on an empty chamber, meaning no bullet -- no  
25 bullet in the chamber.  But I put the fully-loaded

1 magazine, which holds all the bullets, I put the  
2 fully-loaded magazine into the magazine well, and  
3 that's how I lock it in the rack. So loaded magazine,  
4 empty chamber.

5 Q All right. Let me ask you now about the call,  
6 itself, to the Sandy Terrace Apartments?

7 A Okay.

8 Q How did you become aware that there was a  
9 situation developing at the apartments that required  
10 police presence?

11 A Well, Officer Willard and I, we were --  
12 actually, we were taking a break briefly and eating.  
13 We were parked behind -- we were backed into the corner  
14 behind a Taco Bell, which is near 122nd and Glisan,  
15 just to the west.

16 And East Precinct has its own radio net from  
17 North Precinct; 128th and Sandy is in North Precinct.  
18 So I had no idea at all that anything was taking place  
19 on Sandy Boulevard until the East Precinct dispatcher  
20 came onto our net and asked if anybody was near 128th  
21 and Sandy with an AR-15. And that's the first --  
22 that's how I became aware. I was asked if anyone had  
23 an AR-15 specifically.

24 Q All right. And so how did you respond to  
25 that?

1           A    We responded that we had an AR-15 and we would  
2 go from 122nd and Glisan. We switched our radio over  
3 to the North Precinct radio net.

4                    And -- I mean, I realized -- we realized we  
5 didn't have any idea what it was we were going to. So  
6 we asked on the radio, "How fast do you need us to get  
7 there?" And the exact wording I asked I don't recall,  
8 but, you know, I would have normally asked, "Do you  
9 need us Code Three"? And I remember Sergeant Reyna  
10 specifically answering that there was already an AR-15  
11 on scene, so get here but don't kill yourself, which we  
12 took to mean get here very quickly, but do it safely.

13                   So that's what we did. Officer Willard was  
14 driving. And --

15           Q    I take it Sergeant Reyna was already on the  
16 scene?

17           A    That was what I believed. Sergeant Reyna was  
18 already on scene.

19           Q    And your partner is driving the car?

20           A    Yes.

21           Q    So what are you doing while you are in route  
22 to 128th and Sandy?

23           A    I'm trying to figure out -- I'm -- I pull up  
24 on our computer screen, which sits between the two of  
25 us, and I start reading the call, because now the

1 dispatcher has put the text of the call, what you would  
2 call the CAD in front of us, and I started to read it  
3 to gather the information.

4 Q The members of the Grand Jury have the CAD  
5 printout from the call.

6 So I take it these are the things -- you are  
7 reading what they have seen of the text printed out?

8 A I would be reading it the same way that it's  
9 printed out on paper, yes.

10 Q Do you feel like you recall that, or do you  
11 want to refresh your memory by looking at that  
12 printout?

13 A I feel I could recall it very well.

14 Q Okay. So, just generally speaking, when you  
15 are reading this, what are you thinking as a police  
16 officer responding to this call? What was kind of  
17 going through your mind?

18 A Well, as the jurors can see, the very first  
19 section of the call, I saw that information of a woman  
20 with three kids who has a suicidal boyfriend, who  
21 recently tried to commit suicide, who is armed with a  
22 gun and has made some kind of indication of committing  
23 suicide by police.

24 I remember specifically telling Officer  
25 Willard, because he couldn't -- he was driving,

1     couldn't read -- the part about a man inside with a gun  
2     and there is kids.  And now I'm understanding why I'm  
3     getting sent there.  And I'm starting to internalize  
4     and process that information in my mind, going through  
5     training scenarios that I have been through before,  
6     what that means.  Is this a hostage situation?  I heard  
7     the word "a suicidal male", and I know suicidal people  
8     can be irrational.  They can be aggressive,  
9     unpredictable and they can be homicidal as well as  
10    suicidal.

11           Q     How do you know that?

12           A     Lots of training, experience.  I have dealt a  
13    lot with suicidal and mentally -- people going through  
14    mental crisis.

15           Q     Based on your training, if you can answer that  
16    question, what is your understanding between the -- the  
17    connection between people who are in a suicidal state  
18    of mind and who are also in a homicidal state of mind,  
19    meaning want to kill themselves, but they may also kill  
20    other people at the same time?

21           A     Right.

22           Q     If you have an understanding of that?

23           A     I have an understanding of it.  I can try  
24    and -- I'm not trying to make light of the situation,  
25    but you have all seen on the news where a man is --

1     figured, well, "If I'm going, I'm going to take you  
2     with me" and maybe kills his whole family before  
3     killing himself. That is a person who obviously  
4     committed homicide and was suicidal.

5             Q     And have you ever seen stories like that on  
6     the news, but have you had also training about that  
7     potential connection?

8             A     Training, yes. Well, I know that I have. I  
9     couldn't say exactly when and where at the time, but I  
10    know I have been trained in that.

11            Q     Okay. And anything else that you get on the  
12    way there, or does that pretty much take you up to  
13    arrival at the block?

14            A     That was -- and on the way there, didn't take  
15    that long. So on the way there, that's specifically  
16    what I remember, is that first section of the CAD and  
17    that first bit of information, which was really quite a  
18    lot of information. Because I have to start planning.  
19    I have to become in a mind set of how to properly  
20    respond.

21                    Then I'm still listening to the radio. And I  
22    have no idea now -- or I don't recall now what was  
23    being said on the radio, but I'm also trying to hear  
24    any updates that are being given on the radio as we  
25    drive. And, yes, we did arrive at that location.

1           Q    Before going to the scene with you, let me ask  
2 you one more question about your thought process. You  
3 said that when you saw this call, then you understood  
4 why you were wanted with your AR-15, right?

5           A    Right.

6           Q    What do you mean by that?

7           A    Uhm, well, the man having a gun, that man  
8 being a threat to the children, any other family member  
9 who may or may not be there, the police responding, the  
10 AR-15 very specifically is used in those situations  
11 where that risk -- where the risk to all the people  
12 involved is greatly elevated compared to a regular  
13 police call.

14                   I think I mentioned there is a line in there  
15 about him mentioning suicide by police. That to me  
16 means -- that brings up very strong images of someone  
17 coming out with a gun, shooting at the police, forcing  
18 the police to have to shoot back, forcing the police to  
19 have to take some kind of action to kill the person.  
20 And they need an AR-15 so they can get a little more  
21 distance from the building or whatever the area is they  
22 are focusing on. They need the AR-15 -- the AR-15  
23 allows you a little more distance. It's safe for  
24 everybody involved because it's more precise. It's  
25 less likely of an innocent person or bystander being

1 struck by errant rounds or someone misses or if a  
2 bullet were to go through a person, that wouldn't  
3 happen with our round.

4 Q Okay.

5 A That's what I understood.

6 JUROR: I have questions.

7 MR. REES: Yeah, you bet.

8 JUROR: First of all, after your initial  
9 training with the AR-15 and certification, whatever; do  
10 you have then annual updates for training?

11 THE WITNESS: Yes. I qualify on the  
12 AR-15 every time. I also qualify on my regular  
13 handgun, and then a yearly -- an additional yearly  
14 AR-15 in-service day.

15 JUROR: Second question is since Sergeant  
16 Reyna said there was already an AR-15 on-site, in your  
17 experience, what would be the function of a second one  
18 arriving?

19 THE WITNESS: I know Sergeant Reyna is an  
20 AR-15 operator herself. And I took what she -- I  
21 understood what she was saying to be that she was  
22 probably the AR-15 operator she was talking about, and  
23 my job was to relieve her so that she could go be the  
24 sergeant and start being in charge of the scene.

25 JUROR: All right. Thank you.

1 JUROR: Did you, when you were looking at  
2 the CAD sheet, did you look at his priors, too? Did  
3 you pull that up?

4 THE WITNESS: I honestly don't remember  
5 if I -- I know it was in the computer. I don't  
6 remember if I glanced at that or not.

7 MR. REES: I'm sorry. I didn't hear the  
8 question asked.

9 JUROR: I just wanted to know if he  
10 looked at this guy's rap sheet, looked what he did  
11 before in his past.

12 MR. REES: The answer that you don't  
13 remember if you did or not?

14 THE WITNESS: I don't.

15 BY MR. REES::

16 Q Let me ask you now about your arrival on the  
17 scene. Feel free to stand up. I'll just ask you when  
18 you refer to these exhibits not to block the jurors so  
19 they can see. Let me know whether you want -- you  
20 probably want to use both. But do you want to start  
21 with this or start with the photo? I'm asking about  
22 your arrival at the scene and where you go.

23 A Okay. This is probably -- this will work.

24 Q Okay. We can go to this.

25 A Okay.

1           Q    But if you could just show the Grand Jury what  
2 you do when you arrived at the scene?

3           A    Okay. We arrived on the scene. I voiced over  
4 the air that we were arriving. And I asked, "Where is  
5 it you would like me to go?" Someone answered on the  
6 radio, "You will see some officers in front. You will  
7 be able to be directed."

8                   Officer Willard was driving, and he parked  
9 the police car -- these cars weren't actually here, but  
10 he parked the police car, in my mind, it would be right  
11 about here behind this car.

12                   I got out with my AR-15 and loaded it, made  
13 sure -- I took the magazine out to make sure a round  
14 had actually been stripped off and chambered and  
15 reloaded -- reinserted the magazine so I had a loaded  
16 AR-15.

17                   I saw an officer about here, who I don't know  
18 who this officer was. I wasn't familiar with them. I  
19 asked, "Where is it that I am needed?" He said, "Well,  
20 there are some officers down here," and he pointed  
21 south down here. He said, "There are some officers  
22 down there."

23                   Right about here, very close to right about  
24 here I saw an officer I have known for a number of  
25 years, Officer Bochino. And I walked down to Officer

1     Bochino, who indicated to me -- he was standing on the  
2     back of what he knew to be Apartment No. 37. And he  
3     was clarifying to me by pointing that it's the -- from  
4     under here, you can see the cement pads of the patio.  
5     The shadow in the picture doesn't allow it, but there  
6     are cement pads. He said, "It's that one right there."  
7     I said, "Okay, that one," and I clarified. He said,  
8     "No, no," and he made it clear to me that we were  
9     literally about ten feet away from the back door and  
10    directly north from the back door of No. 37.

11           Officer Bochino had a shotgun out, and I  
12    thought this doesn't seem like the right place where  
13    they would want an AR-15. There is already officers  
14    this close, there is already a shotgun. So I asked on  
15    the air, the radio -- when I say "the air," I'm sorry,  
16    I mean over the radio. I asked over the radio Sergeant  
17    Reyna, "I'm in the back with the AR-15. Is this where  
18    you want me?" I believe it was Officer Lewton  
19    answered -- he called me by my last name. He said,  
20    "Frashour we need you in front."

21           Knowing I'm in the back, I ran out -- Officer  
22    Willard, I'm sorry, he's with me the whole time.

23           I went out the front again and came around --  
24    or I went out to the north and came around to the top  
25    of the parking lot or the driveway, whichever you

1 prefer to call it, and I could see a police car -- now  
2 it might be easier.

3 Q Let me put this up here.

4 A So I came to here. I'm short, sorry. I came  
5 to the top of the driveway, and I saw the police car  
6 much like it is here right here in this picture,  
7 canted, facing to the southeast. I saw officers  
8 crouched down along the driver's side of the car. And  
9 I went to them and Sergeant Reyna was there. And I  
10 believe she had her AR-15 with her, which affirmed to  
11 me I was there to replace her so she could go start  
12 taking charge of the situation.

13 Officer Lewton was there with his bean bag  
14 gun. Officer Willard was with me. And at some point,  
15 either right away or very soon after, Officer Kemple  
16 was there.

17 Sergeant Reyna was the one I reported to.  
18 And I started to get a lot of information, so I want to  
19 pause a lot to make sure I give it in the right order.

20 From this side, I had lost track of what area  
21 we were looking -- what area No. 37 would be on. I had  
22 lost track of the distance. So I told the Sergeant  
23 that. I wanted to know where I needed to be looking.

24 And we were doing this from the other side of  
25 the car. And she pointed to me to what would be this

1 entry here. There is a brick -- there is a brick  
2 facing on either side of the entry, and there was a  
3 satellite dish, a TV satellite dish, right on the north  
4 side of the entry. And she pointed to that dish, to  
5 that entry. She said to me something to the effect,  
6 "Do you see this satellite dish on the brick entry?"  
7 And I indicated I did. She said that is the entry. If  
8 someone were to come out of number 37, that's where  
9 they would be coming out. So I knew where to look.

10 Q Let me stop you there, please --

11 A Yeah.

12 Q -- and have you look at this photograph. And  
13 does that -- does that show the scene as you were  
14 observing it that night?

15 A Yes.

16 Q All right. Can you see the satellite dish in  
17 the photo?

18 A Yes.

19 Q Let me turn this around here, just have you  
20 point out what we are seeing?

21 A She pointed out the satellite dish to me along  
22 the brick wall. This lighted area is the entry, what I  
23 call the entry. She also pointed out to me these two  
24 sets of windows and said that she believes those to be  
25 the windows to Apartment No. 37.

1                   MR. REES: Folks, I can't remember, have  
2 you seen this photo already, been passed around? Do  
3 you want to take a look at it at all?

4                   JUROR: I don't know if we have seen this  
5 one.

6                   THE WITNESS: I can pause.

7                   JUROR: Go ahead.

8                   A    Okay. I started to realize in my mind there  
9 is three possible threats that we need to look at.  
10 There is the entry where a person can actually start  
11 coming out, and there is two windows. And knowing I  
12 can't watch -- I mean, I can make glances, but I can't  
13 really watch all three, I asked, I believe, Officer  
14 Willard to watch the windows so that I could watch the  
15 entry. And I kept my gun -- I kept my gun pointed at  
16 that satellite dish just as a reference, as a safe  
17 place to point my gun.

18                   Also, right about now in the -- in my  
19 chronological order, a message came over -- I received  
20 a message, and some of the information I received was  
21 person-to-person with the officers or the Sergeant  
22 right there and some of it was over the radio. And I  
23 sometimes can't remember exactly where I got the  
24 information, but I know I got it.

25                   And I got information I think from Sergeant

1 Reyna that a message had been sent from the man inside  
2 saying something like, "You think I'm joking or I'm  
3 serious. Don't make me get my gun." That was very  
4 shortly after I arrived at Sergeant Reyna's location.  
5 And I remember that; I remember getting that  
6 information.

7 I remember Sergeant Reyna telling me in  
8 person, the female, the adult female that was  
9 referenced in this call, was out of the apartment, and  
10 the way it was put to me was she just left the kids  
11 there. So I knew now there are still -- I know there  
12 is kids inside and there is a man inside and he's  
13 saying, "I'm not joking. Don't make me get my gun."

14 Q You can sit down if you want unless you are  
15 referencing something before you sit down?

16 A I'm sure I'll stand up again.

17 Q That's fine. And are you -- you will have to  
18 stand up again maybe, but in this timeframe, just so  
19 we're all clear, are you now in a position, a tactical  
20 position at this point?

21 A Yeah.

22 Q You have already indicated where you are?

23 A I don't know if I indicated exactly where I  
24 was, but I was basically right by the front left wheel  
25 using the engine block and the wheel as what we would

1 call hard cover, something that may stop bullets, not  
2 guaranteed. And I'm squatted down behind it. The  
3 other officers are lined out to my right along the car.

4 Q And do you -- what are you doing with your  
5 AR-15 rifle?

6 A I'm pointing it at that satellite dish in that  
7 area, that brick facing from that picture, that will  
8 stop a bullet from AR-15, so I'm pointing my gun in  
9 that direction for as safely as possible pointing at  
10 something safe, but yet it's ready if I need it.

11 Q All right. And is that really your -- at this  
12 point, are you just basically staring at that satellite  
13 dish that we saw in the picture?

14 A I -- my job now -- my actual job right now is  
15 to make sure that if a threat, lethal-force threat  
16 presents itself in the entry or the windows, that I am  
17 the one specifically assigned to address it because I  
18 am the one with the extra training and the AR-15. And  
19 my job isn't to be the one planning what to do next or  
20 planning what we will -- how we will talk to him on the  
21 phone. That's the Sergeant and however she  
22 orchestrates that in her -- you know, she's kind of  
23 doing that away from the -- I shouldn't say what she  
24 was -- I know that she wasn't sitting right here with  
25 us anymore. I believe she was back farther once she

1 starts doing her planning.

2 Q And so you said you learned that the female,  
3 who had been in the apartment, was no longer in the  
4 apartment?

5 A That's correct.

6 Q Did you receive any more information -- again  
7 feel free to sit down if you want.

8 A Okay.

9 Q -- about whether the man in the apartment had  
10 a gun or not, and if he did have a gun, did you learn  
11 anything about -- details about that gun?

12 A I did. I mean I did learn very specific  
13 information. In my own mind, as I process it, that  
14 hasn't happened yet.

15 Q Okay. Because I'm moving you ahead in time?

16 A It's just -- my mind broke this down into very  
17 specific sections.

18 Q Okay.

19 A I mean I don't know if it's important or not,  
20 but there was other conversations taking place. There  
21 was Officer Kemple needing to make sure that we had  
22 officers on scene who simply had empty hands to -- you  
23 know, we have a rifle there. We have a bean bag gun  
24 there. A K9 officer came, Officer Elias, and Officer  
25 Kemple wanted to make sure, okay, we also need to be

1 able to just grab somebody, which is great. He was  
2 thinking about every possibility that could happen.  
3 And I remember him voicing that.

4 JUROR: That's Kemple?

5 THE WITNESS: Officer Kemple. I remember  
6 him saying, "We need to have somebody with empty  
7 hands." I know Officer Willard was there and I know  
8 Officer Kemple was there.

9 BY MR. REES::

10 Q I don't want to throw you off track.

11 A I'm sorry.

12 Q That's fine. I'm not throwing you off track,  
13 just to -- my question at this point is whether you  
14 received any particular information about the gun?

15 A I did.

16 Q And then do you recall what that was?

17 A I do. I was told that the gun was seen --  
18 that the man inside had a gun in a sock in his coat --  
19 very specifically remember that.

20 Q Now, do you remember -- you said you were  
21 getting information from different sources or means.  
22 But do you happen to remember how that was conveyed to  
23 you or not?

24 A I think that was over the radio, because I  
25 think in my mind's -- I think it was Sergeant Reyna's

1 voice that said it. I don't think she was standing  
2 next to me anymore. That's about as certain about  
3 where I got it as I can be. But I certainly got the  
4 information.

5 Q All right. After you got that information and  
6 as you are staring at the satellite dish, what do you  
7 see happen?

8 A Well, I am staring at the satellite dish and I  
9 see the head of a child come out of the entry and then  
10 start walking north. And then I see a second child pop  
11 out. I think I said that to Officer Willard, "There is  
12 kids coming out." One of us got on the radio and said,  
13 "There is kids coming out."

14 That starts a whole new process of  
15 reassessing the situation, and we need to make some  
16 very quick decisions. We need to get the kids out of  
17 harm's way. Now they are between us and the man who is  
18 supposed to have a gun, who is suicidal. And you know,  
19 if he were to come out and start a conflict, I don't  
20 want the kids stuck between that. I don't want the  
21 kids hurt.

22 Officers immediately started calling to those  
23 two kids, and they responded and they walked north.  
24 They walked north and out of the way, but I saw a third  
25 very small child walk out, and that -- that child

1     seemed to be -- well, I know he wasn't -- he or she.  
2     I'm sorry I don't know -- was not older than three  
3     years old, but I have children. I would guess he was  
4     two. I was really concerned that little child would be  
5     confused and not -- just be confused and not understand  
6     who to go to. I started thinking we need to do a very  
7     quick rescue of that child. I can run a front -- I'm  
8     sorry I use my hands a lot. I can run a front with the  
9     AR-15 to put myself between the child and the threat  
10    and some officer can grab the kid and we can back out  
11    and save him. I started to plan that and, fortunately,  
12    the child just responded and ran north and followed the  
13    other kids and it was done.

14           Q     All right.

15           A     Then I got information they were safely out of  
16    the way.

17           Q     All right.

18           A     But I noted -- I was relieved they were safe,  
19    but I thought it was really odd an adult didn't come  
20    out with them. And that started me thinking; well, the  
21    adult inside is planning for something bad to happen  
22    and maybe doesn't want the kids to get hurt. I  
23    couldn't think why else would you not just come out  
24    yourself, why send just the kids out? It's just  
25    something I was aware of in my mind.

1           Q    Did you think it was odd because of the age of  
2 the kids?

3           A    Yeah, especially the -- especially the -- they  
4 were all young children, but especially the third one.  
5 And I couldn't say that the first two were old enough  
6 to take care of the third one. So I thought it was  
7 odd. They were unattended, sent outside.

8                    JUROR: So at this point, you are not  
9 aware Officer Quackenbush is texting and also on the  
10 phone with --

11                   THE WITNESS: I think I can answer that  
12 with, yeah, somewhere about the same time we received  
13 information that -- I received the information that  
14 officers were communicating with the man by text  
15 message.

16                   JUROR: Uh-hum.

17                   THE WITNESS: I mean, that's about --  
18 that's probably close to the time I got some of that  
19 information.

20                   JUROR: I'm sorry. Is it right before  
21 you see the kids or right after?

22                   THE WITNESS: I'm sorry, very close to  
23 that time. I also wanted to verify seeing that they  
24 were young African-American children, I wanted to  
25 verify the race of the man inside, just for my own,

1 just to confirm it. I asked Officer Lewton, "Is it a  
2 black male?" He said, "Yes." I said, "Did he  
3 indicate -- am I correct, did I understand that he  
4 indicated suicide by police?" And I was told, "Yes."  
5 And then I also -- I also received that he has a gun in  
6 his coat -- a gun in a sock in his coat.

7 JUROR: That was Quackenbush who  
8 confirmed that for you?

9 THE WITNESS: Lewton.

10 JUROR: Lewton, I'm sorry.

11 THE WITNESS: Yeah, Lewton.

12 JUROR: Thank you.

13 THE WITNESS: So now I'm in possession of  
14 all that information.

15 BY MR. REES::

16 Q And with all that information and the children  
17 coming out, which you already said you thought that was  
18 weird because they are so little, they wouldn't be out  
19 on their own, I guess, what are you thinking maybe is  
20 happening?

21 A Well, I'm concerned that the man is thinking  
22 about killing himself or thinking about violently  
23 attacking the police, planning for something bad to  
24 happen inside, and he just didn't want the children to  
25 be caught up in it. That's a possibility.

1 I'm thinking about the possibility of him  
2 running out, the possibilities of him shooting out the  
3 windows, shooting out from the windows. All of that's  
4 just possible and I'm just aware of all of that.

5 Q All right. And what does happen after that?  
6 I don't know if you can recall how much time passes  
7 before the next event.

8 A Oh, well, then there is information over the  
9 radio that a man is looking out or that someone is  
10 looking out the blinds on the back side of the  
11 apartment. And I heard that. I know that was over the  
12 radio. I know that because that was the officers in  
13 the back saying, "He's looking out the back."

14 Q What does that make you think?

15 A That concerns me because he -- you know, to me  
16 that's somebody trying to gather their own  
17 intelligence. He's possibly counting how many officers  
18 there are. If it's a person that wants to escape, he's  
19 maybe trying to pick an escape route. If it's a person  
20 that wants to attack the police, he's possibly just  
21 trying to figure out where they are to attack them.

22 I asked officers to watch the windows, again,  
23 because I was concerned that he would do the same thing  
24 on our side.

25 Q And so what happens?

1           A    This is all where things happen very fast.  
2   All of a sudden -- all of a sudden a black male appears  
3   from the entry of No. 37. I think it would help if I  
4   stand.

5           Q    Sure. Use the diagram to show us.

6           A    All of a sudden, a black male walks from the  
7   entry -- well, actually, this is his path. Where this  
8   dotted line would be he walks right up the middle. I  
9   saw that. I was just alarmed. I was surprised. I had  
10  no information -- I had not received any information he  
11  was actually coming out. And he came out, and the  
12  first thing that struck me was how determined his walk  
13  out into the parking lot seemed. He did come out. He  
14  either had his hands on his head right -- already or he  
15  put them up immediately. But he came out with his  
16  hands on his head, but that -- but the speed -- and it  
17  wasn't a jog, but it was certainly a fast, determined  
18  walk, almost a march out to the middle of the parking  
19  lot. And that struck me instantly -- I have seen  
20  people come out -- over eight years, I've seen a lot of  
21  people give up to the police in a situation. And they  
22  are usually very methodical and slow in their  
23  movements. They usually put their hands very straight  
24  up in the air, and they do not make any fast movements  
25  because they don't want something bad to happen.

1 Sometimes they say, "I give up." "Okay. I give up."  
2 And I was struck by the fact that his movements were so  
3 like he had a plan, very determined.

4 He came out, and I yelled to the other  
5 officers, "Hey, he's coming out" or "Someone's coming  
6 out." I heard officers immediately start giving  
7 commands to the man. I'll call him the subject. I  
8 heard the officers, who were with me, start giving  
9 commands to the subject.

10 At this point, I just focus solely on his  
11 actions, because that -- now I am totally assuming my  
12 role as the AR-15 operator. I am just watching for a  
13 threat from him. And I know the officers were giving  
14 him commands, like we receive in training, lawful  
15 commands and actions, but I just don't remember what  
16 the words were. I just don't know what they were.

17 So he stopped. I don't know if he stopped  
18 because he was ordered to or if that's just where he  
19 chose to stop.

20 Q You are not giving the commands, right?

21 A No. The only thing I said was to the other  
22 officers, "Here he comes," because I believe I was the  
23 first one to see him come out. That was it. My job is  
24 not to be the one to give the commands, because I just  
25 need to be focused on what I'm doing.

1 Q All right.

2 JUROR: Would you indicate where he  
3 stops?

4 THE WITNESS: Yeah. It's on this corner.

5 JUROR: You are already aimed at him?

6 THE WITNESS: There is a car in the way  
7 here, and it's the Volvo in the picture. He -- the  
8 Volvo partially blocks him as he walks out, but as soon  
9 as he clears it, I'm able to point my gun at him the  
10 whole time.

11 JUROR: Gotcha.

12 THE WITNESS: And that's what I was  
13 doing. I was pointing my gun at him.

14 The officers -- I don't know which one,  
15 but I mean I just registered they are giving him  
16 commands and that's what I knew they were doing.  
17 And -- Oh, and the K9 officer was back here behind  
18 these green garbage dumpsters, and his dog started  
19 barking. I remember that.

20 And the subject with his hands on his  
21 head -- I remember the lighting here. We were under a  
22 light. We were well lit, but this area, to my memory,  
23 was very dimly lit. So as he started back up, he  
24 did -- he started to back up backwards toward us, and I  
25 turned -- my AR-15 has a flashlight near the front, and

1 I turned the flashlight on, kept it pointed at him as  
2 he continued to back up.

3 I'm still squatting down. As he got  
4 closer, I flipped the rear sight of my gun to the large  
5 aperture. I understand an AR-15 instructor has come in  
6 and talked to you. I don't know if they talked or if  
7 you care, but the rear aperture --

8 BY MR. REES::

9 Q Didn't talk about that. Is it important for  
10 us to understand?

11 A No. It just makes close -- no. It's just a  
12 different method of aiming.

13 Q Okay.

14 A I just changed it, and I'm aiming at him  
15 still. And he's backing up toward us.

16 He got close enough to me as I'm squatting  
17 down that I became uncomfortable with my position. I  
18 felt that if I needed to run for some reason or respond  
19 by moving, I wasn't -- I had been crouched down for  
20 awhile I think around 40 minutes, and my knees were  
21 hurting really bad. I just wasn't comfortable where I  
22 was, so I stood straight up and I continued to aim my  
23 gun at him as he walked -- in my memory, this isn't  
24 entirely the route. He didn't walk all the way to the  
25 car. He more veered off over -- over like this. And

1 he stopped.

2           Again, I think he stopped because of  
3 commands. In the way I remember it, is he stopped  
4 about where this number eight is, actually. He stopped  
5 about where this number eight is.

6           And I -- and I continued very focused on him,  
7 pointing my gun at him. And the dog's barking. And  
8 then I can hear the officers giving commands. Then the  
9 next really -- what really struck me is that the  
10 subject was yelling back at the police, and it was the  
11 tone of voice. He was very hostile and aggressive and  
12 loud. He was indicating verbally -- I don't remember  
13 the words. It was the tone. It was the way he was  
14 saying it was telling me he wasn't going to do what he  
15 was told.

16           Again, I have seen a lot of people give up,  
17 who are for some reason unable to comply with the  
18 commands if we tell them to get on their knees and they  
19 have a blown out or dislocated knee -- I'm just using  
20 that as an example -- "I'll give up, but my knee is  
21 broken. I can't get down," we just -- just have to  
22 accommodate that. That's not the kind of message that  
23 he was trying to send back to us.

24           JUROR: The tone, but you didn't hear  
25 those words exactly?



1 back of his waistband with his left hand, all the way  
2 down into his pants, not grabbing his waistband, and I  
3 knew -- I knew exactly what he was doing. And I  
4 thought to myself, "Don't do that. Don't reach for  
5 your gun. Don't pull out your gun." And in my mind, I  
6 knew -- I knew he was grabbing his gun.

7                   And everyone was still yelling at him.  
8 And I still had my gun pointed at him. And then he  
9 turned and -- and then he turned to his right a little  
10 bit and started to run this direction. This is kind of  
11 the path he took from number eight to number twelve.

12                   And, you know, it's funny, the -- I know  
13 that it happened much faster, kind of like that, but I  
14 had thoughts that flashed through my mind of, you know,  
15 "Give up, give up, you got to give up before you get to  
16 the edge of the car," and I knew -- I just have time.  
17 He got to the edge of the car and he still was digging  
18 in the back of his pants, and I knew that car provided  
19 him hard cover, just like our car provided us the same.  
20 And I knew that I could not let him get to hard cover  
21 and start shooting at the other officers and myself.  
22 I -- I -- so I didn't want it to happen. I mean, it is  
23 not -- it was unfortunate, I had to shoot him when he  
24 got to the edge of the car.

25                   JUROR: I have a question. You may not

1 know the answer to this. Did you have any reason to  
2 suspect that he was left handed?

3 THE WITNESS: No. I don't think I had  
4 information left or right handed.

5 JUROR: But he was definitely reaching  
6 with his left hand?

7 THE WITNESS: Yes. That is exactly how I  
8 remember it, with his left hand.

9 JUROR: Thank you.

10 BY MR. REES::

11 Q Let me ask you about your testimony that you  
12 believe or knew he was reaching for a gun. Can you  
13 explain that belief as opposed to grabbing -- I assume  
14 you have seen this -- where these guys are sagging and  
15 maybe they grab their pants with one hand while they  
16 are walking or running to hold their pants up or  
17 grabbing himself because he's reacting to being hit  
18 with a bean bag, if you can answer that question?

19 A I can answer it. I will really try. I have  
20 seen a number of young men run from the police, and  
21 their pants don't fit and they have to hold their pants  
22 up to run. Generally, they grab the front of their  
23 waistband. I don't think I have seen them grab the  
24 back to run away. And he didn't grab his waistband.  
25 His entire hand went into his pants, in the back of his

1 pants.

2           With the information I had received, the fact  
3 that he stated, "I'm serious. Don't make me get my  
4 gun" and that there is a gun in his coat and that --  
5 that he wanted suicide by police, I had no -- I had no  
6 reason to not believe that. I mean, that's what I  
7 believed, that he -- that he was making good on his  
8 threats, that he was reaching for his gun.

9 BY MR. REES::

10           Q    What about grabbing -- the second part of my  
11 question was --

12           A    I'm sorry.

13           Q    Just reacting, grabbing for his butt that had  
14 just been hit by a bean bag, for example?

15           A    No. No. That's not what he was doing. The  
16 way I remember the bean bagging was when he was bean  
17 bagged, he righted himself. He got his footing. It  
18 also seemed determined. It was deliberate the way he  
19 reached down. He didn't arch his back as if that hurt,  
20 as if in reaction. That's not how that seemed to me.  
21 It seemed that he had a purpose for what he was doing  
22 with his reaching, and he did it. And then -- he did  
23 it, and then turned to run toward that car. Everything  
24 he did seemed like it had a purpose that he was doing.

25           Q    Based on your training and your experience, is

1 that a place where someone could keep a gun?

2 A Yeah. I am a defensive tactics instructor in  
3 the Police Bureau and a firearms instructor. And I  
4 have taught newer officers, and I have, in fact, played  
5 the role of a suspect. And I have hidden guns in the  
6 small of my back on myself before. So I very much  
7 know -- I know that you can hide guns in the small of  
8 your back. In fact, they make holsters designed to go  
9 in the small of your back.

10 JUROR: How low was his waistband? You  
11 say he was sagging?

12 THE WITNESS: No, I wouldn't say he was  
13 sagging. It just seemed normal.

14 JUROR: Was that his waist?

15 THE WITNESS: Oh, yeah.

16 JUROR: The place where you would have  
17 your waistband on your pants?

18 THE WITNESS: Yes. It was at his waist.

19 JUROR: I have a question. Could you see  
20 his underwear at all?

21 THE WITNESS: I could see -- no. No, I  
22 could see a white tee-shirt, but no -- I don't recall  
23 underwear.

24 JUROR: I apologize if I sound like I've  
25 tried to kind of ask you this already.

1 THE WITNESS: I want to make it clear.

2 JUROR: If this is something you know  
3 about. Officer Quackenbush talked to us and he says  
4 that just before he comes out, he's not texting. He's  
5 on the phone with the victim and he says, "There is no  
6 crime. We're just talking. Campbell says, "Leave me  
7 alone. I'm okay." He said, "Don't worry about the  
8 kids," and that's when the kids come out. "Aaron, we  
9 know you are not going to hurt yourself." "Never. I  
10 wouldn't do that."

11 "Can you promise you won't hurt  
12 yourself?" Bad connection. Officer P.C. wants  
13 assurances not going to hurt himself, and that's when  
14 he comes out." Do you know any of this?

15 THE WITNESS: No, none.

16 JUROR: That's all I wanted to clarify.

17 THE WITNESS: I didn't know any of that.

18 BY MR. REES::

19 Q When you -- you pull the trigger, would you  
20 say that was an intentional act? By "intentional", I  
21 mean consciously and deliberately as opposed to  
22 accidentally?

23 A Oh, it was no accident. It was intentional.

24 Q And --

25 A It was -- I mean, my training just very much

1 kicked in right there.

2 Q According to the medical examiner's report,  
3 Mr. Campbell was shot almost directly square in the  
4 back. Would you say that that was intentional on your  
5 part, again, as opposed to accidental? And if it is  
6 intentional, can you explain why?

7 A Yeah. That's the first time I've heard where  
8 he was hit, and that is where I aimed. That's where I  
9 meant for the bullet to go. The way we are taught is  
10 to aim for the center of mass, the greatest probability  
11 that you will hit your target.

12 The idea is you have to stop them. And the  
13 most likely way to stop him is the center of the torso.

14 I could -- there was no doubt in my mind he  
15 was pulling -- he was going to start shooting at the  
16 other officers and myself, and that hand was still  
17 digging for his gun when he got to the corner of the  
18 car. The center of his back is what was facing me,  
19 so --

20 Q Do you remember how many times you pulled the  
21 trigger?

22 A One time.

23 Q All right. Were you able to see the result of  
24 that?

25 A He -- he either took a half a step or a step

1 forward or his momentum carried him forward, but he  
2 fell straight down in front of the car. And I could  
3 just see his white shoe in the front of the Volvo, just  
4 like the picture here.

5 Q And I think you -- you -- this may be a  
6 somewhat repetitive question. But let me just ask you  
7 so we're clear on this point, if you -- if you can  
8 remember, when you pulled the trigger, aiming at  
9 Mr. Campbell, what was your thought as far as what  
10 particular threats existed if he reached the Volvo? I  
11 think you said in kind of a general way. But are there  
12 specific thoughts? And feel free to use the exhibit if  
13 you want to explain that.

14 A I sensed an immediate -- an immediate threat  
15 of death to the other officers and myself.

16 Q Who would those other officers be, not by  
17 name, but in what locations are you thinking?

18 A They were with me here. Officer Elias here.  
19 Oh, I'm sorry. I received information that officers  
20 may be over in the east. I don't know. I don't know  
21 if that ever happened. But I was receiving information  
22 officers were being spread out, so any of those  
23 officers, my job is the one in front, to protect them.  
24 I sensed an immediate threat of death to them.

25 However, also I see now that this is a solid

1 wall. I didn't know that until right -- until we came  
2 in this room. I had no idea as I'm out here if this is  
3 a pass-through entry, but I do know there is officers  
4 back here and I had no idea -- they are in the dark  
5 back here. They don't know -- you know, I can't let a  
6 man with a gun who is determined to start shooting at  
7 the police get out of my sight and start attacking  
8 officers back here.

9 I also don't know if there is anybody on -- I  
10 also don't know if there is anybody still in this  
11 apartment. I don't know if he gets back in there, if  
12 he starts another hostage situation. I just don't know  
13 who's in there.

14 That car provided some hard cover, and that  
15 brick entry provides some hard cover. And I couldn't  
16 let him get to that. I had no choice. I couldn't let  
17 him get to that point.

18 JUROR: As far as the K9, and Officer  
19 Elias, do you -- when he spoke to us, he sort of  
20 explained the role of a K9 in a situation like this as  
21 the K9 is sort of an expendable unit that can be  
22 detached on somebody. Up to this point, has there  
23 been -- there has been no tactical discussion about how  
24 to handle this guy if he comes out; is that right?

25 THE WITNESS: Well, I don't know. I was

1 not part of the tactical discussion, because I had a  
2 job. I was part of the tactical plan. I was -- I was  
3 the plan of watching.

4 JUROR: Right.

5 THE WITNESS: Obviously, the Sergeant  
6 called those other resources to the scene for a reason.

7 JUROR: Uh-hum.

8 THE WITNESS: And whether there was a  
9 plan or it was in the process of being developed, I  
10 don't know. I'm not a K9 trained officer and I never  
11 have been. So I don't know -- I can't answer to the  
12 exact appropriate use of when we would or wouldn't use  
13 the dog.

14 JUROR: That's to say that you weren't  
15 waiting for the dog to be loosed on him before you  
16 could discharge a round. You were just trying to  
17 figure out if you were necessary to shoot?

18 THE WITNESS: I couldn't -- I couldn't  
19 wait. That threat was right now, immediate. And it  
20 would have been inappropriate to wait.

21 JUROR: Did you see the dog at all? I  
22 know you were extremely focused on what you were doing.

23 THE WITNESS: I -- I -- the dog was to my  
24 left and a little behind me. I was aware there was a  
25 dog there.

1 JUROR: You see -- you know as you are  
2 looking through your whatever it is you are looking  
3 through, however it is you do it.

4 THE WITNESS: The sights.

5 JUROR: The sights, however it is you  
6 hold it, out of your peripheral vision, did you see the  
7 dog coming on the scene?

8 THE WITNESS: No, I didn't.

9 JUROR: As far as you know, the dog was  
10 not released, as far as what you saw?

11 THE WITNESS: As far as my -- yes, yes,  
12 ma'am, that's right.

13 JUROR: Thank you.

14 BY MR. BANFIELD:

15 Q You know when you were talking earlier, you  
16 were saying -- you were looking at all the different  
17 angles, all the different possibilities before he came  
18 out?

19 A Yes.

20 Q You were thinking possibly he could be  
21 shooting out the window, he could come out of the  
22 hallway entryway there shooting, he could go out the  
23 back, all these different scenarios. Did you ever  
24 think he possibly might just come out, surrender?

25 A Oh, yes. And I have seen that happen a lot.

1           Q    And in your mind, when was that possibility of  
2   surrender just no longer reasonable for you to believe?  
3   At what point?

4           A    At the point that he deliberately reached in  
5   his waistband. That is not ever a command we tell  
6   somebody to do. That is something he did on his own.  
7   I -- certainly doing that combined with running to a  
8   place of cover, he is not -- he is not compliant. He  
9   is not giving up at this point, and it just -- it's  
10   hard to -- (Pause.) I have been on those scenes where  
11   people have given up a lot, and I think it shows I  
12   aimed at him and was patient and allowed him to comply.  
13   And I allowed him to back up. And even when a bean bag  
14   round is fired at him, I am waiting.

15                    There is a specific line that the AR-15  
16   operator -- there is a -- there is a difference. Just  
17   because someone's yelling back at you doesn't justify  
18   deadly force. And just because they are physically not  
19   complying doesn't justify deadly force, even if they  
20   have been bean bagged.

21                    But when they make an aggressive movement on  
22   their own, when I have every reason to believe he is  
23   armed, that's where nothing else would have been  
24   reasonable.

25                    I hope I explained that right.

1 MR. BANFIELD: I think so.

2 JUROR: Sort of a related question: The  
3 previous Officer, Kemple, he said when he got as close  
4 as he gets to the police car, that he was roughly ten  
5 or so feet away and they had a spotlight on him?

6 THE WITNESS: Is that your question, did  
7 they have a spotlight?

8 JUROR: I'm just saying does that comport  
9 with your recollection?

10 THE WITNESS: The distance? Yeah. That  
11 could be right. I would have said about 15 feet away.

12 The light, I don't know if it was  
13 spotlight or not. I had the light on my AR-15 on him.  
14 And someone might have thought that was a spotlight.  
15 There may have been a spotlight. I don't know.

16 JUROR: Right. But he's roughly the  
17 distance between you and me almost?

18 THE WITNESS: That's too close, a little  
19 bit.

20 JUROR: Anyway --

21 THE WITNESS: Yes, though, not very far.

22 JUROR: -- really close? And you are  
23 saying his hand went so far into his pants that it  
24 concealed his entire hand?

25 THE WITNESS: Yes.

1 JUROR: And he was at that moment bending  
2 over and he didn't appear to be reeling from pain?

3 THE WITNESS: No. No.

4 JUROR: But he had just been shot?

5 THE WITNESS: He had been bean bagged.  
6 Yeah, that's -- that's how it was in my mind. My mind  
7 has played some of this faster and some of it slower,  
8 but, yes, that's right. He was very -- he wasn't  
9 falling forward and catching himself. He was balanced.  
10 He was upright, and it was certainly deliberately  
11 reaching down in his pants.

12 JUROR: Thank you.

13 BY MR. REES:

14 Q Now, you didn't see a gun, correct?

15 A That's correct.

16 Q You are not saying -- to be clear, you are not  
17 saying you thought you saw a gun?

18 A No, I'm not saying that.

19 Q All right. And so why not just let him go to  
20 be caught another day or handled another way and just  
21 let him run away?

22 A Well, the police in that situation just can't  
23 do that. That's a big --

24 Q Really, what I'm doing is I'm just asking you  
25 in another way the question of ultimately why did you

1 choose at that moment to use deadly force?

2 A He wasn't running away. He wasn't running  
3 away.

4 Q Okay.

5 A He was preparing to shoot at the police in my  
6 mind. He wasn't running away. He wasn't trying to  
7 just get away and not be arrested. He was a threat to  
8 the police, to myself.

9 Q Can you explain why you believe that as  
10 opposed to just booking out of there?

11 A It goes back still to all the information I  
12 had been receiving, that he said -- that it was said to  
13 me that he wanted to commit suicide by police; that he  
14 said he is serious, don't make him get a gun; that  
15 someone said he's got a gun in his sock in his coat;  
16 that he had recently tried to commit suicide. I can't  
17 ignore all that information. And the suicide by police  
18 part, the idea of pulling your own gun and shooting at  
19 the police either to kill them or to get them to kill  
20 you. I couldn't let him get away because the next  
21 thing he was going to do was pull out a gun and start  
22 shooting at people.

23 I would never have chosen for that situation  
24 to happen. I didn't want that to happen. That was  
25 simply my job. I had to do that.

1 I hope that answers your question.

2 MR. REES: It does. Thank you very much.  
3 I don't have any further questions. I don't know  
4 whether the Grand Jury does.

5 JUROR: I just have one related question  
6 to when he is running away from you. I remember you  
7 said as he -- he was getting pretty much as far away as  
8 he got, his hand was still reaching for his gun?

9 THE WITNESS: Uh-hum.

10 JUROR: Did you -- did you also say that  
11 his hand had been digging in his pants the whole while  
12 he's running? That's what I want to know. Was his  
13 hand in his pants the whole time he was running?

14 THE WITNESS: Oh, yes. And I perceived  
15 him as trying to pull something out the whole time he  
16 is running. When I say the whole time, that's not --  
17 it's very fast. It's very fast. It's faster than -- I  
18 mean, I can explain it over a period of time, but it  
19 happened very fast.

20 MR. REES: Anything else, folks?

21 All right. We'll release this witness.  
22 Thank you very much. And we'll go off the record.

23

24 (Recording concluded 7:16 p.m.)

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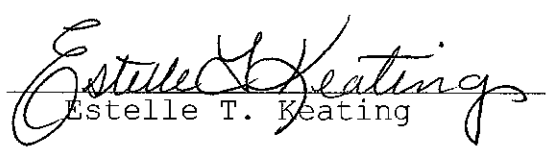
STATE OF OREGON            )  
                                  )     ss.  
County of Multnomah        )

I, Estelle T. Keating, Official Court Reporter  
of the Circuit Court of the State of Oregon,  
Eleventh Judicial District, certify that I reported  
in stenotype the foregoing proceedings in the  
above-entitled matter.

I further certify that my stenotype notes were  
reduced to transcript form by Computer-Aided  
Transcription under my direction.

And I further certify that transcript date  
2/9/10, pages 211 to 452, contains a full, true, and  
accurate record of my stenotype notes.

Dated this 15th day of February, 2010, at  
Portland, Oregon.

  
Estelle T. Keating