

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