

**Office of the City Auditor
Independent Police Review**

Confidential Investigative Report

Date: 03/23/17
Case #: 2016-B-0014
Complainant: City of Portland

Involved PPB Member Interviewed:

Chief of Police Lawrence O’Dea, [REDACTED]

Witness PPB Members Interviewed:

Assistant Chief Michael Crebs, [REDACTED]
Assistant Chief Robert Day, [REDACTED]
Assistant Chief Donna Henderson, [REDACTED]
Assistant Chief Kevin Modica, [REDACTED]
Captain Derek Rodrigues, [REDACTED]
Sergeant Pete Simpson, [REDACTED]
Administrative Assistant Diane Haman

Other Witnesses Interviewed:

Robert Dempsey	
John Megan	U.S. Department of Fish Wildlife
Christi Banton	Harney District Hospital EMS
Travis Lock	Harney District Hospital EMS
Debby Miller	Harney District Hospital EMS
Perilyn Wells	Harney District Hospital EMS
Mayor Charlie Hales	Police Commissioner
Josh Alpert	Mayor’s Office, Chief of Staff
Sara Hottman	Mayor’s Office, Communications Director
Tera Pierce	Mayor’s Office, Deputy Chief of Staff
Deanna Wesson-Mitchell	Mayor’s Office, Public Safety Director

Applicable Directives:

Directive 310.00 – Conduct, Professional (Second Revision Effective 12/11/15)
Directive 310.50 – Truthfulness (Second Revision Effective 07/30/15)
Directive 315.30 – Satisfactory Performance (Second Revision Effective 12/04/14)
Directive 333.00 – Criminal Investigations of Police Bureau Employees (Effective 10/30/14)

Allegations:

1. Portland Police Bureau Chief Lawrence O’Dea, [REDACTED], brought reproach and discredit upon the City of Portland and the Portland Police Bureau, by causing a negligent discharge of a firearm, while off-duty, which resulted in injury. (CONDUCT) (Directive 310.00 – Conduct, Professional)

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2. Portland Police Bureau Chief Lawrence O’Dea, [REDACTED], failed to provide adequate notice that he was the subject of a criminal investigation. (PROCEDURE) (Directive 333.00 – Criminal Investigations of Police Bureau Employees)
3. Portland Police Bureau Chief Lawrence O’Dea, [REDACTED], after informing his Assistant Chiefs he was involved in an off-duty negligent discharge of a firearm, improperly directed or suggested the Assistant Chiefs not discuss or disclose the incident outside of the Chiefs’ office. (CONDUCT) (Directive 310.00 – Conduct, Professional) (Directive 315.30 – Satisfactory Performance)
4. Portland Police Bureau Chief Lawrence O’Dea, [REDACTED] failed to respond fully and truthfully during his May 24, 2016, interview with the Independent Police Review. (CONDUCT) (Directive 310.50 – Truthfulness)

Note: All City and Police Bureau personnel are referred to by the rank and duty assignment held during the time period that is the scope of this investigation

Incident Overview:

Portland Police Bureau (PPB) Chief Lawrence O’Dea, [REDACTED], traveled to the area of the Pueblo Mountains, in eastern Oregon, with a group of friends, between 04/17/16 and 04/21/16. On 04/21/16, while members of the group were shooting at Belding ground squirrels (also called sage rats) and cans, Chief O’Dea caused a negligent discharge of his .22 caliber rifle, which struck and wounded his friend Robert Dempsey. Although the Harney County Sheriff’s Office (HCSO) opened an investigation into the matter, the Independent Police Review (IPR) did not learn of the incident, or HCSO’s investigation, until *Willamette Week* published an article about the incident on 05/20/16.

On 05/23/16, following the publication of this article, IPR opened an investigation regarding the matter, under case #2016-B-0014. Originally, case #2016-B-0014 was intended to investigate the actions of Chief O’Dea. As the investigation progressed, its scope was enlarged in order to also investigate the actions of Assistant Chiefs (A/Cs) Michael Crebs, [REDACTED], Robert Day, [REDACTED], Donna Henderson, [REDACTED], and Kevin Modica, [REDACTED], as well as Professional Standards Division Captain Derek Rodrigues, #37149 after they learned of the incident.

In addition to being investigated by IPR, Chief O’Dea was also under criminal investigation by the Oregon Department of Justice (Oregon DOJ), with the assistance of the Oregon State Police (OSP). Oregon DOJ and OSP took over HCSO’s investigation when HCSO determined O’Dea was PPB’s Chief of Police. [REDACTED]

[REDACTED]

In order to investigate the conduct of at least some involved members in a timely fashion, on 08/25/16 IPR split its existing investigation into two cases. Case #2016-B-0014 comprises IPR’s investigation of

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Chief O'Dea's conduct during and after the negligent discharge. Case #2016-B-0030 comprises IPR's investigation of the conduct of A/Cs Crebs, Day, Henderson, and Modica, as well as Captain Rodrigues.

The following investigative report describes IPR's investigation of Chief O'Dea's conduct during and after the negligent discharge. For details of IPR's investigation of A/Cs Crebs, Day, Henderson, Modica, and Captain Rodrigues, refer to the investigation report for IPR case #2016-B-0030.

Investigation Narrative:*Interview with shooting victim Robert Dempsey*

Investigator Berry interviewed Robert Dempsey on 05/26/16. This interview was recorded and subsequently professionally transcribed. Refer to the audio recording and transcript for details. In summary, Mr. Dempsey indicated: On Sunday, 04/17/16, he left for a trip to southeast Oregon. A total of eight men went on the trip, including himself, Chief O'Dea, Stephen Buchtel, Brian Carroll, Michael Lieb, James Miller, Jeffrey Purvis, and Tim Zimmer. The group of men are friends, and many of them have taken yearly vacations together for several years. The group would travel during the day, and stop to make camp at a new location each day. Mr. Dempsey was not able to describe exactly where the group was at the time of the incident, but recalled they were in the area of the Pueblo Mountains. Although this was primarily a camping trip, all the men except Mr. Zimmer brought .22 caliber firearms with them, and they would shoot sage rats when they stopped to camp. Mr. Dempsey had a Smith & Wesson model 41 .22 pistol with him on the trip, and recalled Chief O'Dea had a .22 caliber Winchester lever action rifle.

Mr. Dempsey further indicated: Thursday, 04/21/16, began much like the other days of the trip. The men woke up and made coffee. At 1100 or 1200, they decided to hike out to a building some distance up the valley from where they made camp. Everyone went on the walk except Mr. Zimmer, who was leaving that morning and stayed behind to pack up. When the men returned, they set up lawn chairs in a line outside the camp area, facing toward a large hill with a creek or reservoir at the bottom. The group spent the afternoon shooting at sage rats at bottom of the hill, at ranges of 100 to 130 yards. Mr. Lieb sat to Mr. Dempsey's right, with Mr. Miller to Mr. Dempsey's right. Chief O'Dea sat to Mr. Dempsey's left, with Mr. Purvis to Chief O'Dea's left. Chief O'Dea's pickup truck was parked to the left of Mr. Purvis, and Mr. Buchtel sat to the left of Chief O'Dea's truck. At some point, Mr. Purvis moved to a different location.

Mr. Dempsey indicated: He drank a total of three beers during the day. He drank a can of beer before the walk, and another during the walk. When the group returned from the walk, Mr. Dempsey brought Mr. Lieb and Mr. Miller a beer each after the walk, and had another beer himself. Chief O'Dea was drinking a can of Crystal Light. Mr. Dempsey recalls it was Crystal Light because the slender can did not fit in Chief O'Dea's chair's cup holder and kept falling over. Mr. Dempsey stated, "Larry O'Dea had zero alcohol." Mr. Dempsey stated Chief O'Dea has "never been one to get drunk." Mr. Dempsey stated, "It's just not his [O'Dea's] style. It never has been."

Mr. Dempsey indicated: As the group shot, Chief O'Dea's rifle occasionally did not function properly. He believes the rifle may have been failing to eject, but is not certain. Chief O'Dea borrowed a cleaning kit from Mr. Purvis and cleaned the rifle, but it continued to intermittently not function. Chief O'Dea also

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tried several types of ammunition in the rifle. At some point, Mr. Dempsey saw Chief O’Dea stand up, holding his rifle. Mr. Dempsey stated:

And then he [O’Dea] turns and sets it [rifle] across the arms of the chair, barrel towards me, so he gets up takes the rifle and I’m sitting there looking at him. He diligently just sets it here like, all right, all good and takes off behind me back to his – to the camp. I’m like, okay, fine and I continue to my look, my focus is out in the field.

Asked whether Chief O’Dea swept Mr. Dempsey with the muzzle of his rifle as he got up, Mr. Dempsey stated, “Not swept, but placed with barrel towards me.” Mr. Dempsey indicated he believes Chief O’Dea left to get something to eat. Mr. Dempsey indicated he was not aware of Chief O’Dea returning to his seat. Mr. Dempsey stated, “The next think I know is I got shot, because I don’t remember, I don’t remember him [O’Dea] see him coming back to the seat.” When asked, Mr. Dempsey confirmed he was not aware of Chief O’Dea returning until after he had been shot.

Mr. Dempsey described getting shot, stating:

How do you describe the most intense pain you’ve ever had in your life, you know what I mean? Gets in – you get the wind knocked out of you, the initial – the initial blow is just like, it put me – I think I was like, in this position and it hit me and I went to my knees right here holding on my chair and I was swearing.

Mr. Dempsey indicated Mr. Buchtel and Chief O’Dea were lifting up Mr. Dempsey’s shirt, and Chief O’Dea said to look for a self-inflicted wound. Mr. Dempsey stated, “That’s when I yelled I didn’t f’ing shoot myself.” Mr. Dempsey stated he felt “pissed” when it was suggested he shot himself.

Mr. Dempsey indicated: He had been carrying his S&W 41 in a “tanker” style shoulder holster, but when he started shooting that day, he took his pistol out of his holster, and put it on a side table attached to his chair. Mr. Dempsey stated, “All that afternoon, I never holstered it.”

Mr. Dempsey indicated: There was no cellular coverage in the area, so they could not call for aid from the camp. His friends put him in the rear seat of Mr. Lieb’s truck, and Mr. Lieb started driving toward Fields Station. Mr. Buchtel and Mr. Miller rode with them. At the top of a ridge they picked up a cellular signal and called for aid. Mr. Dempsey believes they arrived at Fields Station at approximately 1730.

Mr. Dempsey indicated: A first responder met them at Fields Station and began examining him. The first responder told him a LifeFlight helicopter was inbound.



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Mr. Dempsey indicated: After the LifeFlight helicopter arrived, he was flown to a hospital in Boise, Idaho. Mr. Lieb and Mr. Miller drove to Boise, and stayed the night in a motel. At the hospital he underwent a CAT scan, and then spoke with a surgeon at approximately 2215. The surgeon advised Mr. Dempsey the bullet fragments “missed everything” and there was no need for him to undergo surgery. Mr. Dempsey further described his conversation with the surgeon, stating:

I asked him point blank is there any way that I could've reached around with my pistol and shot myself? He goes, 'There ain't no way in hell.' He goes, 'That bullet went straight across your back in a straight angle and fragmented out, impossible.' And I said, 'It will be in my notes' I said that's clear – that told me exactly that somebody on that left side did it. That's why, Bucky [Buchtel] was on the other side of the truck and there was only Larry [O'Dea] standing there.

Mr. Dempsey indicated after his conversation with the surgeon, he was completely certain he did not shoot himself, and that Chief O'Dea likely had shot him.

Mr. Dempsey indicated: He made several calls the evening he was admitted to the hospital, but does not believe he spoke to Chief O'Dea that evening. He was released from the hospital the following day, Friday, 04/22/16, and drove home with Mr. Lieb and Mr. Miller. “Everybody” was calling him, and he believes Chief O'Dea called him on 04/22/16 to see how he was doing. Chief O'Dea continued to call him in the days that followed, as did his other friends.

Asked if he ever spoke to Chief O'Dea about how he got shot, Mr. Dempsey indicated he believes he spoke to Mr. Buchtel on Monday, 04/25/16. Mr. Dempsey indicated he told Mr. Buchtel that he and Chief O'Dea had been the only people on Mr. Dempsey's left at the time he was shot. Mr. Dempsey indicated Mr. Buchtel said, “It wasn't me.” Mr. Dempsey indicated sometime after that conversation, he believes he spoke to Chief O'Dea by telephone. Mr. Dempsey stated:

I say hey, we're talking and now we're doing a little banter. I say, 'Hey,' I go, 'You shot me,' he goes, 'Yeah, I know' and then I go, 'All right,' but he – I don't think it really registered in his mind that whole weekend and just – I think he just blanked out with it.

Mr. Dempsey stated this conversation “made me feel weird.” Mr. Dempsey stated, “I felt like what's going on with you? I go that's not – that's not the right feeling I'm getting from him.” Mr. Dempsey stated, “He wasn't serious, serious, you know, like it just went right through him and just like, all right, have a great day, you know, whatever, but he was concerned, but only about my health.”

Mr. Dempsey indicated: Following this conversation, he drove to Eugene, Oregon with Mr. Lieb, to pick up a vehicle, and they discussed Chief O'Dea's reaction. Mr. Dempsey stated, “I said, Mike, he is acting kind of weird on this, like he doesn't realize he did it.” Mr. Lieb stated, “Yeah, I know.” Mr. Dempsey believes Mr. Lieb later called Chief O'Dea and “said whatever he said, I'm sure he'll tell you.” Sometime after that, likely on Wednesday 04/25/16, Chief O'Dea called Mr. Dempsey again. Mr. Dempsey stated, “He called me up and just was in tears and apologizes and, he couldn't be – in the most emotional state I've ever seen the man. And it's been that way ever since.” Mr. Dempsey stated, “He was just tore up. I mean, like I expected the first call.” Mr. Dempsey stated, “I think he was in shock.”

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Mr. Dempsey indicated during this conversation, or possibly the next day, Chief O'Dea told him he had contacted "somebody there" at HCSO regarding the shooting. Mr. Dempsey stated, "Larry [O'Dea] told me that he had called the sheriff and told him that he did it." Mr. Dempsey indicated Chief O'Dea told him he spoke to "one of the sheriffs."

Regarding his own contact with HCSO, Mr. Dempsey indicated: On the afternoon of Friday, 04/22/16, Deputy Nisbet called him for an interview. He told Deputy Nisbet he did not want to do the interview then, because he was riding home, and was "medded up." He finally arrived home late in the evening, and saw his wife. Mr. Dempsey asked his wife to call Deputy Nisbet and tell him that he would call him in the morning. After his wife spoke to Deputy Nisbet, she told Mr. Dempsey that the deputy was under the impression he had shot himself. His wife also said Deputy Nisbet told her he was going on vacation for two weeks, and would contact Mr. Dempsey when he returned.

Mr. Dempsey indicated: Deputy Nisbet left him a voicemail on Mother's Day (05/08/16), but Mr. Dempsey did not notice he called. He believes he eventually spoke to Deputy Nisbet by telephone on Tuesday, 05/10/16. During that conversation, Mr. Dempsey told Deputy Nisbet that Chief O'Dea was the Chief of PPB, and that Mr. Lieb and Mr. Buchtel were both retired police officers. Deputy Nisbet "acted extremely surprised that Larry [O'Dea] was Chief of Police."

When asked, Mr. Dempsey stated he has not talked with Chief O'Dea regarding how he was going to describe the incident. Asked to describe his current relationship with Chief O'Dea, Mr. Dempsey stated he "absolutely" still considers Chief O'Dea to be a friend. Mr. Dempsey stated Chief O'Dea is "very upset" and "devastated" about the incident. Mr. Dempsey stated Chief O'Dea has apologized "over a billion times" to him. Mr. Dempsey noted the bill for the LifeFlight to Boise was over \$50,000. Mr. Dempsey indicated recently, he and his wife went out to dinner with Chief O'Dea and his wife. Mr. Dempsey indicated during the dinner, he handed Chief O'Dea the bill for the LifeFlight and said, "I'm not paying for none of this." Mr. Dempsey stated, "He [O'Dea] said, quote, 'Whatever the insurance doesn't take care of, I will take care of.' Very popular man."

EMS personnel respond and treat Robert Dempsey

After the hunting party called 911, Harney County Dispatch staff alerted Harney District Hospital Emergency Medical Services (EMS) staff. EMS dispatched an ambulance, staffed by Paramedic Travis Lock and Emergency Medical Technicians (EMTs) Christi Banton and Perilyn Wells, to meet the hunting party at Fields Station, a local business. EMS Emergency Medical Responder (EMR, or first responder) Debby Miller lives in the area, and was also dispatched to assist. Investigator Berry interviewed Paramedic Lock, EMT Banton, and EMT Wells on 05/31/16 at Harney District Hospital, and later EMR Miller by telephone on 06/01/16. All interviews were recorded and subsequently professionally transcribed. Refer to the audio recordings and transcripts for details.

When interviewed, in summary EMR Miller indicated: She arrived at Fields Station before the hunting party. When they arrived, she examined and treated Mr. Dempsey while he remained seated in the rear passenger seat of a four-door pickup truck. EMR Miller remained with Mr. Dempsey while they waited for police and the ambulance to arrive. Police arrived after approximately an hour, and the ambulance arrived after approximately an hour and a half. EMR Miller stated, "He [Dempsey] and I had a lot of time

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to visit. He was in extreme pain and we talked about what happened.” Mr. Dempsey told EMR Miller he and his friends were sitting in a line of lawn chairs, drinking beer, and shooting at sage rats. Mr. Dempsey said he did not know how he was shot. EMR Miller stated, “He [Dempsey] said that since lunch he had had three beers.” EMR Miller believes five other members of the hunting party were present. The men appeared to be very concerned about Mr. Dempsey’s welfare. None of the other men indicated they knew how Mr. Dempsey was shot, but they did speculate he may have been hit by a ricochet. Asked about alcohol, EMR Miller indicated she did not smell alcohol on the other men, and none of them talked about drinking.

When interviewed, in summary Paramedic Lock indicated: Because of the nature of Mr. Dempsey’s injuries, he directed a LifeFlight helicopter also respond and meet the ambulance at Fields Station. Police had already arrived by the time the ambulance got to Fields Station, and the helicopter was very close behind. He examined Mr. Dempsey and saw he had a large hematoma running across his back. It appeared the bullet had entered his back, struck a rib, and slid across his back before coming to rest. Other members of the hunting party said they had been in a line, shooting, but they did not know who had shot Mr. Dempsey, or whether he had been hit by a ricochet. The members of the hunting party “kind of went back and forth” about how Mr. Dempsey was injured. Members of the hunting party admitted drinking alcohol, but none of them appeared to be impaired, and nobody slurred their words or was unsteady on their feet. Paramedic Lock had nasal congestion during the incident, due to allergies, and could not tell whether anyone smelled of alcohol. None of the members of the hunting party said they were a police officer. Paramedic Lock has seen a picture of Chief O’Dea since the incident, and remembers he was present at the scene. Chief O’Dea did not appear to be intoxicated, he did not slur his words, and he did not appear to be unsteady on his feet.

When interviewed, in summary EMT Banton indicated: When they arrived, Mr. Dempsey was seated in the rear passenger seat of a pickup truck. She heard someone, likely Paramedic Lock, ask Mr. Dempsey if he had been drinking, and he said he had had three beers. Paramedic Lock administered some medication, and EMS staff turned over care of Mr. Dempsey to the LifeFlight crew shortly after. The rest of the hunting party did not appear to be intoxicated, and she did not smell alcohol on anyone. Someone present at the scene indicated Mr. Dempsey may have been struck by a ricochet, but EMT Banton does not remember who. No one at the scene mentioned being a police officer. EMT Banton does not know what Chief O’Dea looks like, and she could not describe any statements he may have made. Police were present and questioned members of the hunting party, but EMT Banton did not hear what was said.

When interviewed, in summary EMT Wells indicated: When they arrived, EMR Miller was with Mr. Dempsey in the backseat of a pickup truck, while a HCSO Deputy and a USDFW officer were present, questioning witnesses. The other members of the hunting party were “visibly distraught” about Mr. Dempsey being injured. EMS staff asked members of the hunting party how Mr. Dempsey had been shot, and someone suggested he may have been hit by a ricochet. None of the members of the hunting party appeared to be impaired to her, and she did not notice a strong smell of alcohol on anyone. EMT Wells has seen a picture of Chief O’Dea since the incident, she knows what he looks like, and she remembers speaking to him at the scene. She remembers Chief O’Dea standing with another person, she had the impression they were “closer friends.” Other members of the hunting party were sitting on the tailgate of a truck, but Chief O’Dea and his friend were moving around more than the others, and

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they “seemed especially upset.” Asked if she smelled alcohol on Chief O’Dea’s breath, EMT Wells stated, “It didn’t make an impression.” When asked, EMT Wells indicated Chief O’Dea did not appear to be impaired.

HCSO Deputy Nisbet not interviewed during investigation

After this investigation was initiated, IPR Investigator Berry spoke to Harney County Sheriff Dave Ward by telephone on 05/24/16. During the conversation, Sheriff Ward agreed to facilitate an interview with HCSO Deputy Christopher Nisbet, #48572, who responded to and investigated the incident. On 05/31/16, Investigator Berry traveled to Burns, Oregon and contacted Deputy Nisbet. Upon contact, Deputy Nisbet indicated Harney County District Attorney Tim Colahan directed him not to grant IPR an interview until Oregon DOJ and OSP completed their criminal investigation.

Interview with USDFW Officer John Megan, #5004

Investigator Berry interviewed USDFW Officer John Megan, #5004, on 05/31/16, at HCSO headquarters in Burns, Oregon. In summary, Officer Megan indicated: At approximately 1630 on 04/21/16, he heard HCSO dispatch staff advise a person was coming into Fields Station with a gunshot wound. Staff from local law enforcement agencies in the area often assist each other with responding to calls, and when he heard the call he advised dispatch staff he was also responding, and began the approximately 100-mile drive to Fields Station.

Officer Megan further indicated: He arrived at Fields Station at approximately 1800. When he arrived, he saw Mr. Dempsey in the rear seat of a four-door pickup truck, being treated by an EMS first responder. Some local residents were present, as well as Mr. Dempsey’s friends who had driven him to Fields Station. When Officer Megan first arrived, some of the members of the hunting party had not yet arrived at Fields Station. He was told they sent Mr. Dempsey ahead in one truck, while others remained behind to clean the camp site. He believes the men had been in the southern end of the Catlow Valley, on BLM land, but he was never told exactly where the camp site was. The men told them they had been shooting sage rats.

Officer Megan indicated: He is a former EMT, and after arriving he first assisted the first responder. The first responder told him Mr. Dempsey had elevated vital signs, but otherwise appeared “stable.” Members of the hunting party had already applied a dressing to Mr. Dempsey’s wound, and Officer Megan did not want to possibly exacerbate Mr. Dempsey’s injuries by removing it. Officer Megan stated:

Basically, I just went up there spoke with him [Dempsey] and identified myself, asked his name, asked him what happened. He said he’d been shot in the back. To my recollection it’s – I haven’t reviewed the video since April, but I believe he stated he didn’t know how he got shot and he indicated he had been shot in the lower left back.

Asked if Mr. Dempsey showed signs of intoxication, Officer Megan noted Mr. Dempsey was “flushed and agitated” but he attributed that to having been shot. Officer Megan stated, “Nothing really stood out to me, you know, didn’t have to – I didn’t smell alcohol on him personally.”

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Officer Megan indicated: A paramedic and ambulance arrived and prepared Mr. Dempsey for the LifeFlight. Deputy Nisbet arrived, and Officer Megan provided area security, as Deputy Nisbet spoke to witnesses. Deputy Nisbet conducted one-on-one interviews with each witness, away from the group.

Officer Megan indicated: After Deputy Nisbet completed his interviews, he told the members of the hunting party he needed to see all their firearms. The group “started dragging weapons out” of their vehicles and Deputy Nisbet took pictures of them. He believes all the firearms were .22s, except for one larger caliber rifle. He does not know how many firearms in total the men had. Officer Megan stated:

When we were – finished up the photographs of the weapons one of the vehicles had been moved over I think to get fuel, in front of the Fields Station there and Chris [Deputy Nisbet] gathered up the hunting party at the tailgate basically in a circle and basically just asked, you know, does anybody, you know, it was an accident, we’re all hunters here, you know, does anybody want to explain what happened or does anybody know what happened and, you know, no one said anything. At that point we basically broke contact.

Asked whether anyone suggested Mr. Dempsey had been shot by someone else, Officer Megan stated:

Trying to think back on what was – what I overheard. I do believe at the time one of things was maybe he had shot himself while trying to re-holster a weapon, but I, you know, that would just be pure supposition on my part on whether or not that happened. I don’t know the details of it and then no one wanted to – spoke up to say, you know, hey, my gun went off or anything like that, so – when I left there I did not know how the victim received the gunshot and I knew – I was scratching my head when I left there and I was glad I wasn’t in Chris’s [Deputy Nisbet’s] position of trying to figure it out.

Asked whether any of the members of the hunting party appeared to be intoxicated, Officer Megan stated, “Not to the point where they were falling down party drunk.” Officer Megan noted it was difficult to determine if the men were intoxicated, or just agitated because of the incident. Officer Megan stated, “Nothing stood out to me that, you know, these guys had been drinking whiskey constantly or anything like that.” Officer Megan indicated he did not conduct a sobriety investigation, and he noted his contact with the hunting party took place approximately two hours after the incident. Officer Megan indicated he does not believe he had any one-on-one conversation with Chief O’Dea, and he does not remember any specific statements he made.

Officer Megan indicated no one in the hunting party said they were a police officer. Officer Megan indicated he believes Deputy Nisbet eventually interviewed Mr. Dempsey by telephone. Officer Megan indicated Deputy Nisbet then contacted him, requested copies of his report and body camera footage, and later asked him to attend a meeting with OSP and the Oregon DOJ, at HCSO headquarters. Officer Megan indicated he did not learn Chief O’Dea was Portland’s Chief of Police until this meeting. Officer Megan stated, “I knew at that point things were going to get complicated.”

Police reports and body camera footage reviewed

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[REDACTED]

HCSO Deputy Nisbet prepared an investigation report

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

Robert Dempsey flown to Idaho and briefly admitted to a hospital
During this investigation, IPR obtained Mr. Dempsey's medical records regarding his treatment at Saint Alphonsus Regional Medical Center in Boise. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Hunting party witnesses did not respond to IPR interview requests
IPR attempted, without success, to interview the members of Chief O'Dea's hunting party, including Mr. Buchtel, Mr. Carroll, Mr. Lieb, Mr. Miller, and Mr. Purvis. On 05/24/16, Investigator Berry attempted to call Mr. Buchtel. He did not answer the line, and Investigator Berry was unable to leave a voicemail message. On 05/27/16, Investigator Berry called Mr. Lieb, and left a message requesting an interview, and the GPS coordinates of the location of Chief O'Dea's negligent discharge incident. On 06/22/16, Investigator Berry drafted and sent letters to Mr. Buchtel, Mr. Carroll, Mr. Lieb, Mr. Miller, and Mr. Purvis, requesting interviews. None of these witnesses responded to these contact attempts.

[REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

Chief O’Dea’s Assistant Chiefs interviewed during investigation

During this investigation, IPR Investigators conducted multiple interviews with A/Cs Crebs, Day, Henderson, and Modica. As IPR’s investigation progressed its scope was enlarged, and the A/Cs were identified as involved members. Eventually, IPR split its existing investigation into two cases. Case #2016-B-0014 comprises IPR’s investigation of Chief O’Dea’s conduct during and after the negligent discharge. Case #2016-B-0030 comprises IPR’s investigation of the conduct of A/Cs Crebs, Day, Henderson, and Modica, as well as Captain Rodrigues.

Note: The following summaries of IPR’s interviews with A/Cs Crebs, Day, Henderson, and Modica describe their statements related to Chief O’Dea’s statements and conduct. For details of IPR’s investigation of the A/Cs’ conduct, refer to the investigation report for IPR case #2016-B-0030.

Interviews with Assistant Chief Michael Crebs, [REDACTED]

Investigators Perez and Berry interviewed A/C Crebs on 06/06/16, as a witness member, and again on 06/16/16 as an involved member. IA Sergeant Pashley was present for the interview in 06/06/16, and IA Lt. Hurley was present for the interview on 06/16/16. Both interviews were recorded and subsequently professionally transcribed. Refer to the audio recordings and transcripts for details.

In summary, A/C Crebs indicated: When this investigation was initiated, he was the Assistant Chief of Services. He first learned of the shooting incident on Monday 04/25/16, during a standing meeting the A/Cs have with Chief O’Dea. Near the end of the meeting, the Chief typically dismisses his support staff, and he and the A/Cs discuss confidential or sensitive issues. On 06/06/16, A/C Crebs described the end of the 04/25/16 meeting, stating:

I don’t know if he [O’Dea] said they were hunting or camping or whatever, but they knew they were over in Eastern Oregon. I knew they were shooting guns and he said at one point he [O’Dea] was – they were shooting and he didn’t describe how they were

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shooting or if they were standing in a line, anything like that. He [O'Dea] just said that we were out shooting and he noticed that one of his friends – he never named the gentleman. He [O'Dea] just said one of his friends. He [O'Dea] noticed he was bleeding from the left side.

A/C Crebs indicated: Chief O'Dea never talked about anyone drinking alcohol during the incident. Chief O'Dea did not describe how his friend was shot. Chief O'Dea indicated he shot his friend, but he did not describe how he came to that conclusion. Chief O'Dea indicated initially, he thought his friend shot himself while re-holstering a pistol, but he later determined he had shot his friend. On 06/06/16, A/C Crebs stated:

I don't remember exactly what he [O'Dea] said, you know, I'm using the word manipulation, but I don't remember exactly if he said that he picked it up or if he touched it somehow, but the gun went off and they were able to extrapolate back like, you know, the angle of this guy's wound to where Larry [O'Dea] was and where the gun was and that the – it was most likely that Larry had fired the gun that shot the gentleman in the lower side or or the back or whatever it may be.

A/C Crebs indicated: Chief O'Dea described speaking to a police officer or deputy about the incident, and A/C Crebs had the impression that law enforcement knew Chief O'Dea shot his friend. On 06/06/16, A/C Crebs stated, "It was fully my belief that the deputy knew that it was Larry that had shot his friend." Chief O'Dea indicated this deputy was on leave, but would contact Chief O'Dea again when he returned to work.

A/C Crebs indicated during this meeting, Chief O'Dea also described who else he notified of the incident. On 06/06/16, A/C Crebs stated:

Larry [O'Dea] had said that he had contacted the Mayor and the Mayor was fully aware of it. Larry then said that after he told us he would then be going down to contact Professional Standards. I don't remember if he mentioned Derek Rodrigues particularly or if he just said, going down to contact Professional Standards, which made me believe he was going to contact Derek because he is the gate keeper for all that comes in on stuff like this.

A/C Crebs indicated: Chief O'Dea did not direct him to take any action regarding the incident, nor did he direct any other A/Cs to take action. He does not recall Chief O'Dea directing the A/Cs to keep the incident confidential. On 06/06/16, A/C Crebs stated, "I don't recall Larry [O'Dea] ever saying, 'Okay guys you can't talk about this to anybody.'"

A/C Crebs indicated: He had a one-on-one meeting with Chief O'Dea, shortly after he disclosed the shooting incident. During that conversation he spoke in a supportive manner to Chief O'Dea about the incident, but they did not discuss details of the incident. When the incident was first reported by media,

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he called Chief O’Dea. On 06/06/16, A/C Crebs stated, “I said, ‘Hey Larry keep your head up partner,’ you know, just, you know, this will pass, just let it play out.”

Interview with Assistant Chief Robert Day, [REDACTED]

Investigators Perez and Berry interviewed A/C Day on 06/21/16. Also present were IA Lt. Hurley and A/C Day’s attorney Steven Myers. The interview was recorded, and subsequently professionally transcribed. Refer to the transcript and audio recording for details.

In summary, A/C Day indicated: He was promoted to A/C of Operations in January 2015. He and the other A/Cs have a standing meeting with Chief O’Dea on Monday mornings. A/C Day first learned of Chief O’Dea’s negligent discharge incident during one such A/C meeting, on Monday, 04/25/16.

When asked, A/C Day indicated he did not remember the exact words Chief O’Dea used to describe the incident. A/C Day stated:

To the best of my recollection he [O’Dea] was emotional and wanted to share with us that there had been an incident over the weekend or an accident over the weekend as he characterized it. It wasn’t particularly clear at that time if we – what his role was. He appeared to be processing that with us, but it was clear that a friend of his had been shot and he was explaining to us that, you know, he thinks there may have been some responsibility on his part.

A/C Day stated that during the 04/25/16 meeting, he was “uncertain” whether or not Chief O’Dea said he shot somebody, as opposed to being present at a shooting. A/C Day stated the distinction was “never entirely clear” to him. A/C Day stated, “Could have had a role in it, could have had a responsibility, but not – I don’t remember a specific statement where I’m owning this, but, you know, it’s possible.” A/C Day indicated Chief O’Dea did not describe how the shooting occurred, and he does not know details, like what kind of firearm was involved. A/C Day stated, “I just remember that he [O’Dea] returned to his friend and his friend had been shot and that’s what they’re trying to piece together.” A/C Day stated Chief O’Dea’s explanation of the incident was “very general, very broad.” A/C Day stated, “I don’t remember a specific, you know, I shot my friend comment.”

A/C Day indicated Chief O’Dea described who he notified of the incident. A/C Day stated, “He [O’Dea] told us that he’d already spoken with the Mayor about this. He told us that he had talked to Harney County deputies at the scene and that he was in touch with the Professional Standards Division.” A/C Day indicated Chief O’Dea did not describe what he told law enforcement about the incident. Asked if Chief O’Dea specifically mentioned speaking to HCSO deputies, A/C Day stated, “I’m fairly confident that he [O’Dea] said Harney County because it just – it rings a bell with me.” A/C Day indicated Chief O’Dea indicated HCSO was continuing to investigate the incident.

Asked if Chief O’Dea talked about how he described the incident to Professional Standards, A/C Day stated, “I don’t know exactly what he [O’Dea] reported to Professional Standards.” A/C Day stated, “I do

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know that we clarified that PSD [Professional Standards Division] had been notified, but I do not recall a name or time other than it had occurred.”

A/C Day stated Chief O’Dea did not direct any of the Assistant Chiefs to take any action, stating, “The only direction he gave at the end of the conversation was he did not want it discussed outside of that room.” A/C Day indicated he interpreted that to mean Chief O’Dea wanted the information to remain confidential. Asked to describe his understanding of his next actions, A/C Day stated:

Well my understanding was that he had – there was an outside agency involved, the Mayor, which is his supervisor, was notified, and the Professional Standards Division had been notified and I’d been directed not to speak of it, so my actions going forward were to maintain that confidential – confidentiality and allow the investigation to play out.

A/C Day indicated: He spoke with Chief O’Dea regarding the incident “a couple different times.” He spoke to Chief O’Dea on a Friday, likely 05/06/16, regarding the upcoming weekend. During that conversation, Chief O’Dea indicated he was having dinner with the friend he shot. It was during this conversation that Chief O’Dea indicated he shot his friend. A/C Day stated, “At that point it was pretty clear, I believe in his [O’Dea’s] mind that that is what had occurred.” During this conversation, Chief O’Dea also told him “the deputy” was on vacation or was otherwise not available, but he was hoping to get the matter “cleared up.”

A/C Day indicated: After *Willamette Week* published an article about the shooting on 05/20/16, A/C Day sent Chief O’Dea a text message, stating, “Keep your head up.” He also spoke briefly by telephone to Chief O’Dea during the weekend, regarding a critical incident PPB responded to. During that conversation, he asked Chief O’Dea how he was doing, in light of the article. Chief O’Dea indicated he was struggling, and stated something like it was one of the “hardest things he’s ever gone through.”

A/C Day indicated: More news articles about the shooting incident were published over the weekend. He, A/C Henderson, A/C Modica, and Chief O’Dea attended the next A/C meeting on Monday, 05/23/16. A/C Crebs was not present. During that meeting, A/C Day urged Chief O’Dea to discuss the incident publicly, as well as with PPB staff. A/C Day stated:

We never discussed the facts of the case, but I was very frustrated that at that point, you know, there was all of this energy being generated, you know, primarily through the media, but largely claiming, you know, this was a cover up and really felt strongly that my integrity was being challenged and I really was very direct with the Chief that at that point, you know, I know that we’ve been ordered not to discuss this, but it needed to get out.

Asked whether he identified any shortcomings in PPB policies which contributed to the situation, A/C Day stated PPB needs “to build in some type of protection in regards to investigations involving the chief of police.” A/C Day suggested a policy where a PPB member not assigned to the Chief’s Office would act

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as a liaison to the Professional Standards Division, and he indicated Professional Standards was not formerly a direct report to the Chief and that this was only recently changed.

Interviews with Assistant Chief Donna Henderson, [REDACTED]

Investigators Perez and Berry interviewed A/C Henderson on 05/27/16, as a witness member, and again on 06/17/16 as an involved member. IA Lt. Hurley was present for both interviews, and A/C Henderson's attorney Angela Ferrer was present for the 06/17/16 interview. Both interviews were recorded, and subsequently professionally transcribed. Refer to the transcripts and audio recordings for details.

In summary, A/C Henderson indicated: When this investigation was initiated, she was the Assistant Chief of Investigations. She first learned of the shooting incident on Monday 04/25/16, during a standing meeting the A/Cs have with Chief O'Dea. A/Cs Crebs, Day, and Modica were also present when Chief O'Dea described the incident.

On 05/27/16, A/C Henderson stated Chief O'Dea disclosed the incident to the A/Cs to let them know that he would "be upset for a while" and he did not want the Assistant Chiefs "to think that if my mood is a little off that I'm mad at you." On 05/27/16, A/C Henderson stated:

He [O'Dea] was sad and he said he's not quite sure what happened. They – he had a .22 rifle and he said he went to lay his rifle down, and I'm trying to think exactly what he said because of course the media has said all sorts of things, so I just want to make sure. I know he said he laid his rifle down. I thought at the time he said like on a rock or something, but I'm not positive of that. And the next thing he knows, he hears his buddy make a noise and he looks up and his buddy has been shot, and he told us that he thought that the buddy shot himself because he put his – he was wearing a shoulder holster and he put the weapon into the shoulder holder and it must have gone off and shot himself.

A/C Henderson indicated Chief O'Dea did not describe how the accidental discharge happened. On 05/27/16, A/C Henderson stated, "He did not realize until a couple of days later that he was the one that had shot his buddy. He didn't go into detail on how he found that out." When asked, A/C Henderson indicated Chief O'Dea never mentioned anyone drinking alcohol during the incident.

A/C Henderson indicated: During the meeting, Chief O'Dea said he notified the Mayor and Captain Rodrigues of the incident. Chief O'Dea did not provide details regarding how the Mayor reacted. On 06/17/16, A/C Henderson stated, "I get the sense that he [O'Dea] said the Mayor was supportive, but I can't really remember exactly." Chief O'Dea likewise did not provide details regarding what he told Captain Rodrigues, or how he responded.

A/C Henderson indicated: She believes Chief O'Dea mentioned talking to police after the incident, but she is not certain whether he said that, or she later read it in a news story. During the meeting, Chief O'Dea indicated the investigator who was investigating the shooting was going on a two-week vacation,

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and would contact Chief O’Dea when he returned. A/C Henderson assumed Chief O’Dea was talking about an HCSO deputy. Chief O’Dea indicated he would inform his assistant Diane Haman of the incident, as well as his adjutant, Lieutenant Terry Kruger, [REDACTED]. A/C Henderson assumed Chief O’Dea would also notify PPB’s Public Information Officer (PIO) Sergeant Pete Simpson, [REDACTED], but she later learned he did not. At the end of the meeting, Chief O’Dea stated, “I expect you to keep this to yourselves.”

A/C Henderson indicated: She had occasional contact with Chief O’Dea following his disclosure of the incident. On one occasion she saw him in a hallway, on another occasion she spoke to him in his office, and she may have spoken to him a third time. She has a Master’s degree in counseling, and she could tell the incident was negatively affecting Chief O’Dea. During these contacts, she asked Chief O’Dea if the HCSO investigator had contacted him yet, and he said no. During these contacts, A/C Henderson urged Chief O’Dea to contact the HCSO Investigator, in order to help put the incident behind him.

Regarding policy issues that may have contributed to this situation, on 06/17/16 A/C Henderson stated:

I think we have very good policies except as it relates to the Chief. One of the reasons it was changed – the internal affairs report to the Chief is because there were past issues and so Chief O’Dea said the best practice is to have the captain of internal affairs report to the chief of police. With that said, there is no checks and balances for the Chief of police. I would have never in a million years believed that this chief would have conducted himself the way he has. Now that obviously it’s brought to everyone’s attention, we’re going to have to look at some sort of dual reporting for the [Internal Affairs] captain.

During her 06/17/16 interview, A/C Henderson was asked to respond to the allegation she failed to take appropriate action after she learned of Chief O’Dea’s negligent discharge incident. In response, A/C Henderson produced and read a written statement. In the statement, A/C Henderson wrote she feels “betrayed, personally and professionally” by Chief O’Dea. A copy of this statement is included with this investigation as an exhibit. For further details of the statement, refer to IPR case #2016-B-0030.

Interviews with Assistant Chief Kevin Modica, [REDACTED]

Investigator Perez interviewed A/C Modica on 05/31/16, as a witness member, and again on 06/21/16 as an involved member. IA Lt. Hurley was also present for both interviews. Both interviews were recorded and subsequently professionally transcribed. Refer to the audio recordings and transcripts for details.

In summary, A/C Modica indicated: When this investigation was initiated, he was the Assistant Chief of Community Services. He first learned of the shooting incident on Monday 04/25/16, during a standing meeting the A/Cs have with Chief O’Dea. A/Cs Crebs, Day, and Henderson were also present when Chief O’Dea described the incident. On 05/31/16 A/C Modica stated:

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Chief O'Dea was pretty contrite and said he needed to speak with all of us and sat down and said that he was hunting with a friend, that his friend had been shot, that he was responsible for that, and that he had notified the Mayor and made other notifications as necessary. And then he was pretty specific and said it needed not to be discussed outside of that room.

A/C Modica indicated: The incident occurred while Chief O'Dea and his friends were hunting. Chief O'Dea did not discuss people drinking alcohol. Chief O'Dea did not explicitly tell the Assistant Chiefs how his friend got shot. Chief O'Dea did not describe how he concluded he shot his friend. On 06/21/16, A/C Modica stated:

He [O'Dea] was talking about it. I mean, I could not factually quote what he said about it, but you know, the rendition is that – thought my friend shot himself, but for some reason it was my weapon that discharged and he was wounded and, you know, the Chief's talking about how awful he felt and that kind of thing.

A/C Modica stated Chief O'Dea stated he made "all the notifications." A/C Modica indicated Chief O'Dea said he spoke to the Mayor about the incident, and the Mayor "was really great about it" and was understanding and supportive. Asked if Chief O'Dea described notifying Captain Rodrigues of the incident, A/C Modica stated, "I don't remember that. What I remember the Chief saying about notifications was that he had made the notifications like, broad statement." Asked if Chief O'Dea described having contact with HCSO, A/C Modica stated he "presumed" Chief O'Dea spoke to law enforcement, because by law police are required to respond to and investigate anyone who presents at a hospital with a gunshot wound. A/C Modica indicated Chief O'Dea did not direct the A/Cs to take any action regarding the incident.

During both interviews, A/C Modica confirmed Chief O'Dea directed the A/Cs not to discuss the incident. On 05/31/16, A/C Modica stated, "I didn't have any doubts, right? I mean, the Chief says I want to share this with you but I don't want you to discuss it, that's kind of like an order." A/C Modica indicated he did not agree with this approach, but he complied with Chief O'Dea's direction not to discuss the incident.

A/C Modica indicated: Following the 04/25/16 meeting he traveled to a conference, and traveled to his child's wedding, returning to Portland sometime during the week of 05/16/16 – 05/20/16. After he returned, he saw a news article about the shooting incident. During the following weekend, he saw Chief O'Dea at another conference. He asked Chief O'Dea how he was doing, and Chief O'Dea said things were "rough" and his incident was receiving media coverage. A/C Modica did not discuss things further with Chief O'Dea, because they were in a public setting, and because Chief O'Dea previously directed him not to discuss the incident.

A/C Modica indicated: On Monday 05/23/16, he and A/Cs Day and Henderson attended their standing meeting with Chief O'Dea. A/C Crebs was not present. Before the meeting began, A/Cs Day and Henderson talked about urging Chief O'Dea to respond to the media reports regarding the shooting incident. On 06/21/16, A/C Modica stated, "I think most of the concern was just that they had found that what we were told might not have been what was really the case." Initially, he did not fully understand their concerns. On 06/21/16, A/C Modica stated, "I really wasn't getting that nobody knew."

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During that meeting, A/C Day urged Chief O'Dea to respond to the media reports. A/C Day told Chief O'Dea rank and file members were "upset" about the incident, and believed they would have been treated differently. Asked how Chief O'Dea responded, on 06/21/16 A/C Modica stated:

I don't want to imagine what he [O'Dea] might have said. I just – what I recall was just general conversation. He might have reiterated that he made his notifications and, you know, there was nothing to talk about, but I really – I have to say that morning was strange because I wasn't getting it. I didn't know what the challenge was for the Chief.

When asked, A/C Modica indicated he had not considered whether there are shortcomings in PPB policy which contributed to the incident.

Interviews with Captain Derek Rodrigues, [REDACTED]

Investigator Berry interviewed Captain Rodrigues on 05/25/16, as a witness member. Investigators Perez and Berry interviewed Captain Rodrigues on 06/22/16, as an involved member. IA Lt. Hurley was present for both interviews. Captain Rodrigues' attorney Mark Makler was present for the 06/22/16 interview. Both interviews were subsequently professionally transcribed. Refer to the transcript and audio recording for details.

In summary, Captain Rodrigues indicated: At the time this investigation was initiated, he was the Captain of the Professional Standards Division (PSD). As the PSD Captain, he reports directly to Chief O'Dea. He typically attends a standing meeting Chief O'Dea has with his Assistant Chiefs at 0800 on Mondays, and he typically has a standing meeting with Chief O'Dea at 1100 on Mondays. He first learned of Chief O'Dea's negligent discharge incident during his meeting with Chief O'Dea on Monday, 04/25/16. After they concluded their "normal business," Chief O'Dea said he wanted to tell Captain Rodrigues something. Chief O'Dea said he went on a camping trip with a group of his friends, to Harney County in eastern Oregon. Chief O'Dea said during the trip, he and his friends were standing in a line, shooting at ground squirrels. On 05/25/16, Captain Rodrigues described Chief O'Dea's account of the incident, stating:

They were in a line, either sitting in a line and shooting their weapons, and then he's [O'Dea is] telling me at one point one of his friends, I believe to the right, just went over in pain. And then he [O'Dea] said they didn't know what happened, and at some point it became apparent that he got shot in the side, not in the back, in the side of the stomach and the area. And he [O'Dea] said, you know, they had to do a caravan and, you know, because they were out in the middle of nowhere. They had to do a caravan and go to a place. I guess 911 was called and then they had to Life Flight his friend.

Captain Rodrigues indicated: Chief O'Dea never mentioned alcohol, or if he or anyone else in the hunting party had been drinking prior to Mr. Dempsey being shot. On 05/25/16, Captain Rodrigues stated:

The chief was very humbled. He was very emotional. It bothered him. And then he said, you know, after that, and I don't know how long after, he said while him and his friends, I guess, were talking about it, retired Sergeant Lieb, I guess – when they were trying to

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figure out what happened, he said retired Sergeant Lieb told him, "Hey, it came from you," from him. And then he was, like, you know – then I asked him kind of how did it happen, and he said, "I didn't know." He said he doesn't know. I didn't go into the details. He said, "I don't know if I was putting the gun down, taking the gun out," or whatever, and he was very somber, and that was the extent of our conversation.

Captain Rodrigues indicated Chief O'Dea did not say he spoke to HCSO regarding the incident. When asked, Captain Rodrigues indicated Chief O'Dea did not say he needed to speak to the investigating deputy and did not talk about the investigating deputy being on leave. On 05/25/16, Captain Rodrigues stated if Chief O'Dea had mentioned speaking to police, it "would have gotten me in a different realm." Asked if he was aware Chief O'Dea was the subject of a criminal investigation, on 05/25/16 Captain Rodrigues stated, "Absolutely not."

Asked if he had an expectation that the police would investigate the shooting of Mr. Dempsey, he responded, "Not during the context of that conversation. My mind as the chief of police is talking to me in an emotional state, my mind is as a human being." Asked what action he intended to take, after he learned of the incident, on 05/25/16 Captain Rodrigues stated, "Nothing."

Captain Rodrigues indicated: During the conversation, Chief O'Dea did not say he spoke to his A/Cs about the incident. Chief O'Dea did not say he spoke to the Mayor about the incident. Chief O'Dea did not discuss whether there would be an administrative investigation regarding the matter. Chief O'Dea did not discuss PPB contacting HCSO, or setting up a liaison. He and Chief O'Dea did not discuss or mention IPR. On 05/25/16, Captain Rodrigues stated, "We never discussed anybody else. It was our conversation. I don't know who knows what or what and nothing."

During his 06/22/16 interview, Captain Rodrigues indicated his conversation with Chief O'Dea likely lasted approximately 15 minutes. Captain Rodrigues indicated Chief O'Dea did not provide Captain Rodrigues with any documentation, and did not instruct Captain Rodrigues to take any action in writing or otherwise during or after this conversation. During the 06/22/16 interview, Captain Rodrigues indicated Chief O'Dea did not direct him to not investigate the matter, he never directed him to not discuss the incident, and he never offered Captain Rodrigues financial incentives.

Captain Rodrigues indicated between this talk on 04/25/16 and when the incident was publicized on 05/20/16, Chief O'Dea and Captain Rodrigues did not discuss the shooting or the potential for an internal investigation. On 05/25/16, Captain Rodrigues stated, "It never was brought up again. We never discussed it. I never shared it."

Asked to identify potential policy shortcomings that led to this incident, on 06/22/16 Captain Rodrigues responded, "Maybe language giving a policy very clear whether negligent discharge of firearms whether on or off duty, vacation capacity, whether you're on authorized leave or not."

Lieutenant Terry Kruger, [REDACTED], not interviewed during investigation

Lieutenant Terry Kruger, [REDACTED], is Chief O'Dea's former adjutant. Lt. Kruger retired shortly after Chief O'Dea informed him of his negligent discharge incident. Once retired, Lt. Kruger declined to be interviewed for this investigation.

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Interview with Administrative Assistant Diane Haman

Investigators Perez and Berry interviewed Administrative Assistant Diane Haman on 06/07/16. This interview was recorded, and subsequently professionally transcribed. Refer to the transcript and audio recording for details.

Note: When interviewed, Ms. Haman was questioned regarding her contact with Chief O’Dea, his Assistant Chiefs, and other PPB staff. The following summary describes Ms. Haman’s statements regarding her contact with Chief O’Dea. Her contact with the Assistant Chiefs and Captain Rodrigues is summarized separately, under IPR case number 2016-B-0030.

Ms. Haman indicated: Chief O’Dea returned from a vacation on Monday, 04/25/16. Ms. Haman thought of the vacation as Chief O’Dea’s “ATV trip,” during which Chief O’Dea and his friends “drive around in dirt and stuff.” Chief O’Dea did not talk about shooting sage rats before he left on the vacation.

Ms. Haman indicated: She learned of the shooting at approximately 0830 on 04/25/16 during a meeting in which only herself, Lt. Kruger, and Chief O’Dea were present. She does not recall if this meeting occurred before or after he had notified the four A/Cs. Ms. Haman stated:

I don't remember the exact words but he's [O'Dea is] like it was on the last day of their vacation. They were getting ready to pack things up. He [O'Dea] was sitting in the chair and he got up from the chair and set his gun down and he took a couple steps and he heard somebody make a noise like a ugh, you know, almost like they were hurt kind of noise but he said like it was like a ugh noise.

Ms. Haman indicated: Chief O’Dea said initially, they thought his friend shot himself. Chief O’Dea said he later got a telephone call, and realized he was responsible for shooting his friend. Chief O’Dea did not say who called him, or how he determined he shot his friend. Ms. Haman stated:

He [O'Dea] went on to say that he wanted us to know because there will be an investigation so he said if there's, you know, phone calls and meetings and if I'm not acting myself, I want you to know this is the reason why and he [O'Dea] said I just want this to stay, you know, between us and – and then that's when he said because I want it to stay between us.

Ms. Haman indicated: Chief O’Dea said he had contacted Mayor Hales and informed him of the incident. Chief O’Dea said he had also spoken to Captain Rodrigues about the incident. Ms. Haman stated, “He said he did that right after he found out it was his gun that that happened.” Chief O’Dea indicated he informed the A/Cs of the incident.

Ms. Haman indicated the only people who were informed of the shooting were “the A/Cs and then there was Terry [Kruger] and myself and the Mayor and Derek [Rodrigues].” Ms. Haman indicated none of the other administrative assistants or lieutenants in the Chief’s office knew of the incident.

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Ms. Haman indicated: Chief O’Dea said there would be an investigation of the incident. When Chief O’Dea talked about an investigation, Ms. Haman thought the local police, where the incident occurred, would investigate the matter. Ms. Haman later learned HCSO was the local law enforcement agency that responded to the incident. Asked if she assumed the City would conduct an administrative investigation, Ms. Haman stated, “Whatever kind of investigation, whether it be with the Harney County folks or it be internal with the Police Bureau or, you know, however that happens.”

Ms. Haman indicated: She did not prepare any documentation regarding the incident. From 04/25/16 until Chief O’Dea was placed on administrative leave, she did not schedule any telephone calls with HCSO for Chief O’Dea.

Ms. Haman indicated: Chief O’Dea has a standing weekly one-on-one meeting with Captain Rodrigues. Typically, these meetings are scheduled for 1000 or 1100. Chief O’Dea did not ask her to take any action, following his usual meeting with Captain Rodrigues on 04/25/16. She did not schedule any additional meetings with Captain Rodrigues for Chief O’Dea. When asked, Ms. Haman indicated no one talked about notifying IPR of the incident.

Interview with PIO Sergeant Pete Simpson, [REDACTED]

Investigators Perez and Berry interviewed PPB Public Information Officer (PIO) Sergeant Pete Simpson, [REDACTED], on 06/08/16. IA Lt. Hurley and PPA President Daryl Turner were also present for the interview. This interview was recorded and subsequently professionally transcribed. Refer to the audio recording and transcript for details. In Summary, Sgt. Simpson indicated: He has worked for PPB for 23 years, and has been the PIO for approximately 6 years. As PIO, he is responsible for “all media relations with the [Police] Bureau.” He and the three employees he supervises comprise PPB’s Communications Unit. Sgt. Simpson indicated he has contact with Chief O’Dea on an “almost daily” basis, depending on what is happening. Sgt. Simpson stated, “If there’s a larger impact to the Bureau or on, you know, larger policy type related matters, then that’s when we’re probably going to have a conversation.”

Sgt. Simpson indicated he first learned of Chief O’Dea’s negligent discharge incident on 05/20/16. He was drafting a news release about a death investigation when Nigel Jaquiss, a reporter for *Willamette Week*, left him a voicemail and sent him an email, requesting Sgt. Simpson call him back. Sgt. Simpson stated he called Mr. Jaquiss, who told him “a very reliable source” said either Chief O’Dea or one of the A/Cs had accidentally shot someone while hunting. Sgt. Simpson stated, “I was kind of astounded by the story and I talked out loud with him on the phone and I said, ‘No I haven’t heard anything about that.’” Sgt. Simpson indicated he told Mr. Jaquiss he would check on the issue and follow up with him.

Sgt. Simpson indicated he walked down the hall to Chief O’Dea’s office. Sgt. Simpson stated:

He [O’Dea] was at his computer typing and I said hey Chief, I just got a call from the Willamette Week and they’re asking me if a chief or assistant chief was in a hunting accident and shot a friend or shot someone, do you know anything about that? And he looked at me – I would describe it as an ashen look. He – like the blood drained from his face and he said shut the door. It was at that moment that I realized that there was something to this.

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Sgt. Simpson stated:

He [O'Dea] said well, it was me. It was when I was on vacation a couple weeks ago. It was a friend of mine and, you know, he's okay. He's been great through this and Harney County's – he said Harney County's doing the investigation and Professional Standards is doing the internal and I said okay. I was pretty stunned at what I was hearing and especially hearing it three weeks later and realizing that, you know, this is going to be a challenge as a crisis communicator. It's going to be a challenge especially being three weeks later and he's the Chief of Police.

Asked if Chief O'Dea described how the negligent discharge happened, Sgt. Simpson stated:

To the best of my recollection, he [O'Dea] said he had set his rifle down next to him and he was like it was a chair with maybe a table on it and he set his gun down next to him and I don't remember if he said he went to grab it and it went off or it went off when he set it down but it was, you know, negligent discharge.

Sgt. Simpson indicated: Chief O'Dea said initially, he thought his friend shot himself. Chief O'Dea indicated "a couple days later" he determined he shot his friend, through "deduction and elimination." Sgt. Simpson stated, "my memory is that he talked about the other people were talking about where they were seated and it couldn't have been mine and based on where he was hit and all that, that it couldn't have been these people." As Chief O'Dea described the incident, he did not say who else was present. Sgt. Simpson later learned former PPB members Mike Lieb and Steve Buchtel were present, but he does not believe Chief O'Dea mentioned their names. Chief O'Dea did not describe anyone drinking alcohol during the incident.

Asked if Chief O'Dea described his contact with HCSO, Sgt. Simpson stated:

The only thing he talked about was that they were investigating and the deputy who came and took the initial report said he was going on vacation for three weeks and he'd get back to him after that and then I asked him if he'd heard from them at all and he said he had not.

Sgt. Simpson indicated: Chief O'Dea indicated he informed the mayor of the incident. Chief O'Dea said he informed his A/Cs of the incident. Chief O'Dea indicated Harney County would conduct a criminal investigation, while the Professional Standards Division would conduct the internal investigation. When asked, Sgt. Simpson indicated Chief O'Dea did not describe how or if Professional Standards staff were investigating the matter. Asked if his understanding was that Chief O'Dea was under criminal investigation, Sgt. Simpson stated:

That was my impression – as soon as he said Harney County's investigating, there's no doubt in my mind it was a criminal investigation or you know, his [O'Dea's] mind either. They [HCSO] wouldn't be doing an internal investigation.

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Sgt. Simpson stated he asked Chief O'Dea how he wanted to respond, and Chief O'Dea said, "I don't know." Sgt. Simpson stated, "I could tell he was – you know, he wasn't ready for that question." Sgt. Simpson indicated he told Chief O'Dea he would draft a statement, for his review. Sgt. Simpson indicated he typed up a draft statement, he and Chief O'Dea reviewed it together, and they made some changes and revisions to the draft. Sgt. Simpson indicated during this review, Chief O'Dea directed him to remove the word hunting from the statement. Sgt. Simpson stated, "He [O'Dea] specifically wanted hunting taken out and so we never used the word hunting in any official correspondence with media."

Sgt. Simpson indicated: After he finished drafting the statement, he called HCSO, identified himself, and was put through to HCSO Lieutenant Brian Needham. He told Lt. Needham the incident was receiving media attention, and Lt. Needham told him HCSO would not speak to the media due to their ongoing investigation. Sgt. Simpson then emailed Lt. Needham a copy of the press release he drafted. Sgt. Simpson stated, "I think the email that I sent to the lieutenant at Harney County may have been the only contact Harney County had from the Portland Police Bureau. That's the impression I got on the short phone call with Lieutenant Needham."

Sgt. Simpson indicated: He then responded to the scene of the death investigation. While en route, Chief O'Dea sent him a text message, indicating Maxine Bernstein at the *Oregonian* was asking about the incident, and directing him to send the press release to Mr. Alpert, Ms. Hottman, and Ms. Wesson-Mitchell, which he did. After he left the homicide scene, he began to receive more media inquiries about the incident, including a question about why the incident had not been previously publicized. Sgt. Simpson indicated he prepared an answer to that question, stating: "The chief notified the mayor, Professional Standards and some senior staff but otherwise chose to keep matter private as it was an off-duty incident while on vacation."

Sgt. Simpson indicated: During the evening of 05/20/16, Chief O'Dea forwarded him an email Ms. Bernstein sent him, with a list of questions about the incident. He replied to Chief O'Dea, suggesting Chief O'Dea not respond to Ms. Bernstein until he spoke to OSP. He also offered to give Chief O'Dea contact information for a private attorney. Chief O'Dea replied to him, stating he had spoken with OSP and Oregon DOJ, but would not reply to Ms. Bernstein as the investigation was still open. Chief O'Dea stated he had "no criminal concerns at all" as the incident was an accident.

Sgt. Simpson indicated: On Monday, 05/23/16, he spoke to Chief O'Dea about drafting an internal statement. As they were talking, Chief O'Dea received a Communications Restriction Order (CRO) about the incident. Sgt. Simpson stated, "So then we worked on an internal statement that basically said I've been given a CRO and I can't talk and I'm sorry you heard about this from the news."

Asked to describe his understanding of how PPB should respond, when it learns a member is under criminal investigation, Sgt. Simpson stated:

Broadly speaking, that the Professional Standards Division captain is notified and that in particular with an outside agency involved which is like – I mean, I had to kind of look it up in this field, that the captain is supposed to contact the agency doing the investigation and offer – either become a liaison or offer a liaison and then communicate that back to the chief. This was a case about the chief so I realize that's kind of a unique

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account. The first is an email from *Willamette Week* reporter Nigel Jaquiss, requesting Sgt. Simpson call him as soon as possible. This email appears to have been sent at 1353 on 05/20/16.

Sgt. Simpson provided IPR a copy of an email he sent to HCSO Lieutenant Brian Needham. In the message, Sgt. Simpson provides Lt. Needham with a copy of a statement regarding Chief O’Dea’s negligent discharge incident. Sgt. Simpson advises Lt. Needham he is going to send the statement to Mr. Jaquiss. This email appears to have been sent at 1459 on 05/20/16.

Sgt. Simpson provided IPR with a printed copy of his text message correspondence with Chief O’Dea. At 1600 on 05/20/16, Chief O’Dea wrote Sgt. Simpson, “Max is asking. See your email. Also please send your statement to mayor, josh [sic], Deanna and Sara Hottman plz [sic]. Thanks.” Later on 05/20/16, Sgt. Simpson wrote Chief O’Dea, “Question of why this was not made public and here is the answer I have provided: The Chief notified the Mayor, Professional Standards and some senior staff but otherwise chose to keep matter private as it was an off duty incident while on vacation.” Chief O’Dea replied, “Thanks.”

At 2149 on 05/20/16, Sgt. Simpson wrote Chief O’Dea, “I would suggest you do not respond to [Bernstein’s] the email inquiry until the investigation is complete or until you have talked to OSP. If you have considered talking to council outside the Bureau, I would recommend Sean Riddell. I can give you his number if you like.” Chief O’Dea replied:

Just forwarding you the info as an FYI. Talked with OSP and State Doj [sic] tonight as they took over for Harney. They anticipate being closed in one week. I and we will not be responding as it is still open and then we have our internal processes. You and I can talk Monday on next steps but have no criminal concerns at all. Was an accident. Thank you very much.

Sgt. Simpson replied to this message, stating, “Ok.” Chief O’Dea then texted Sgt. Simpson, “And also very sorry to add this to your already impossible job.” Sgt. Simpson replied, “Thanks. I appreciate that sir.”



Interview with City of Portland Mayor Charlie Hales

Investigators Perez and Berry interviewed City of Portland Mayor Charlie Hales on 06/03/16. This interview was recorded, and subsequently professionally transcribed. Refer to the audio recording for details. In summary, Mayor Hales indicated: He oversees PPB, the Office of Management and Finance (OMF), the Planning Bureau, the Office of Equity and Human Rights, and the Portland Development Commission. He is responsible for “setting strategic direction” for all the bureaus he oversees. He is responsible for hiring and firing the PPB’s Chief of Police. He appointed Chief O’Dea as Chief of Police,

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after former Chief Michael Reese retired. Asked if he has any special roles or responsibilities related to overseeing PPB, Mayor Hales stated, "Oh absolutely. First of all, there's just showing moral support for the work. Police work is very difficult."

Mayor Hales indicated: He typically has contact with the Chief of Police approximately every other week, in a standing meeting he has with the Chief and the A/Cs. During these meetings, they discuss topics such as gang violence, staffing, budgeting, and the progress of implementing Portland's agreement with the US DOJ. His working relationship with Chief O'Dea is "excellent." Mayor Hales stated:

I've known Chief O'Dea for a long time. I knew him even back when I was the City Commissioner and had no responsibility for the Police Bureau and he was, I think, an officer or a sergeant in East Precinct at that point. A particularly distinguished one, as you probably know. He's got a record of personal heroism in the Bureau that's distinctive and there are pictures of a much younger Larry O'Dea and descriptions of those incidents up on the wall in East Precinct, so I knew of him. I knew particularly of his commitment to equity in the Bureau and that he was a real voice for engaging the community and a true believer in the idea of community policing so those were some of the reasons why I decided to appoint him as chief after Chief Reese retired. So I have a very close working relationship with him.

Mayor Hales indicated his Public Safety Director Deanna Wesson-Mitchell and her staff Nicole Grant also attend the standing meetings with the Chief and his A/Cs. Mayor Hales stated Ms. Wesson-Mitchell's responsibilities "are more day-to-day how's the Bureau proceeding with both their basic responsibilities and whatever agenda we have for doing things differently." Asked what other PPB staff he has regular contact with, Mayor Hales indicated he has regular contact with the A/Cs at the standing meeting and other occasions, he has occasional contact with PPB financial staff, and he has occasional contact with PPB captains and lieutenants in charge of particular issues or projects, such as the recently-created Muslim Advisory Council.

Describing how he learned of Chief O'Dea's negligent discharge incident, Mayor Hales stated:

I was in Europe with the Secretary of Transportation for a best practices trip, flew back Saturday and Sunday and I believe the incident happened on Saturday but at any rate, he knew – Larry [O'Dea] knew I was on an airplane and called me very early on Monday morning and told me this is what happened, you know, that I was in Eastern Oregon shooting .22s with my friends. He didn't specifically mention that he was hunting but he said shooting .22s with his friends and that there had been a terrible incident in which a weapon had discharged. At first, they had thought that it might have been a self-inflicted wound by the guy who was wounded whose name I still don't know. And then they later realized that it had been Larry's weapon that had discharged and that perhaps it had discharged because it had fallen over but then again, there was a lot of fog of war in clarity about exactly how did this gun go off and did this friend get wounded. But by the time Larry called me and told me this, he knew that it had been his gun that had wounded his friend and he, of course, was personally – took personal responsibility for that. He wasn't claiming that this wasn't his fault. In fact, quite the contrary. In fact,

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much of our conversation was about how distraught Larry was and my concern for him as my employee and as the chief of the Bureau that he was extremely distraught about hurting his friend and that he said his friend, you know, bore him no malice for this because his friend knew it was an accident but nevertheless, he, Larry, felt terrible and was just unable to sleep and was, you know, pretty wrecked by the knowledge that he had wounded his friend. And, of course, it was bad that he had wounded his friend but it could've been much worse. This was a bullet and it could've gone elsewhere and it could've killed the man, so Larry knew that better than anyone would so he was even more – I think that heightened his sense of guilt and remorse. So much of our conversation was person-to-person, boss-to-employee, mentor-to-mentee about, you know, bad things happen to good people, Larry.

Mayor Hales stated:

Larry was clearly beating himself up about this friend because he's a conscientious guy and he had wounded his friend and that that was fundamentally wrong to him. And so I was trying to give him as much succor and good counsel as I could, person-to-person, boss-to-employee, you know, in that conversation. Now, that doesn't mean that we never talked about the factual situation, so let me return to that because that's pretty important to what you're doing. He told me in that conversation that there was an investigation underway by the Harney County Sheriff's Office and I thought that was right and appropriate because this was an incident involving a discharge of a gun and someone being wounded and is potentially criminal; though obviously from his account, it sounded to me very much like an accident but nevertheless, those things need to be investigated – because some people claim things are accident that aren't. I didn't believe Larry had made any false claims, but anyway, you see my point. Of course, it had to be investigated, and he also informed me that he had informed the police command staff and Captain Rodrigues who heads the Internal Affairs Division in the Bureau so that an investigation here could begin.

Asked if Chief O'Dea talked about anyone drinking alcohol during the incident, Mayor Hales stated, "Not at all." Mayor Hales indicated he has interacted with Chief O'Dea socially, and although he has seen him have one drink on occasion, he has never seen him have two drinks. Mayor Hales stated after reports that members of Chief O'Dea's group had been drinking alcohol were "leaked from Harney County," Chief O'Dea contacted him and told him he had not consumed alcohol during the incident. When asked, Mayor Hales indicated he believes he had three contacts with Chief O'Dea regarding the negligent discharge incident, all by telephone.

Asked if Chief O'Dea specifically stated PPB was beginning an investigation of the incident, Mayor Hales stated, "He [O'Dea] said that he had contacted Captain Rodrigues so that a Bureau investigation could begin, correct." Mayor Hales stated:

So I knew that both, you know, an investigation on scene by the relevant authority – Harney County at that point; although, obviously later, it was transferred to the state. That that was underway and that the Portland investigation was also underway since he

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had contacted Captain Rodrigues. Now, what I didn't know then but learned over the course of the last couple weeks is that apparently automatically if it's a captain or above, it moves from IAD to IPR.

Mayor Hales stated if he had known at the time that IPR conducts investigations involving captains or higher, "I would've assumed that meant that Captain Rodrigues would've contacted IPR and said this one's yours." Asked if he felt Chief O'Dea expected him to take action, after he learned of the incident, Mayor Hales stated, "No. Because, again, I was satisfied that he – that Harney County was investigating the incident and that IAD would be conducting its investigation." Mayor Hales stated, "So again, I had no reason to independently verify what the chief [O'Dea] had told me."

When asked, Mayor Hales indicated, based on his previous experiences with incidents involving PPB members, he expected there would be an administrative investigation of Chief O'Dea's negligent discharge incident. Mayor Hales stated, "It's certainly not my first rodeo in the sense of seeing investigation of officer conduct having a process that vets discipline or follow-up to that. Of course, the very anomalous situation here was that it was the chief and he's my direct report."

Mayor Hales indicated he did not talk with Chief O'Dea about notifying IPR of the incident. Mayor Hales stated, "That was a failure of detailed knowledge on my part in that I didn't know that – I assumed that once Captain Rodrigues was contacted, that the machinery of IAD/IPR was – you know, was started and apparently that hasn't been as clean a start as it should've been."

Asked to describe his working relationship with PPB's Internal Affairs unit and the Professional Standards Division, Mayor Hales stated, "Remote." Mayor Hales stated, "I have no day-to-day engagement with that process nor do I think I should."

Mayor Hales indicated he has not had any direct contact with anyone from IA about the incident. When asked, Mayor Hales indicated Chief O'Dea did not give him updates, regarding the status of an administrative investigation of his negligent discharge incident. Mayor Hales stated:

I don't think he [O'Dea] – he did not give me any kind of blow-by-blow or progress report on how that was going and I wouldn't have expected that. Again, I knew he was being investigated by independent third parties. And so I wouldn't have expected him to actually be able to report that to me.

Asked to describe his initial decision not to place Chief O'Dea on administrative leave, Mayor Hales stated:

My evaluation and at least original conclusion was based on what he had told me which was that this was an accident, that it was a regrettable accident for which he was taking responsibility but nevertheless an accident and that it was under proper investigation by both Harney County and the city, that that investigation could proceed to the point of delivering me a report before I would make a decision about whether or not he would need to be on leave or would need to be terminated or would need to perhaps be subject to some other disciplinary action like suspension without pay for some period.

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Mayor Hales stated:

So again, a little bit anomalous because it is the chief and he reports to me but it is normal for those kinds of consequences to come downstream. Now, if it was an officer-involved shooting in the line of duty and his gun was intentionally fired or if it was, you know – or if, you know, he had pulled the trigger and shot his friend, but the account I received was that it was an accidental discharge of the weapon. Again, I'm awaiting the confirmation of that report but based on what I'd heard, I didn't believe that placing him on leave immediately was appropriate because I knew this investigation would take some time. This was an incident that occurred off duty on vacation and in which the victim of the harm was a personal friend who, according to the chief – and again, I had no reason to question his veracity on this point – bore him no ill will for how it had happened, that I didn't see any public – any diminution of his ability to conduct his responsibilities as a public employee.

Mayor Hales stated when media reports describing the group drinking alcohol began to emerge, “there was that gap between what Larry [O’Dea] had told me and what was being reported in the press, then his [O’Dea’s] ability to be credible as chief was undermined, justly or unjustly.” Mayor Hales stated, “His [O’Dea’s] moral authority to lead the Bureau was undermined by accounts that claimed that he lied or misrepresented what happened at that incident.” Mayor Hales stated, “That meant he [O’Dea] needed to go on leave until this was resolved.”

Mayor Hales indicated after Chief O’Dea informed him of the negligent discharge incident, he told his Chief of Staff Josh Alpert and his Communications Director Sara Hottman. Mayor Hales described Mr. Alpert as “my confidant in all things.” Mayor Hales indicated he informed Ms. Hottman of the incident as “a contingency” and directed her to keep the incident “confidential.”

Mayor Hales indicated he did not inform Ms. Wesson-Mitchell of the incident. Mayor Hales stated, “I thought about including Deanna [Wesson-Mitchell] in that but she didn't really need to know. It was a need-to-know basis question, who needed to know, and maybe I didn't call that correctly.” Mayor Hales stated, “I thought I didn’t really want to put Deanna in the position of knowing this until later in the investigation because she has to work with the chief and all the rest of those folks every day and I didn’t really want her to have to carry this around.” Mayor Hales indicated he expected Ms. Wesson-Mitchell would be informed of the incident later in the investigation process. Mayor Hales noted Ms. Wesson-Mitchell prepares a “cover memo” for the proposed discipline letters he receives, regarding an administrative investigation of a PPB member. When asked, Mayor Hales was not able to describe when Ms. Wesson-Mitchell learned of Chief O’Dea’s negligent discharge incident. Mayor Hales stated:

If I had to do it over again, I would've told Deanna [Wesson-Mitchell] earlier because I have confidence in her and she gives me good counsel and she also understands the discipline process better than I do and would've probably avoided some of the turmoil that we've had in the process between IAD and IPR if she had known, you know, where things stood and had the ability to go be checking on them, so I think that was an error

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on my part to not have included her earlier but I was trying to make sure to – my fundamental instinct was to protect the integrity of the investigation.

Asked if he receives updates or notifications regarding administrative investigations involving PPB officers, Mayor Hales stated, “Not ongoing.” Mayor Hales stated, “What I see is the very end of the process, literally on my desk, a letter that’s been vetted and prepared and – which I actually read.” Mayor Hales stated, “I’m not engaged in that process prior to the production of that report.” Regarding Chief O’Dea’s negligent discharge incident, Mayor Hales stated, “I have this somewhat naïve, old-fashioned belief that there ought to be investigation, accumulation of facts, the reaching of a conclusion and the making of a decision in that order.” Mayor Hales stated:

Of course in this case, it got scrambled around because the Harney County Sheriff’s Office started releasing things to the news media here, there and everywhere in what I thought would be a confidential investigation, became quite the contrary.

When asked, Mayor Hales indicated he likely learned IPR opened an investigation regarding Chief O’Dea’s negligent discharge incident approximately a week before his 06/03/16 interview. When asked, Mayor Hales confirmed Chief O’Dea told him an administrative investigation would be initiated. Asked how he felt when he learned the City had not initiated an investigation, after Chief O’Dea disclosed the incident to him, Mayor Hales stated, “Very concerned.” Mayor Hales stated, “I have assumed from the beginning that the machinery was started and that all the proper work was being done.” When asked, Mayor Hales indicated he did not have an expected timeline for the completion of the City’s administrative investigation, but he believed it would likely take approximately 120 days. When asked, Mayor Hales stated he has not spoken to any of the A/Cs regarding Chief O’Dea’s negligent discharge incident.

Asked how knowledgeable he is about PPB Directives, Mayor Hales stated, “At a high-level, general sense, yes. At a detailed level, no.” Asked to describe his understanding of how PPB should respond, when it learns a member is under criminal investigation, Mayor Hales stated:

Again, in a general sense. I understand that there is an Internal Affairs and IPR process for investigating conduct if there is a – as there is with an officer-involved shooting. If there’s a potential for a criminal charge, the District Attorney is involved.

Mayor Hales indicated he does not know when PPB’s PIO Sgt. Simpson was notified of Chief O’Dea’s negligent discharge incident. When asked, Mayor Hales confirmed he was interviewed by an Oregon DOJ investigator. Mayor Hales indicated he has not spoken to anyone in Harney County about the matter, although he plans to do so. Mayor Hales stated:

They [HCSO] doled out some portions of their findings to the press, which I obviously disagree with but they chose to do that. They didn’t call me either. And actually if I were going to disclose any such thing about a Harney County employee in my jurisdiction, I would pick up the phone and call the Harney County Board and the sheriff if it was a sheriff’s deputy but I didn’t get that courtesy.

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During the interview, Mayor Hales noted at the time Chief O’Dea disclosed his negligent discharge incident to him, the City’s budgeting process was “at full throttle.” Mayor Hales stated, “We were two weeks away from voting on the budget.” Mayor Hales stated:

In late April, we were literally at the peak of that work and, you know, that’s – that I work directly with my own bureaus and all the rest and of course we’re preparing the budget, so that ends up being a very labor-intensive effort in my office where about three months of each year.

Asked if, with the benefit of hindsight, he had identified other steps he may have taken, beyond notifying Ms. Wesson-Mitchell of the incident, Mayor Hales stated:

I don't think so. Again, it's such an anomalous situation. You know, should I have been independently verifying that IPR and IAD were doing what I was told they were doing? Perhaps but again, I had no reason to doubt the chief's veracity that that process had been begun and I knew once it was begun, that – or I knew – I certainly believed and I would say I knew that once it was begun, that it was not a genie you put back in the bottle.

You know, that if you contact the head of Internal Affairs and say I have an incident I need to report, it needs to be investigated that, you know, that's all that needs to be said to start a process. Again, I don't necessarily know all the details of that process but I know that that's the triggering event and that once that process has begun, it ends up with a letter on my desk in every – or – yeah. It ends up with a letter on my desk unless there's a conclusion that there was no discipline required.

Review of Mayor Hales’ statements to media regarding incident

After *Willamette Week* first publicized Chief O’Dea’s negligent discharge incident, the story received widespread media coverage, locally and nationally. In the months that followed, Mayor Hales made several statements to various media outlets regarding the incident.

On 05/31/16, Mayor Hales appeared on the OPB radio program *Think Out Loud*. During this appearance, Mayor Hales stated:

I can't talk in great detail about this because actually there's a formal investigation underway, but as a responsible employee he let me know as his boss what had happened and that an investigation was going to be starting both by independent police authorities. First the county – Harney county and later the state police and by the Independent Police Review process here, so that process is underway and I'm certainly not going to pass judgement although many others unfortunately already have one way or another.

Mayor Hales stated, “Whenever a police officer does something on or off duty that requires investigation, we start one and it’s confidential until it’s completed.” Regarding why no press release was issued regarding the incident, Mayor Hales stated:

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In this case I didn't think that was warranted because of an independent investigation was underway and based on Chief O'Dea's account of what happened I thought that was – it was right to have the investigation get completed first and then make a decision and first – and of course make it all public as well.

Asked if it was City policy that the public would not learn of the Chief of Police shooting somebody until months after the incident, when a “full independent investigation” was completed, Mayor Hales stated:

Well, it's not months. Its weeks and then secondly I guess I would ask for a couple of understandings here. One, this is a very anomalous situation. I don't think anything like this has ever happened before. Two, Larry O'Dea is a wonderful police chief and has built relationships with our community that are just stellar and he's also one of the most decorated heroes in the Portland Police Bureau, so I think – I hope everyone will take a deep breath and say, you know, this is being investigated, this is a good man who had a very bad incident and a very bad day and let's withhold some judgement about truth telling, about conduct, until it's been properly investigated.

On 12/19/16, Mayor Hales appeared on the KGW television program *Straight Talk*. Asked to respond to an *Oregonian* editorial which suggested, in part, that Mayor Hales and Chief O'Dea “kept the matter quiet for nearly a month,” Mayor Hales stated, “What I thought, wrongly, would happen would be that the state and the county involved would conduct a confidential swift investigation and either make or not make a criminal charge.” Mayor Hales stated:

What I thought would happen is that there would be a confidential investigation, a charge or not a charge from the authorities involved; not the city. We shouldn't investigate ourselves in a situation like this, and we – I would deal with whether Chief O'Dea would be able to continue as chief or not. I never thought this would be swept under the rug or invisible. I knew it would become public, but I got it completely wrong about the sequence. I thought that the state and the county would do their job, in this case Malheur [Sic] County, not Multnomah County. I thought that the state and the county would do their job and that Mr. O'Dea would get his day in court and then we would deal with the questions of his suitability to continue as police chief. Instead, we had a rush to judgement, a media circus and now long after everybody has forgotten about that he is finally getting his day in court. It is a miscarriage of justice. It is sad for him.

On 12/23/16, Mayor Hales again appeared on OPB's radio program *Think Out Loud*, for a conversation described as an “exit interview.” Asked what went through his mind, when Chief O'Dea disclosed the negligent discharge incident to him, Mayor Hales stated:

Oh, I was mostly concerned for him because he was so devastated by it personally. I mean, he was – Larry O'Dea is a good man, and he was a good chief, and he did a lot of good things, particularly in reinforcing the need for equity in the Portland Police Bureau, but he was really, really wrecked by this experience. So, I was mostly thinking about him

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as my employee that, "Larry, take care of yourself. You know, go for walks with your wife. This is tough stuff." And then the other – I wasn't thinking about the legalities and the procedures of it. What I expected was that there would be a complete and confidential investigation by impartial authorities, not the City of Portland, over what happened there and that he would either be charged or not charged, and I naively thought that that investigation would be swift and confidential, and then we'd deal with what his situation would be as chief.

And then secondly, it became a public issue long before he ever had his day in court.

Asked why he did not place Chief O'Dea on administrative leave and call for an "independent investigation," Mayor Hales stated:

Because the independent investigation was already underway, first by Harney County and then by the State of Oregon. So, I was expecting that process to run its course and that it would reach conclusions about his conduct and that we would be basing discipline, if any, on that process.

Asked if he stood by the manner in which he handled Chief O'Dea's negligent discharge incident, Mayor Hales stated:

I do. It was I thought the right thing to do. For him as an employee and for him as a chief, is let's let independent investigators look at this, not frankly have it be tried in the media, but let's have him first have his day in court and then deal with him.

Interview with Mayoral Chief of Staff Josh Alpert

Investigators Perez and Berry interviewed Mayor Charlie Hale's Chief of Staff Josh Alpert on 06/02/16. This interview was recorded and subsequently professionally transcribed. Refer to the audio recording and transcript for details. In summary, Mr. Alpert indicated: As Mayor Hales' Chief of Staff, he advises the mayor on strategy, policy, and he makes recommendations. He takes direct reports from some of the directors of bureaus the mayor oversees. He does not have any responsibilities that directly relate to PPB. Mr. Alpert later clarified that he takes part in bargaining labor contracts. He has daily contact with Mayor Hales.

Mr. Alpert indicated: Mayor Hale's Public Safety Director Ms. Wesson-Mitchell reports directly to his deputy Chief of Staff, Tera Pierce. He himself interacts with Ms. Wesson-Mitchell several times each week, about issues related to PPB, and union bargaining. How often he interacts with Ms. Wesson-Mitchell depends on what is happening in any particular week. Mr. Alpert stated Ms. Wesson-Mitchell is "our policy liaison to the Bureau and because of that, has day-to-day responsibilities of ensuring that the mayor's agenda is being carried out through the Bureau and that's pretty much a soup-to-nuts full-time everyday job." Ms. Wesson-Mitchell's assistant, Ms. Grant also takes part in issues related to PPB. The mayor's Communication Director Sara Hottman has a working relationship with PPB's PIO, Sgt. Simpson.

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Regarding his contact with PPB command staff, Mr. Alpert indicated he likely has the most contact with A/C Day. Mr. Alpert described his relationship with A/C Day as "more of a friendship than a business relationship" and noted they took part in a diversity training several years ago. Mr. Alpert stated he occasionally meets with A/C Modica "around issues of diversion and justice reform." Mr. Alpert indicated he does not believe he ever met one-to-one with Chief O'Dea.

Mr. Alpert indicated he does not have a working relationship with anyone from PSD, or anyone from IA. Mr. Alpert indicated he has not had contact with anyone from PSD or IA since Chief O'Dea's negligent discharge incident became public. Mr. Alpert stated, "I am not sure I've ever spoken to IA about anything." When asked, Mr. Alpert indicated he has not had contact with PPB's PIO Sgt. Simpson about Chief O'Dea's negligent discharge incident. When asked, Mr. Alpert indicated he does not believe he has ever updated or advised Mayor Hales on the status of a criminal investigation involving a PPB member.

Mr. Alpert further indicated: He himself first learned of the incident on the morning Chief O'Dea called Mayor Hales and told him about it. This happened on a Monday during April 2016, but he does not remember the exact date. As he and Mayor Hales drove back from a breakfast meeting, Mayor Hales said he had received a telephone call from Chief O'Dea. Mayor Hales indicated he wanted to wait until Ms. Hottman was present before they discussed it. They returned to their office, contacted Ms. Hottman, and Mayor Hales described his contact with Chief O'Dea. Mr. Alpert described Mayor Hales recounting Chief O'Dea's description of the incident, stating:

It was essentially, the chief was out in Eastern Oregon for the weekend with friends. He accidentally shot a friend of his. The friend is okay and the chief is a mess, taking it very hard and he – the chief told me – the mayor that he let command staff know, let Derek [Captain Rodrigues] know and that obviously Harney County was doing an investigation. That was the extent.

Mr. Alpert stated Mayor Hales also said initially there was some confusion about the incident, but "they eventually realized that it was the chief whose gun had gun off." When asked, Mr. Alpert indicated only he and Ms. Hottman attended this meeting with Mayor Hales. Asked what other mayoral staff were informed of the incident, Mr. Alpert stated, "Nobody, that I know of." Mr. Alpert indicated Mayor Hales did not direct him to take any action, after describing the incident.

Mr. Alpert indicated Ms. Wesson-Mitchell was not informed of Chief O'Dea's negligent discharge incident. Mr. Alpert indicated he believes Ms. Wesson-Mitchell learned of the incident when it was reported in the media. Mr. Alpert stated, "And she and I have had multiple conversations about why that was wrong and she is correct. That was absolutely wrong." Asked why Ms. Wesson-Mitchell was not informed of the incident, Mr. Alpert stated:

The incident itself that morning when it was relayed to me, there were a few things that went through my head. I had a vision of hunting. I've never hunted in my life. Of the chief in the woods somewhere shooting at an animal and mistakenly hitting someone in Eastern Oregon on vacation. And when I thought through that, like I said, my first thoughts were about the chief and his friend and hoping that everyone did well and that there was a process that now was going to be going through and that we knew Harney

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County would be investigating and the fact that he told the mayor, that he told command staff and Derek Rodrigues, I assumed that was the end of my part in this story. Obviously in hindsight what I should have done was gone to tell our police liaison who could have then helped advise whether that was correct or not but at the time knowing that there were people who were in the Police Bureau who understood the procedures of the Police Bureau, I just thought okay, well, we'll deal with this when we now have to deal with this at some point and figured that Deanna [Wesson-Mitchell] would know because the Police Bureau – there are very few secrets in the Police Bureau.

Asked how he believed the City would respond to Chief O’Dea’s negligent discharge incident, Mr. Alpert stated:

I don’t know. I do not know the procedures within the Police Bureau. I – what I knew was that the people that were told about this were the people in my mind who would make sure that the right things were happening.

When asked, Mr. Alpert clarified “the people” he was referring to were Captain Rodrigues and PPB command staff. When asked, Mr. Alpert indicated during this meeting with Mayor Hales and Ms. Hottman, no one discussed contacting IA or IPR directly. Mr. Alpert stated:

When the mayor told us and said that the chief said here are the people that he notified, I took that to mean those people were then notified and processes would start. I don't know what those processes are.

Mr. Alpert indicated after this meeting, he did not speak to Mayor Hales about the incident again, until it was publicized in the media. Mr. Alpert stated, “I mean truly as you can imagine for everyone in our office and I think me in particular, it is a constant whirlwind of activity on a billion subjects.”

Asked to describe what happened, once the story came out, Mr. Alpert indicated on a Friday afternoon, Ms. Wesson-Mitchell told him either there was a story out about the incident, or there was going to be a story coming out. Mr. Alpert stated there was not a great deal of discussion about the incident that day, and he did not read the news stories until an *Oregonian* reporter contacted him. Mr. Alpert indicated at that point, he read the news coverage, which included information from Sheriff Ward. Mr. Alpert stated, “That was the first time, honestly, that I had really thought since that morning about this incident.”

Mr. Alpert indicated: He attempted to call Mayor Hales, but could not reach him. He happened to see Chief O’Dea in a hallway, and asked him for an “accounting of what actually happened here so that I can make sure that we’re doing the right thing.” Chief O’Dea told him he was not allowed to discuss the incident, but he believed his A/Cs could, because they had not yet received Communication Restriction Orders. He then contacted A/C Henderson. Mr. Alpert stated, “She [Henderson] told me that she thought this wasn’t squaring at all and that she had concerns.” Mr. Alpert stated:

That's when I then called the mayor and reached him and said I think we need to put the chief on leave. There's no way – and the only filter I was looking through was whether he was – had the capacity to run the Bureau. I wasn't concerned about the investigation or

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any of the allegations. It was, is he emotionally able to run this Bureau and it was clear to me after hearing his voice and talking with Chief Henderson that he was not so I told that to the mayor. He said – he agreed and asked – no, he agreed and said okay, well, let's work out a plan on what we do so I went to work to figure out how that happens.

Mr. Alpert indicated: After speaking to Mayor Hales, he contacted Ms. Wesson-Mitchell and asked her to look into how to put Chief O'Dea on administrative leave. Shortly after, Mayor Hales called Mr. Alpert, "and said he had talked to the chief [O'Dea] and the chief had convinced him not to put him on leave." He and Mayor Hales agreed to "sleep on" the decision. The next morning, he and Mayor Hales spoke again, and they both agreed to put Chief O'Dea on administrative leave. Chief O'Dea also called Mr. Alpert that morning, right as he arrived at work. Chief O'Dea was "despondent" during the call, and indicated he had some meetings scheduled with DOJ, but had otherwise cleared his schedule for the day. Mr. Alpert stated, "I felt validated that no, if you're already clearing your schedule, then we need to make this move now."

Asked when he became aware the City was administratively investigating Chief O'Dea's negligent discharge incident, Mr. Alpert initially stated, "it's all so confusing." Mr. Alpert stated:

Well again, I mean, I thought that had all been happening from whenever the chief called the mayor and in fact had already started because I believe he had said he had already told Captain Rodrigues. I'm trying to remember if I knew – there was a moment and I can't remember when, within the chain but it was, you know, obviously after the press found out that Captain Rodrigues had not started an internal investigation and so that was probably, I'm guessing, that Monday.

Mr. Alpert stated:

I knew what I read in the paper about Harney County and didn't know any of that either until I read about that but on the internal side, my – rightly or wrongly, my lack of understanding about how the Police Bureau functions in that level, I just, again, assumed all of that had been happening so to find out – I think we had found out that Monday and I think Deanna [Wesson-Mitchell] herself was confused because she was just getting up to speed and it wasn't adding up to her that we were all standing there in her office going wait, what, what do you mean there was never an internal investigation opened up. That's not what we were – I don't believe – and I'm fairly certain of this, I don't believe the mayor ever told me that the chief told him there was an investigation opened up. He had said that Harney County was investigating and that he had told Captain Rodrigues.

Mr. Alpert stated, "To find out that there hadn't been an investigation was shocking because I had surely thought when you tell the head of IA what happened, that they open an investigation so it was shocking."

Interview with Mayoral Deputy Chief of Staff Tera Pierce

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Investigators Perez and Berry interviewed Mayor Charlie Hales' Deputy Chief of Staff Tera Pierce on 06/07/16. This interview was recorded and subsequently professionally transcribed. Refer to the audio recording and transcript for details. In summary, Ms. Pierce indicated: As Deputy Chief of Staff, she is responsible for "the internal operations of the office." She oversees staff who prepare briefings for the Mayor and manage his schedule. The frequency of her contact with Mayor Hales "depends on the day."

When asked, Ms. Pierce indicated she has contact with Ms. Wesson-Mitchell, "depending on the issue." Ms. Pierce stated her office opens onto a hallway, "so I just yell people's names as they're passing by." Ms. Pierce indicated she herself does not have regular contact with anyone at PPB. When asked, Ms. Pierce indicated she cannot think of a time she has advised or updated Mayor Hales regarding a criminal investigation involving a PPB member on her own. Asked if she has done so with other people, Ms. Pierce stated, "Probably with Deanna, [Wesson-Mitchell] sure. I mean, generally, it would work where Deanna finds out about something, she comes to me if I'm on the route, right?"

Ms. Pierce indicated: She believes she first learned of Chief O'Dea's negligent discharge incident when *Willamette Week* published an article about it. On that date, she walked by the office kitchen, and saw Ms. Wesson-Mitchell, Ms. Hottman, and possibly two other people, discussing the incident. Ms. Pierce stated, "I walked in and said what's going on and they said basically this happened and I went oh shit, that sucks." After hearing about the article, she returned to her desk and read it.

When asked, Ms. Pierce indicated she believes Mayor Hales, Mr. Alpert, and Ms. Hottman were the only people in the Mayor's office who knew about the negligent discharge incident before the *Willamette Week* article was published. Ms. Pierce stated, "I feel like it must have come out that – in the kitchen of like who knew and what happened."

Ms. Pierce indicated: She believes Mayor Hales was out of town at the time. She was not immediately directed to take any action regarding the incident. Ms. Pierce stated, "I think everybody was just kind of absorbing the information and trying to get more." She has not had contact with PPB PIO Sgt. Simpson regarding the incident.

The following Monday (05/23/16), she was included in discussions regarding the incident, along with City Attorney Reeve, Mr. Amberg, and Ms. Wesson-Mitchell. Ms. Pierce stated:

I think for all of us, there was a lot of new information coming at us. For some of us, it was finding out about the incident but others, it was well, didn't everything – wasn't all the wheels in motion that were supposed to be in motion.

Asked to describe what she meant, Ms. Pierce stated, "The Police Bureau is a very strange animal, and I am definitely not an inclined person to understand kind of the military and that – the way that the structure – the intense kind of structure of a Police Bureau." Ms. Pierce indicated she typically speaks to Ms. Wesson-Mitchell about police issues. Ms. Pierce stated, "She [Wesson-Mitchell] speaks police. I don't. Generally, Josh [Alpert] and Sara [Hottman] don't." Ms. Pierce stated:

I think it's fair to say we generally operate under the assumption that since they [PPB] do have such structured rules and policies, that those just get followed. It doesn't mean that

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we know all of them because that would be crazy, but we know that there's expectations and those expectations generally are followed.

Ms. Pierce indicated she reviews anything Mayor Hales is supposed to sign. Ms. Pierce indicated during her review, she will follow up with the relevant Mayoral policy staff, and ensure they have reviewed the item Mayor Hales is supposed to sign. Ms. Pierce stated:

So I do that with all police stuff to Deanna [Wesson-Mitchell]. And it's just very evident in all of those pieces that there's just some really specific actions that happen when – you know, and she'll explain some of it to me of yeah, this guy did this and then that happened and so it's very orderly and structured.

Ms. Pierce stated Mayoral staff tend to assume, “If it happened in the Police Bureau, there’s checklists, right?” When asked, Ms. Pierce indicated she assumed an administrative investigation would have been conducted, regarding Chief O’Dea’s negligent discharge incident. Ms. Pierce stated:

Again, like that would be my assumption that would've – yes. After I found out – again, it's hard because I found out late but we still – I want to say because it wasn't until later that we realized that, that hadn't happened so there's still that assumption of like okay, well, they're doing their investigation. That's what law enforcement agencies do.

During the interview, Investigator Berry observed that the mayor’s office made statements regarding there having been an administrative investigation, although it was not clear anyone was investigating the matter. Ms. Pierce stated, “Right.” Asked how mayoral staff determined there was an administrative investigation underway, Ms. Pierce stated, “I think it was just an assumption.” Ms. Pierce stated:

It wasn't until later that we realized that that wasn't accurate – or that that wasn't happening. I guess that makes it inaccurate but it was less of us trying to say a falsehood, right. It was more of like our genuine expectation was that that was happening.

Ms. Pierce indicated around the time of Chief O’Dea’s negligent discharge incident, Mayoral staff were heavily involved in preparing Portland’s budget. Ms. Pierce described this process as “brutal.” Ms. Pierce stated, “It’s insane. It’s kind of all-consuming.” Ms. Pierce stated, “It was right in the middle of budget. Like when I start walking back when it happened, it’s like I keep using this analogy but it really is the perfect storm.”

Interview with Mayoral Communications Director Sara Hottman

Investigators Perez and Berry interviewed Mayor Charlie Hales’ Communications Director Sara Hottman on 06/07/16. This interview was recorded and subsequently professionally transcribed. Refer to the audio recording and transcript for details. In summary, Ms. Hottman indicated: As Communications Director, she is responsible for overseeing “all incoming and outgoing messaging from the mayor’s office.” Her work includes responding to media inquiries, responding to constituent inquiries, and preparing speeches and talking points for Mayor Hales. She has contact with Mayor Hales multiple times each day.

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Asked how much contact she has with PPB staff, Ms. Hottman indicated she has the most contact with PPB's PIO Sgt. Simpson. Ms. Hottman indicated she occasionally has contact with other PPB staff, if she needs to do so as part of her work, and cited an example of having met with an A/C and a sergeant regarding staffing levels. Ms. Hottman stated, "Usually, it's only with Pete [Simpson]."

Asked what other mayoral staff have contact with PPB staff, Ms. Hottman indicated Mayor Hales, Mr. Alpert, and Ms. Pierce have contact with PPB staff. Ms. Hottman indicated Ms. Pierce's contact with PPB staff mostly relates to budget issues. Ms. Hottman stated, "I think Josh [Alpert] has the most regular communications as far as, you know, being on a first-name basis with folks in the PPB." Ms. Hottman indicated Ms. Grant also has some contact with PPB staff. Ms. Hottman indicated Ms. Grant is a policy analyst and works on "high-level stuff rather than like the on-the-ground PPB stuff."

Ms. Hottman indicated she has daily contact with Ms. Wesson-Mitchell. Ms. Hottman stated, "Usually she [Wesson-Mitchell] just pops into my office and lets me know what the latest thing is. There's always a thing." When asked, Ms. Hottman indicated she herself does not typically update Mayor Hales on the status of administrative investigations of PPB staff. Ms. Hottman stated Ms. Wesson-Mitchell occasionally lets her know if there is a pending investigation with particularly "salacious" or "sensational" details. Asked if she had ever advised or updated Mayor Hales regarding a criminal investigation regarding a PPB member, Ms. Hottman stated:

I don't think so. I can think of times when Deanna [Wesson-Mitchell] again popped in and let me know that something might be happening or that somebody's getting disciplined in some way because once they get disciplined, you know, then media might pick up on it. And so being prepared for that. But otherwise, no. That would be Deanna's role and then I would just be informed just in case I get inquiries.

Asked how she first learned of Chief O'Dea's negligent discharge incident, Ms. Hottman indicated on a Monday morning, Mayor Hales called her and Mr. Alpert into his office, just before a staff meeting. Ms. Hottman stated:

He said that the chief was camping with some friends and that he had accidentally shot one of his friends and that the friend was okay and that the chief was just really torn up about it, and then he mostly talked about how distraught the chief was that he had hurt his friend and then he said that the media – the reason I was being informed was he thought that Max [Maxine Bernstein] at the Oregonian would probably break the story in a couple days and said I should probably be thinking about a statement from him as far as, you know, how to – his response to the incident.

Ms. Hottman indicated although Mayor Hales directed her to prepare a statement regarding the incident, she did not do so. Ms. Hottman stated:

I walked into staff meeting and it kind of just went out of my head. Usually in that circumstance, I would've followed up with Pete [Simpson] and we would've, you know, talked about what should be included in the statement so, you know, PPB would have

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theirs and I would have mine, but I just forgot and so I didn't prepare anything and then that was prepared later on.

Ms. Hottman stated:

Our thought was like within a couple days, I would probably have a media inquiry and so getting just – you know, getting something down ahead of that so we would have it immediately, but I think I walked into a three-hour staff meeting and then did not walk out with that instruction in my head.

Asked if Mayor Hales talked about Portland conducting an administrative investigation regarding the incident, Ms. Hottman stated:

He [Hales] said there would be an investigation and I didn't ask specifically who would be investigating. I assumed it would be the county that – where the incident occurred. That was the assumption that I think Josh [Alpert] and I both had and neither of us had – were savvy enough to ask any further, unfortunately.

Asked if Mayor Hales directed her to keep the incident confidential, Ms. Hottman stated he said to “keep it close.” Ms. Hottman stated she interpreted this to mean she could discuss the incident with “senior staff” but she should not discuss it casually with staff from other commissioner’s offices. Ms. Hottman indicated beyond Mayor Hales asking her to prepare a statement, she was not directed to take any other action regarding Chief O’Dea’s negligent discharge incident. Ms. Hottman stated, “There was no discussion, no mention of the incident at all until May 20th.”

Ms. Hottman indicated she later learned Ms. Wesson-Mitchell was not initially informed of Chief O’Dea’s negligent discharge incident. Ms. Hottman indicated she herself told Ms. Wesson-Mitchell about the incident on 05/20/16, in the mayoral office’s kitchen. Asked why Ms. Wesson-Mitchell was not informed of Chief O’Dea’s negligent discharge incident, Ms. Hottman stated:

I learned later that the mayor opted not to tell her. I'm not sure why. Usually the chain of command would go if Josh [Alpert] knew about it, then he would tell Deanna [Wesson-Mitchell]. As a chief of staff, he would tell his policy director. I'm not sure why that decision was made. Typically, the policy director, obviously, is looped in on all policy items that are under their purview – so that was a fluke.

Asked when Sgt. Simpson learned of the incident, Ms. Hottman stated, “From my understanding, he learned about it from *Willamette Week*.” Ms. Hottman stated, “That’s that embarrassing thing as a com [communications] person when the reporter breaks news to you.” When asked, Ms. Hottman indicated she does not know why Sgt. Simpson was not informed of the incident. Ms. Hottman stated typically, in an incident involving a PPB member, “PPB is point on the response because, of course, they have their own investigations and processes – and then from the mayor’s office, it would be a statement in response to that, if anything.” Ms. Hottman stated if she had remembered to prepare a statement when she first learned of the incident, she would have provided a draft to Sgt. Simpson for his review. Ms. Hottman stated, “It just, like I said, kind of fell through the cracks, very unfortunately, and so there was

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no follow-up at all." Ms. Hottman indicated she did eventually prepare a statement, once *Willamette Week* published an article on 05/20/16 about the incident.

Mayor's office issues press release regarding Chief O'Dea being placed on administrative leave

On 05/24/16, Mayor Hales issued a press release regarding Chief O'Dea being placed on administrative leave. This release indicates: Mayor Hales placed Chief O'Dea on administrative leave "pending the outcome of several open internal and external investigations." The press release includes a brief description of Chief O'Dea's negligent discharge incident: "In late April, Chief O'Dea was on vacation in Harney County, when he had a negligent discharge from his .22 caliber rifle that injured one of his close friends. The injured man was treated and released from the hospital." The press release states, "Oregon State Police, Oregon Department of Justice, Portland Police Bureau Professional Standards, and Portland Independent Police Review have open investigations into the incident." The press release also notes Chief O'Dea received a CRO, which "restricts the Chief from discussing the facts of the case."

Interview with Mayoral Public Safety Director Deanna Wesson-Mitchell

Investigator Perez interviewed Mayor Charlie Hales' Public Safety Director Deanna Wesson-Mitchell on 06/01/16. The interview was recorded and subsequently professionally transcribed. Refer to the audio recording and transcript for details. In summary, Ms. Wesson-Mitchell indicated the following: As Public Safety Director, she is responsible for issues related to both PPB and Portland Fire & Rescue (PF&R), although the majority of her work concerns PPB. She functions as the equivalent of a project manager for the City's implementation of its agreement with US DOJ. She acts as a liaison between the City Attorney, PPB, US DOJ, and the COCL. She also attends all PRB hearings, and advises Mayor Hales on proposed disciplinary measures in administrative investigations involving PPB officers. Additionally, she assists Mayor Hales' communications team regarding communications and statements regarding PPB. Before joining Mayor Hales' staff she was a PPB officer for approximately 10 years.

Ms. Wesson-Mitchell indicated: In her work, she has regular contact with several PPB staff, including Chief O'Dea, A/C Crebs, A/C Modica, Tim Evans, [REDACTED], Commander Sara Westbrook, [REDACTED], Elle Weatheroy, [REDACTED], and Vincent Woods. She also has occasional contact with A/C Day, A/C Henderson, and Captain Michael Krantz, [REDACTED]. She has occasional "transactional" contact with PPB officers and sergeants, as she addresses or looks into particular issues. She also has contact with Captain Rodrigues and IPR Director Severe, regarding administrative investigations of PPB officers.

Ms. Wesson-Mitchell stated, "I've had a really good working relationship with Larry [O'Dea]." Ms. Wesson-Mitchell stated, "He [O'Dea] was the only champion in the Police Bureau for any of the equity work and that started in 2010, 2009 or 2010, and so I've worked really closely with him since then because he was on CPRC also, and at my, you know, then also with my current job." Ms. Wesson-Mitchell indicated she had weekly one-on-one meetings with Chief O'Dea. Asked what she discusses with Chief O'Dea during these one-on-one meetings, Ms. Wesson-Mitchell stated, "Whatever the hot topic of the week is."

Asked how often she speaks with Mayor Hales, Ms. Wesson-Mitchell stated it varies, but "not very often." Ms. Wesson-Mitchell stated, "If there's a question that comes up – like if I give him [Hales] something to sign and he's got a question about it we'll have a conversation, that doesn't happen too often. Not a lot. Kind have like, you know, case by case." Asked if she advises Mayor Hales regarding

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administrative or criminal investigations of PPB members, Ms. Wesson-Mitchell noted the mayor's office is not involved in conducting investigations. Ms. Wesson-Mitchell stated she will occasionally give Mayor Hales a "heads up" if she learns of an investigation which may draw media interest. Ms. Wesson-Mitchell stated in those circumstances, the mayor's office typically releases a statement which says "it's an open investigation, we're not going to say anything."

Asked how she first learned of Chief O'Dea's negligent discharge incident, Ms. Wesson-Mitchell stated, "When he [O'Dea] let us know on Friday that the *Willamette Week* had sent a media request." Ms. Wesson-Mitchell indicated this took place at approximately 1430 on 05/20/16. Asked if Chief O'Dea had ever previously mentioned the incident, in their weekly one-on-one meetings, Ms. Wesson-Mitchell stated, "Nope."

Ms. Wesson-Mitchell indicated: After she learned of the incident, she spoke to Mr. Alpert, Ms. Pierce, and Ms. Hottman. She believes Mr. Alpert, Ms. Pierce, and Ms. Hottman learned of the incident the same morning Chief O'Dea told Mayor Hales about it. Mr. Alpert, Ms. Pierce, and Ms. Hottman told her Mayor Hales directed them to prepare a statement about the incident, and they had been expecting media contact, but it never happened. Ms. Wesson-Mitchell stated:

A lot of that was Friday [05/20/16]. It was like – what happened? How do we – okay, so what do we, you know, what are we saying about this because it's going to be in the Willamette Week, so we have to have something ready to say, so I think I actually wrote the statement was about, you know, we're not making a – it's an ongoing internal and criminal investigation because at that time I thought it was an internal investigation going on because why wouldn't there be, and so that's what we put out on Friday and then the mayor had his, you know, supportive words for Larry [O'Dea], and the work that he's doing and that we're not going to make any further comment because it's an ongoing investigation.

Ms. Wesson-Mitchell stated she typically receives a "heads-up" regarding investigations, but in other cases she does not learn of the investigation until she reviews the PRB materials. Ms. Wesson-Mitchell indicated typically the mayor's office will not comment in great detail regarding administrative or criminal investigations of PPB members. Ms. Wesson-Mitchell indicated had the mayor's office released a statement about Chief O'Dea's negligent discharge when he first told Mayor Hales about it, the statement likely would not have been very different than the one they released after *Willamette Week* first reported the incident. Ms. Wesson-Mitchell stated:

We're very strict on our response that there's an ongoing investigation and we refer people to the Police Bureau for any details. For internal ones we definitely its – like, we don't – we have this personnel issue, there's an investigation, we're not going to make any comments, so from that perspective I think the oddest thing about it was that I didn't know about it.

When asked, Ms. Wesson-Mitchell indicated that beyond helping prepare the statement the mayor's office released, neither Mayor Hales or any other mayoral staff directed her to take any action related to the incident. Ms. Wesson-Mitchell indicated IPR Director Severe contacted her on Monday, 05/23/16,

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and told her IPR was opening an investigation. Ms. Wesson-Mitchell stated, "I thought that was about the why didn't it go public." Ms. Wesson-Mitchell stated, "I don't know if it fully clicked to me until Tuesday when I talked to Constantin [Severe] again that wait, there was no internal investigation going on."

Ms. Wesson-Mitchell stated since the incident came to light, she has "complained a lot." Asked to describe her concerns, Ms. Wesson-Mitchell stated, "That there was no investigation." Ms. Wesson-Mitchell indicated she is also concerned she was not informed of Chief O'Dea's negligent discharge incident. Ms. Wesson-Mitchell stated, "I wouldn't say mad, but I was frustrated that people in my office didn't say something." Ms. Wesson-Mitchell indicated Mr. Alpert has since apologized to her for not telling her about the incident. Ms. Wesson-Mitchell indicated at the time, the mayor's office was very busy with several issues, including the budget, and negotiating the labor contract with PPA. Ms. Wesson-Mitchell stated, "There was a lot going on. And they thought it was being handled because it always is." Ms. Wesson-Mitchell stated:

I honestly think the people in my office were like, oh its being taken care of and they, you know, they're running the city. There's a whole bunch of stuff that's going on. There's always an investigation at the Police Bureau as you guys know. There's always many of them, and the thought that it would just never make the media I don't think occurred to them, and that it would come out quickly was kind of where they were thinking and then I'm assuming they must've just kind of been like, oh, it's – investigations ongoing and we don't have to deal with the media. Okay, we'll find the results of the investigation when it's done and make decisions then.

Ms. Wesson-Mitchell stated:

It's like there's two things that happen each year that are just ridiculous is the state of the city speech and the budget and then after that it's all kind of downhill and then we start on the state of the city speech again, and so – but those are the most crazy times and the most busy and we had the PPA contract coming up at the same time as the budget, and so it was all about organizing like the, you know, the budget going public, how are we going to do this, we're coordinating which community members are going to be at the speech. I'm dealing with a myriad of DOJ things, Thai Gurule mediation, the budget, the budget, and the budget, and I honestly think they just forgot.

Ms. Wesson-Mitchell indicated: After she learned of the incident, she spoke to Captain Rodrigues. Captain Rodrigues told her "that from the information he had he didn't feel there was – that he needed to open an investigation." Ms. Wesson-Mitchell stated, "He said didn't need to open an investigation it was some – it was something like that, so I'm – and again, I was – my head was literally spinning. I was like, what the hell. I didn't – it was very – everything was very vague."

Ms. Wesson-Mitchell indicated: Shortly after she learned of the incident, IPR began issuing Communication Restriction Orders (CROs) to PPB witnesses and involved members, and she was unable to gather more information. She has continued to reflect on the incident as time has passed, and she

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has many questions about what happened. Asked to describe her questions, Ms. Wesson-Mitchell stated, "How did this not come up?"

Involved members' and witnesses' email correspondence reviewed

During the course of this investigation, IPR Director Severe determined IPR should obtain and review email correspondence from Chief O'Dea, A/C Crebs, A/C Day, A/C Henderson, A/C Modica, Captain Rodrigues, Lieutenant Kruger, PPB Executive Assistant Diane Haman, Mayor Hales, Mayoral Chief of Staff Josh Alpert, Mayoral Deputy Chief of Staff Tera Pierce, and Mayoral Communications Director Sara Hottman, for the time period 04/21/16 through 06/07/16. Email correspondence was obtained with the assistance of staff from Portland's Bureau of Technical Services (BTS).

Note: The following review focuses primarily on correspondence involving and regarding Chief O'Dea. For details of correspondence involving and regarding the A/Cs and Captain Rodrigues, refer to IPR case #2016-B-0030.

During this investigation, email correspondence from A/C Crebs, A/C Day, A/C Henderson, A/C Modica, and Captain Rodrigues for the time period 04/21/16 through 06/07/16 was reviewed. No correspondence which appeared to be related to Chief O'Dea's negligent discharge incident was found.

Email correspondence from Mayor Hales, Mr. Alpert, Ms. Pierce, and Ms. Hottman for the time period 04/21/16 through 06/07/16 was also reviewed during this investigation. This review indicates: At 1848 on 05/20/16, *Oregonian* reporter Maxine Bernstein sent an email to Mayor Hales, with questions about Chief O'Dea's negligent discharge incident. At 1931 on 05/20/16, Mayor Hales sent a message to Mr. Alpert, Ms. Hottman, and Ms. Wesson-Mitchell regarding Ms. Bernstein's message to him. In this message, Mayor Hales wrote:

I have not responded to her [Bernstein's] question but I would say this

My primary concern is supporting a good person who had a serious accident that hurt a friend and which could have been much worse. Larry [O'Dea] has earned by, and Portland's, support and encouragement in a difficult time.

Very shortly after sending this message, Mayor Hales sent a follow-up message, stating, "Oh, and I was informed immediately."

This review further indicates: At 1256 on 05/23/16, Chief O'Dea forwarded a copy of the message he sent to PPB about the incident to Mayor Hales, Mr. Alpert, Ms. Hottman, and Ms. Wesson-Mitchell. In the message, Chief O'Dea wrote, "Thanks for your support. It means a lot." Mayor Hales replied to Chief O'Dea at 1311 on 05/23/16, stating, "The least we can do for an excellent Police Chief and All Around Good Guy!"

This review indicates: At 1557 on 05/31/16, Mayor Hales sent an email message to IPR Director Severe, with CC copies sent to Mr. Alpert, Ms. Pierce, Ms. Wesson-Mitchell, City Attorney Reeve, and Chief Deputy City Attorney Amberg. Mayor Hales wrote:

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Constantin – in your investigation and review of the incident involving Chief O’Dea, I would like to request that you expand your inquiry to include:

1. *Who knew what, and when? and*
2. *What steps did those individuals take upon receiving that information?*

IPR Director Severe replied to Mayor Hales’ message at 1658 on 05/31/16, stating IPR Investigators had already interviewed Chief O’Dea and other witnesses, and had “brought up the points you raise.” Director Severe wrote, “Given your role as police commissioner if you would like updates on the progress of the investigation. Please let me know.”

This review indicates: At 0741 on 06/09/16, Mayor Hales wrote to Mr. Alpert, Ms. Pierce, Ms. Hottman, Ms. Wesson-Mitchell, City Attorney Reeve, and BHR Director Kanwit. Mayor Hales wrote:

So, Im assuming no news as yet from State DOJ.

I'd like to have some pieces in place for when their report DOES come down:

1. *Could one of you contact them and ask that we be provided with an embargoed copy a little before it is released to the media? They might say no, but we should at least ask.*
2. *Could you please place on my desk all of the published official documents so far (e.g. Harney County Sheriff's report).*
3. *Subsequent to the publishing of the report of the state investigation, I will in short order want to talk to at least some of the people on the list below...not guaranteed, but maybe. Could you please cue me up with contact info for:*
 - a. *The Harney County Sherriff*
 - b. *The participants in the shooting incident, including the victim of the gunshot wound.*

Other steps you think I should be considering?

BHR Director Kanwit replied to this message at 0915 on 06/09/16. She stated:

Charlie, I would like to talk to you about this plan. You are the decision maker regarding the Chief's status. I want to be sure no claim/argument can be made that you did not base your decision on facts found in the investigations. I can be available at any time today and will be over in your office from 11 to 11:30 today to meet with Tera. Thanks.

Involved members’ and witnesses’ text message correspondence reviewed

During the course of this investigation, IPR Director Severe determined IPR should obtain and review text message correspondence from Chief O’Dea, A/C Crebs, A/C Day, A/C Henderson, A/C Modica,

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Captain Rodrigues, Lieutenant Kruger, PPB Executive Assistant Diane Haman, Mayor Hales, Mayoral Chief of Staff Josh Alpert, Mayoral Deputy Chief of Staff Tera Pierce, and Mayoral Communications Director Sara Hottman, for the time period 04/21/16 through 06/07/16.

At IPR Director Severe's request, staff from the Portland City Attorney's Office facilitated the effort to obtain text messages.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Note: All grammar, spelling and punctuation are as they appeared in text messages.

Mayor Charlie Hales' text message correspondence reviewed

On 05/20/16, Mayor Charlie Hales took part in a group text message conversation with Chief O'Dea, Ms. Wesson-Mitchell, and Mr. Alpert. At 1433 on 05/20/16, Chief O'Dea wrote, "A media inquiry came from Willamette Week just now regarding me accidentally injuring my friend last month so I am expecting the story to be out shortly. FYI Larry." At 1434, Ms. Wesson-Mitchell replied, "Oh no!" Mr. Alpert responded

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at 1434, "Oh no Chief! We've got your back." Mayor Hales responded at 1435, "Had to get out sometime We're ready." Ms. Wesson-Mitchell responded at 1435, "Call me when you can." Mayor Hales responded at 1435, "Today's newspaper, tomorrow's fish wrap." Chief O'Dea responded at 1440, "Thank you all very much. Working on a brief response to them."

Mayor Hales corresponded with Ms. Hottman and Mr. Alpert on 05/20/16, concerning the issuance of a statement regarding the shooting. This conversation did not appear in the provided copies of Mayor Hales' and Mr. Alpert's text message correspondence, but did appear in the provided copy of Ms. Hottman's text message correspondence. At 1510 on 05/20/16, Ms. Hottman wrote, "Beth Slovic just called me re: O'Dea. I haven't seen his statement yet so I don't know what MCH should say yet. Any initial ideas?" Mayor Hales responded at 1513, "Larry O'Dea is a great Chief who is heartsick over hurting a friend." Josh Alpert responded at 1515, "Yep." Sara Hottman responded at 1515, "And the investigation is open so we can't say more than that. I like taking a compassionate approach."

Mayor Hales and Mr. Alpert exchanged text messages on 05/23/16 and 05/24/16, as the mayor traveled to a conference. Mr. Alpert wrote, from his personal phone, at 1951 or 1953 on 05/23/16, "Hey- need to talk ASAP re: chief." Mayor Hales responded at 1955, "Just landed- will call you shortly." Mr. Alpert responded, from his work phone, at 1956 or 2003, "K, thanks." At 0703 on 05/24/16, Mayor Hales texted Mr. Alpert, "I'm in the session Do you need me to step out?" Mr. Alpert responded, from his work phone, at 0703 or 0710, "Yes, sorry," and again at 0734 or 0741 with, "Chief just called me, nearly in tears, saying he thinks he should retire. I convinced him to hold on until I hear from Tracy."

A portion of the 05/23/16 through 05/24/16 conversation between Mayor Hales and Mr. Alpert did not appear in the provided copy of Mayor Hales text message correspondence, but did appear in the provided copy of Mr. Alpert's text message correspondence. At 0741 on 05/24/16, Mr. Alpert wrote, "This is excruciating." At 0735, in apparent reply to Mr. Alpert's 0741 message, Mayor Hales responded, "No kidding," and, "I think emotion is driving this a lot, for Larry too. Taking vaca time is another thing to consider." Mr. Alpert responded at 0745, "Yep, I talked to him about that and counseled him to make NO decision based on us-we are fine, want to give him every benefit of the doubt- he should ONLY make a decision based on what's best for him." At 0755, Mayor Hales wrote to Mr. Alpert, "Bob Ball has been trying to reach me. I urged him to call you pending my calling him back." Mr. Alpert responded at 0804:

Yeah- he just called while I was on with Deanna. She's headed in rather than her son's field trip, and Larry is going to come in too. Waiting on tracy to find out a few things and I will call bob now. I cancelled my morning and told Sara to head in ASAP.

At 1000 on 05/24/16, Mr. Alpert wrote to Mayor Hales:

So, chief is meeting with constantin at 10-Deanna got constantin to move up the interview. He then is coming up here to have the conversation- I already let him know by phone we were going to have to put him on leave, and he said it makes sense. Darryl [PPA President Daryl Turner is holding off sending his release until ours goes out. Meanwhile, we are having an internal conversation re: interim chief. The logical choice and one Darryl and Mark amberg suggested is Donna, but Deanna said absolutely not

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and wants Derrick Rodriguez from IA to do it- he will make big changes before we go. Thoughts?

Mayor Hales responded at 1002, "Think that depends on which scenario we are in." Mr. Alpert responded at 1004 or 1011, "For now I'm only assuming the first one. Here's a thought- that we announce Donna as acting chief while we work to appoint an interim chief for the remainder of the admin leave. We can say you are flying back from DC and we need a chief at the moment." Mayor Hales responded at 1004, "Yes." Mr. Alpert responded at 1005 or 1012, "Ok. Stay tuned for more as it comes. What time are you wheels up?" Mayor Hales responded at 1005, "7:15 DC time."

Mayor Hales texted Mr. Alpert at 1044 on 05/24/16, "Sent some edits," presumably referring to the Mayor's Office's statement regarding the shooting. Mr. Alpert responded at 1045, "Yeah, we are moderating them a little bit- I know you're hurting badly as am I, but we need to be a little more impartial. Sara will send next draft ASAP." Mayor Hales responded at 1047, "There is an impartial process underway. He's my Chief and I don't need to be impartial, just act properly." Mr. Alpert responded at 1048 or 1055, "There's more coming out that you don't know, and I don't want to text/email." At 1048, in apparent reply to Mr. Alpert's 1048 or 1055 message, Mayor Hales responded, "I'll call you at the break." At 1148 or 1156, Mr. Alpert texted Mayor Hales, "Chief is in a better mood, isn't going to retire at the moment and is incredibly grateful for your support. Waiting on Donna to come over." Mayor Hales responded at 1155, "Thanks."

Mayor Hales texted Josh Alpert at 1156 on 05/24/16, "I might end up with a battery power gap from about 2-3 your time." Mr. Alpert responded at 1205, "No worries. Donna's here and she and I are meeting with Doj at 3 to let them know all is ok." He again responded at 1208, "We should sit down with her tomorrow for a little bit to just touch base, so we will schedule that." Mr. Alpert sent a third message at 1017, in apparent reply to Mayor Hales' 1156 message, which read, "Pretty crazy that NOBODY is here on this issue." Mayor Hales responded at 1014 on 05/25/16, "No news is good news."

At 0116 on 06/05/16, Mayor Hales sent Chief O'Dea the following text message:

Not unusual for one or more of us to be up in the middle of the night thinking about this...

I want to talk more today, either in person or over the phone. I think we should hang tough a bit and that you should not yet reach the conclusion that the only option is you retiring.

Here's why: it turns on the alcohol. If you are sure that you were getting up to open your first beer, that means that you will be surrendering to a false conviction by the press. That would be not only wrong for you, but it would be wrong for public service and for truth-telling. If that Sherriffs deputy lied and the Oregonian lied by turning his allegation into an assertion, then you would be ending your career by validating a smear. That would be wrong.

So re-check your recollection and let's talk at a decent hour.

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At 0820 on 06/05/16, Chief O'Dea responded with the following:

I am absolutely sure that I had brought over my first beer and was getting up to drink it. I had been drinking nothing but flavored Costco sparkling water all day and I am also sure the DOJ investigation will be able to confirm that by all of their other interviews. I don't know why the deputy thought that all of us had alcohol on our breath and I am absolutely sure when he made that blanket statement, I corrected him about me in front of everyone. I have been thinking a lot since yesterday and also think it is wise to hang tough until DOJ makes their decision which I would expect this week. I just worry about the Bureau but another week or so won't hurt and makes sense to me also. Thanks much. Larry

At 1159 on 06/25/16, Chief O'Dea wrote the following text message to Mayor Hales:

*Boss,
My attorney Derek Ashton again had conversation with the DOJ prosecutors today. He has some pretty specific timeline information as well as a plan to meet Ellen Rosenblum next week. He is going to call your work cell today as it will likely impact your Monday morning plan by a few days. Thanks, Larry*

Josh Alpert's text message correspondence reviewed

Mr. Alpert and Ms. Hottman exchanged text messages on 05/23/16. Discrepancies in some messages' timestamps were noted. At 2030 on 05/23/16, Sara Hottman texted Josh Alpert:

FYI: my response to media inquiring about Harney County press release implications:

There are ongoing internal and external investigations related to this incident, and the mayor is awaiting their outcomes before reaching any conclusions about apparent contradictions.

Mr. Alpert responded to Ms. Hottman at 2050 or 2057, "Yep. Talked to Deanna just now and she said she totally sees the chief's pov on admin leave and is fine with waiting it out." Ms. Hottman responded at 2051, "Ok, great. I'll stand down."

At 1357 on an unknown date, sometime after the incident was publicized, Mr. Alpert texted Chief O'Dea and informed him Ms. Hottman would be referring media inquiries to his PIO Sgt. Simpson. Mr. Alpert texted Chief O'Dea at 0703 or 0710 on 05/23/16 and wrote, "Hey Chief-do you have a second to chat?" Chief O'Dea texted Mr. Alpert at 1727 on 05/24/16, "Thank you for your wisdom and support today. It was a tough day but I am in a much better place now! It is an honor to work with you. Thank you!" At 1833 or 1840, Mr. Alpert responded:

Chief, this is by far the best part of my day. I'm very thankful to you for this- we truly have your back here and I'm so glad that you're doing ok. This too will pass, and in the

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meantime, we promise not to break the bureau too badly—it'll be still standing when you are back!

IPR Director Severe and Investigator Berry interviewed Chief O'Dea for this investigation at 1010 on 05/24/16. Mr. Alpert texted PPA President Turner at 0922 on 05/24/16, "Hey-chief is meeting with ipr at 10, and then meeting with me. Can you hold off sending anything out until we meet with chief? Don't want to jump the gun." At 1143, Mr. Alpert texted President Turner, "Just waiting for Donna to come over and let her know she's acting. Should be about 20 minutes." At 1203, Mr. Alpert texted President Turner, "Ok, we are sending in 10 minutes. I will text right before we hit send." At 1156, in apparent reply to Mr. Alpert's 1203 message, President Turner responded, "K What's he doing." Mr. Alpert responded at 1206, "For now going on leave, and then taking his time to clear his head and mull things over." At 1212, Mr. Alpert texted, "Ok we are ready."

IPR investigators Perez and Berry interviewed Mr. Alpert on 06/02/16. At 1759 on 06/02/16, Mr. Alpert texted Deanna Wesson-Mitchell, "Ugh. Well that was awful." Ms. Wesson-Mitchell responded at 1756, in apparent reply to Mr. Alpert's 1759 message, "What was?" At 1801, Mr. Alpert responded, "My interview."

On 06/02/16, Mr. Alpert exchanged text messages with City Commissioner Dan Saltzman's Chief of Staff Brendan Finn, and indicated he was at a bar. At 1910, Mr. Alpert wrote, "Came to wash away my fucking IPR interview I had to do this evening." At 2030 Mr. Finn replied, "Yikes that will take a few."

Tera Pierce's text message correspondence reviewed

At 1304 on 06/06/16, Tera Pierce texted Mayor Charlie Hales, "Hello-are you available to talk with Deanna and I re: chief." At 1354, Mayor Hales responded, "Will call you in about half an hour." At 1355, Ms. Pierce responded, "Ok great."

At 1040 on 06/20/16, Ms. Pierce texted Mayor Hales, "Hello-will you let us know when you hear back from the AG. Thanks!" Mayor Hales responded at 1238, "Will do. Have not yet."

Ms. Pierce texted an unknown person at 2305 on an unknown date, "Maxs last story leads me to believe your instinct was right! Yikes." At 1104 on 05/25/16, Ms. Pierce texted the same person, "Would be good to talk about messaging re: campsite."

Sara Hottman's text message correspondence reviewed

At 2021 on 05/21/16, Sara Hottman texted Mayor Hales:

Just a reminder on timeline, in case you're asked: you were out of the country with Sec. Foxx when it happened (Thurs). There was confusion about who's gun, so Chief didn't learn until Sunday that it was him (part of the open investigation, so we can't talk about that). Monday at 7am Chief called you.

At 1959 on 05/23/16, Sara Hottman texted Ms. Wesson-Mitchell, "Why the fuck did Harney County send out that weird ass press release? It makes NO sense!" At 2001, Ms. Wesson-Mitchell responded, "Are you still getting blasted with questions?" At 2002, Ms. Hottman wrote, "Yeah, and everyone is so

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confused because Chief DEFINITELY owned up to it with his BOSS, so why wouldn't he tell investigators?" At 2009 on 05/23/16, Ms. Hottman wrote, "I keep thinking Harney County meant to explain why OSP became involved, but it seems like they were pointing out a contradiction..." At 2020, Ms. Hottman sent Ms. Wesson-Mitchell an identical copy of her 2009 message.

Sara Hottman texted Rachel Wiggins, a policy assistant for Mayor Hales, at 1151 on 05/25/16, "KPTV is going to try to grab the mayor after council re O'Dea." Ms. Wiggins responded at 1152, "I'll tackle them! (Or quickly move him along.)"

Ms. Hottman texted both Mayor Hales and Mr. Alpert at 0859 on 05/25/16:

KGW wants to talk to the mayor about chief. I told them he can't say anything outside of the press release; they want him saying it on camera. I think is he only said "waiting to reach conclusions until investigations are completed, urge all Portlanders to do the same," could be useful. Thoughts?

Josh Alpert responded from his personal phone at 0900, "I'd recommend no. Time to move forward." Ms. Hottman responded at 0903, "I'm fine with that. KGW will try to grab him on his way to council, so we'll need to use evasive tactics."

At 1037 on 05/26/16, Sara Hottman texted Mayor Hales, "FYI: Apparently the Harney Co sheriff released a report today. I haven't seen it, but getting inquiries. What's this guy's deal? Seems like that should've gone to investigators, not press." Mayor Hales responded at 1052, "We need to read it ASAP." Ms. Hottman responded at 1052, "Just found Max's story, which has the docs. Emailing it now."

Captain Derek Rodrigues' text message correspondence reviewed, concerns about 05/20/16 noted
Mr. Brillhart conducted a forensic extraction of Captain Rodrigues' cellular telephone. Information was found suggesting Captain Rodrigues and Chief O'Dea exchanged text messages on 05/20/16. This date is notable, as it is the day *Willamette Week* first published an article describing Chief O'Dea's negligent discharge incident. The material extracted from Captain Rodrigues' phone suggests multiple messages were exchanged, between 0858 and 0917 on 05/20/16. The content of these text messages was not recovered. The total number of messages exchanged, and the order of correspondence was likewise not recovered.

After reviewing this material, Investigator Berry arranged an interview with Mr. Brillhart. On 11/04/16, as the interview was scheduled, Mr. Brillhart sent an email to Investigator Berry regarding the text message correspondence between Chief O'Dea and Captain Rodrigues. Mr. Brillhart wrote:

I took a look at the entries you sent to me. All were found in the iPhone Recents Log. This log stores all of the latest text communications of the phone. It includes notifications for locations, outgoing SMS (no trace for incoming SMS) and emails. The SMS to Larry O'Dea had been deleted. I looked on Mr. O'Dea's phone and saw SMS that were to Mr. Rodrigues at the 9:16-9:17 time frame. These were also deleted.

Interview with Forensic Investigator Joel Brillhart

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Investigators Berry and Perez interviewed Joel Brillhart, who is a Certified Forensic Examiner for Professional Forensic Services of Portland on 10/14/16. This interview was recorded and subsequently professionally transcribed. Refer to the audio recording and transcript for details. In summary, Mr. Brillhart indicated: Before retiring from the FBI, he spent 23 years as an FBI Special Agent. He spent the last several years of his career processing digital evidence, including cellular telephones. He is a certified forensic examiner and cellular telephone examiner. The City of Portland hired him to conduct forensic extractions on cell phones used by Chief O’Dea, A/C Modica, Captain Rodrigues, and Lt. Kruger. He did not analyze the material he pulled from the phones, as he was only hired to extract it.

Mr. Brillhart further indicated: He used software and hardware to perform the extractions. However, unlike a forensic examination of a desktop computer, the amount of information that can be extracted from a cell phone is sometimes limited, because of the nature of a cell phone’s operating system. In this case, he could not obtain a “physical extraction” of the information on the four cell phones he examined for the City. Mr. Brillhart stated, “So, you aren’t able to recover as much deleted data as you would if you were able to get a physical extraction.” Mr. Brillhart stated, “If you’re not able to get a physical extraction, all – not all of the deleted data is going to get recovered.”

Mr. Brillhart indicated: He did not recover the content of the messages Chief O’Dea and Captain Rodrigues exchanged on 05/20/16. He was only able to recover “an indicator that the messages were there at one point.” He likewise was unable to determine who contacted who, or how many messages were exchanged. Mr. Brillhart stated, “That conversation could have been 20 messages. It could have been four or eight, whatever.” It is likely however that billing records associated with the phones would show how many messages were sent, and from what phone.

Captain Rodrigues interviewed regarding his text message correspondence with Chief O’Dea

After noting Chief O’Dea’s apparent text message contact with Captain Rodrigues on 05/20/16, IPR Investigators Perez and Berry interviewed Captain Rodrigues a third time, on 12/01/16, regarding his text message correspondence with Chief O’Dea. Also present were IA Lt. Hurley and Captain Rodrigues’ attorney Mr. Makler. This interview was recorded and subsequently professionally transcribed. Refer to the audio recording and transcript for details.

In summary, Captain Rodrigues indicated: He exchanged text messages with Chief O’Dea on 05/20/16. He does not recall who initiated the correspondence. He does not recall what he and Chief O’Dea discussed, but it was unrelated to Chief O’Dea’s negligent discharge incident. Captain Rodrigues stated, “I can tell you without any doubt these texts had nothing to do with any of this investigation.” Captain Rodrigues further stated:

I have no recollection about what any of this was about. I can tell you it’s business because we have a business relationship, but nothing to do with – we’ve never communicated besides the time what he [O’Dea] told me in our meeting. Nothing at all whatsoever.

Captain Rodrigues indicated his text message correspondence with Chief O’Dea was possibly related to a Police Review Board (PRB) hearing, or other business-related matter. Captain Rodrigues stated, “It could’ve been a PRB. It could’ve been he’s checking up on anything.”

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When asked, Captain Rodrigues confirmed he deleted his text message correspondence with Chief O'Dea. Captain Rodrigues stated, "So I delete all my messages once the communication is complete. There is no reports on my texts. There is nothing that I need to save." Captain Rodrigues indicated at the time, he deleted all his text messages. Captain Rodrigues stated, "I want for the record to say that I just said that I delete at the time all my text messages, and I want that to be clear on the record."

Captain Rodrigues indicated: Chief O'Dea also came to his office in person on 05/20/16, likely shortly before 1300. It was "kind of strange" that Chief O'Dea came to Captain Rodrigues' office, although he did occasionally "sometimes pop in my office." He does not recall what they discussed, but it was not related to Chief O'Dea's negligent discharge incident. Captain Rodrigues stated, "He [O'Dea] was checking up on something. I don't know what it was." Captain Rodrigues stated, "If he [O'Dea] came into my office, it was for some business. He [O'Dea] didn't just drop by to check how our family is doing."

Captain Rodrigues indicated shortly after Chief O'Dea came to his office, he told the Chief he needed to leave for an appointment. Captain Rodrigues stated:

I had to leave because [REDACTED] [REDACTED] [REDACTED] appointment, and I said, hey, Chief, I've got to go. It was kind of funny, I said, I'm going to tell you now I have to leave, but that was it. Absolutely nothing. Nothing about anything about this investigation. I stand firm on that and we text all the time. Maybe he – I don't know what he was asking about, but just – I don't know if there was a PRB. If a PRB was scheduled that day, I give him the updates of the recommendations, but nothing. I've never communicated with him about any of this. Again, don't want to rehash. No text messages, no emails, no memos, nothing to do with this incident at all.

Chief Lawrence O'Dea's text message correspondence reviewed

The provided copy of Chief O'Dea's text message correspondence includes both text messages Chief O'Dea appears to have deleted and Mr. Brillhart recovered, and those Chief O'Dea does not appear to have deleted. The provided copy of Chief O'Dea's text message correspondence does not include any indication Chief O'Dea exchanged text messages with Captain Rodrigues on 05/20/16. As the material provided to IPR by City Attorney's Office staff on 10/05/16 still contained redactions, Investigators Perez and Berry obtained an unredacted copy of all of Chief O'Dea's text message correspondence, from 05/18/16 through 05/21/16. This document likewise did not include any indication Chief O'Dea exchanged text messages with Captain Rodrigues on 05/20/16. This suggests Chief O'Dea deleted these messages, and the messages were not recovered by Mr. Brillhart.

These messages include portions of previously-described conversations, including Chief O'Dea's message to Sgt. Simpson at 2159 on 05/20/16, where he indicated he had spoken to OSP and Oregon DOJ, and had "no criminal concerns," as well as his contact with Mr. Alpert on 05/23/16 and 05/24/16. Also included is Chief O'Dea's text message correspondence with Mayor Hales on 06/05/16, during which Mayor Hales encourages him not to retire, and Chief O'Dea states he was not drinking during the incident, and describes his actions leading up to his negligent discharge.

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Chief O’Dea’s provided text message correspondence also contains a text message he received from Mayor Hales, at 2044 on 05/23/16. This message was not included in the provided copy of Mayor Hales’ text message correspondence, possibly suggesting Mayor Hales deleted it. The message states:

I want to revise my counsel to you just a bit: do take care of yourself but DON’T slacken your pace in the work of being Chief. Sleep well, exercise, talk with your family and close friends but keep on keeping on being the activist, effective Police Chief that you are. Anything else sends a message that you’re starting to fade away, which you are not.

Chief O’Dea replied to this message at 2045 on 05/23/16, stating, “Roger that!”

Ms. Wesson-Mitchell texted Chief O’Dea at 1847 on 06/17/16:

[REDACTED]

Chief O’Dea appears to have replied to this message at 1851 on 05/23/16, stating:

I know. This has been so hard and there is so much I am waiting to clarify with you.

[REDACTED]

Been praying for you all.

Chief Lawrence O’Dea’s text message and call activity obtained by subpoena

After it identified possible contact between Chief O’Dea and Captain Rodrigues on 05/20/16, IPR obtained records of call and text message activity for Chief O’Dea’s work-issued cellular telephone, from 04/21/16 through 06/07/16, via subpoena, from Verizon Wireless.

In summary, Chief O’Dea’s call activity indicates the following: Mr. Lieb called Chief O’Dea twice, during the evening of 04/21/16. The calls lasted 16 seconds and 49 seconds. Mr. Lieb called Chief O’Dea again at 0906 on Sunday, 04/24/16. This call lasted 27 seconds. At 0929 on 04/24/16, Chief O’Dea called Mr. Lieb, and they spoke for slightly over 25 minutes. At 1039 on 04/24/16, Chief O’Dea called Mr. Buchtel, and they spoke for slightly over 25 minutes. At 1738 on 04/24/16, Mr. Buchtel called Chief O’Dea, and they spoke for just over four minutes.

Chief O’Dea’s call activity further indicates at 0703 on Monday, 04/25/16, Chief O’Dea called Mayor Hales’ cellular telephone, and they spoke for slightly over eight minutes. Chief O’Dea placed and received a number of shorter-duration calls during the day on 04/25/16. These calls include: At 1054, Chief O’Dea called IPR’s main line. This call lasted 35 seconds. At 1055, Chief O’Dea called IPR Director Severe. This call lasted 55 seconds. At 1707, Chief O’Dea called Ms. Wesson-Mitchell, and they spoke for slightly over three minutes. Following this call, Chief O’Dea and Mr. Buchtel exchanged several calls, at 1718, 1759, and 1806, before finally speaking to each other at 1806 for just over four and a half minutes.

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Chief O'Dea's call activity further indicates: Chief O'Dea and Mr. Buchtel appear to have spoken to each other for just over five and a half minutes on 05/02/16. Chief O'Dea called Mr. Buchtel again at 1513 on 05/20/16, or the day his negligent discharge incident was publicized. This call lasted 36 seconds. Chief O'Dea called Mr. Buchtel again at 1041 on 05/22/16, and they spoke for almost six minutes. Chief O'Dea called Mr. Buchtel at 1209 on 05/30/16, and they spoke for almost 10 minutes.

Chief O'Dea's call activity indicates: He does not appear to have called or received calls from the numbers Mr. Carroll, Mr. Miller, or Mr. Purvis provided to HCSO. He does not appear to have called or received calls from Mr. Lieb, after their last contact on 04/22/16. Chief O'Dea does not appear to have called or received calls from the number for Mr. Dempsey provided to HCSO during the time period reviewed.

Chief O'Dea's call activity indicates: Captain Rodrigues called Chief O'Dea at 1522 on 04/25/16. This call lasted 31 seconds. Chief O'Dea called Captain Rodrigues at 1147 on 05/03/16. This call lasted 55 seconds. Chief O'Dea called Captain Rodrigues at 1657 on 05/03/16. This call lasted 2 minutes and 25 seconds. Chief O'Dea called Captain Rodrigues at 0955 on 05/04/16. This call lasted just over two minutes. Chief O'Dea called Captain Rodrigues at 1451 on 05/05/16, and the call lasted 82 seconds. Chief O'Dea again called Captain Rodrigues, at 1720 on 05/05/16, and they spoke for slightly over four minutes. No further telephone contact between Chief O'Dea and Captain Rodrigues was found during the time period reviewed. All previously described calls were to Captain Rodrigues' cellular telephone. No calls were found from or to two Captain Rodrigues work landline telephone number.

IPR also reviewed Chief O'Dea's text message activity on his work-issued cellular telephone. The information Verizon Wireless provided to IPR regarding this text message activity appeared incomplete. In many cases, the telephone number Chief O'Dea received or sent a text message from or to was not listed. In other cases, the listed number was a large alphanumeric designation (such as 7.77203E+11). Verizon Wireless staff indicated if a telephone number was not listed, Verizon Wireless systems failed to capture the number. Verizon staff indicated the alphanumeric designations likely correspond to automated messages sent by Verizon, such as billing or data usage reminders. In other cases, it was noted text message activity IPR obtained from other sources, such as the messages Sgt. Simpson provided to IPR or the messages it obtained from the City Attorney, were not listed in the information Verizon provided. Taken as a whole, this suggests the information IPR obtained regarding Chief O'Dea's text message activity is incomplete.

In summary, Chief O'Dea's text message activity indicates the following: Chief O'Dea does not appear to have sent or received text messages from the numbers Mr. Buchtel, Mr. Carroll, Mr. Lieb, Mr. Miller, Mr. Purvis, and Mr. Dempsey provided to HCSO during the time period reviewed. On 05/20/16, or the date this incident was publicized, Chief O'Dea appears to have been sent four text messages, at 1254, 1254, 1257, and 1257. Verizon systems did not capture the number these messages were sent from. Chief O'Dea received numerous other messages on 05/20/16, from numbers IPR did not identify during its investigation.

Chief O'Dea's training records reviewed

During the course of this investigation, IPR obtained and reviewed Chief O'Dea's training records, including his Employee Certification Report and his Employee Training Report. Chief O'Dea's Employee

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Certification Report indicates: Chief O'Dea was certified as a firearms instructor on 07/17/92. Chief O'Dea was certified to operate the AR-15 rifle on 04/24/03. Chief O'Dea was certified as an instructor for the AR-15 rifle on 03/17/06.

Chief O'Dea's Employee Training Report indicates: Chief O'Dea underwent armorer (maintenance and repair) training for Glock firearms, Remington firearms, and the AR-15 rifle. Chief O'Dea taught numerous training sessions regarding the AR-15 rifle. Chief O'Dea underwent live-fire qualification for handguns, rifles, and shotguns on at least 15 occasions. Chief O'Dea also attended numerous other firearms-related training sessions, such as firearms instructor refresher training.

Interview with Chief of Police Lawrence O'Dea, #18924

IPR Director Constantin Severe and Investigator Berry interviewed then-Chief of Police Lawrence O'Dea, #18924, on 05/24/16. This interview was recorded, and subsequently professionally transcribed. Refer to the audio recording and transcript for details. In summary, Chief O'Dea indicated: During April 2016, he and a group of friends took a trip to eastern Oregon, in the area of the Pueblo Mountains. This group of friends have a long-standing tradition of taking camping and hunting trips together, to various parts of the state. On this particular trip, Chief O'Dea traveled with Steve Buchtel, Brian Carroll, Robert Dempsey, Mike Lieb, Jim Miller, and Jeff Purvis. Mr. Buchtel and Mr. Lieb are retired PPB members. All of the men brought .22 caliber firearms with them. Chief O'Dea brought a Winchester 9422 .22 caliber lever action rifle, and two .22 caliber handguns with him. Mr. Dempsey brought a Smith & Wesson model 41 .22 caliber pistol.

Chief O'Dea indicated: Each day, the men would travel to a new camping spot. Mr. Lieb had maps and a GPS system, and acted as the group's navigator. The group arrived at their final camping spot on Wednesday, 04/20/16. The group had planned on staying at this particular spot for two nights, before they returned to the Portland area on Friday, 04/22/16. When asked, Chief O'Dea could not describe the exact location of this camp site, but indicated it was on public land, "kind of the middle of nowhere." Chief O'Dea indicated the nearest settlement was Fields, Oregon.

Chief O'Dea indicated: At approximately 0630 Thursday 04/21/16, he drank "a cup of coffee with a splash of Irish crème in it." He also took an "allergy pill." Later during the day, the group began shooting at sage rats and empty cans in an open area with a high embankment on one side. As they shot, the men sat in a row of folding chairs. The row of chairs extended from both sides of Chief O'Dea's pickup truck. From right to left, the group was arranged as follows: Mr. Buchtel, Mr. Miller, Mr. Lieb, Mr. Dempsey, Chief O'Dea, Mr. Purvis, Chief O'Dea's pickup truck, and Mr. Carroll. At some point, Mr. Buchtel moved from the right side of the line, and joined Mr. Carroll on the left side of Chief O'Dea's truck. Chief O'Dea sat in a folding chair with a small table attached to the right side. There was approximately four feet of space between each shooter in the line.

Chief O'Dea indicated as he shot, his Winchester began to malfunction by failing to extract spent cartridges. Chief O'Dea stated up until then, the rifle had "always been really really reliable." Chief O'Dea indicated Mr. Purvis lent him a cleaning kit. Chief O'Dea stated:

I cleaned the gun up and started shooting it again and then it started doing it – still was doing it and then of – I'm shooting ammunition out of a vitamin jar. It's just got all

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different kinds of ammunition, all .22's but different brands, different kinds from different trips all just piled into one. And then I start seeing a theme that there's – even though the ammunition didn't look bad, it's a little bit older and some oxidation on it and it was just enough to keep the rounds in the case, but the couple ones that were clean, they worked every time, so it's not the gun falling apart, it's not a weak extractor, it's just the ammunition is a little bit crudded up.

Chief O'Dea indicated: As the group continued to shoot, he got up, walked behind his truck, took off his electronic hearing protection ear muffs, and took a break. He ate some food, got a can of beer “for later,” and returned to his seat. At approximately 1630, he decided to take another break. Chief O'Dea stated:

I'm sitting in my chair and my plan is to go up walk left towards my truck and I'm putting my gun down, picking up my drink or picking up my drink and putting my gun and starting to go this way and then I hear Bob [Dempsey] make a noise and I can hear it go – it's a, you know, I can hear the noise good those hearing amplification because it shuts off loud noises, but amplifies talking voices. And I hear him [Dempsey] make a noise and it wasn't like a – because people were cheering when people would hit a can or especially every time you hit the one that's way out at a hundred yards and we could tell that something happened and I turned and, you know, he's – I mean, it can't be a step or two away and I turn and I see him [Dempsey] with his left hand holding his side and he's wearing black Carhartt bib overalls and a black short sleeved t-shirt and he has a military tanker holster.

Chief O'Dea indicated all the members of the group have tanker-style shoulder holsters, including Mr. Dempsey. Chief O'Dea stated:

He [Dempsey] keeps his Smith and Wesson .22 in there, so it sticks out about two inches below that and I – so I see him hold – and his holster's empty. I don't see his other hand. He's [Dempsey is] kind of squeezing and holding with his hands and I see a little bit of blood on the side and at first he said something like I'm hurt and then almost right away he said I'm shot, and so I'm looking at him and I'm like, you just shot yourself trying to re-holster that .22 because that tanker holster's lined up right in this hole, so it's like, kind of right to side to the back here. Right in line with that and I'm like, oh, so I start – I go over to check him. I said I got to peel this holster off and peel your bib tops off to see this and check all around him and I can see there – it's clearly a .22 hole, right in his side there, and so I'm believing seeing that that he's [Dempsey is] re-holstering had his finger on the trigger and shot himself.

Chief O'Dea indicated: He retrieved a first-aid kit from his truck, and he and Mr. Buchtel dressed Mr. Dempsey's wound. There was no cellular service in the area, and other members of the group prepared Mr. Lieb's truck to transport Mr. Dempsey to a place where they could call for help and meet an ambulance. Mr. Lieb, Mr. Buchtel, and Mr. Miller drove with Mr. Dempsey. When they reached an area with cellular service, they called for help, and eventually met an ambulance crew at Fields Station. Chief O'Dea and Mr. Carroll remained behind at the campsite, and packed up the group's gear and firearms.

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They then left, each in their own vehicle, to meet the group at Fields Station. Chief O'Dea and Mr. Carroll arrived at Fields Station just as a LifeFlight helicopter was arriving.

Chief O'Dea indicated: A Harney County Sheriff's Deputy and another officer also responded to Fields Station. The deputy took statements from the group, while the other officer provided cover. Chief O'Dea gave a statement to the deputy, and indicated he believed Mr. Dempsey likely shot himself. The other members of the group also gave statements to the deputy, but Chief O'Dea did not hear what they said. Chief O'Dea did not note the deputy's name, and he believes the deputy only had one business card. The deputy gave his business card to Mr. Lieb, who gave it to Mr. Dempsey. Chief O'Dea does not believe the deputy spoke to Mr. Dempsey before he was flown away, to a hospital in Boise.

When asked, Chief O'Dea indicated he did not talk with other members of the group about what he was going to tell police, before he spoke to the deputy. When asked, Chief O'Dea indicated he answered the deputy's questions, but did not tell him he was Portland's Chief of Police. Chief O'Dea stated:

Yeah, no because, you know, I mean you have been on cases where we've talked to people. They'll throw out that they're a police officer or this or that when there's no law enforcement reason to do that, and so he [deputy] never asked me what my job was. I don't know if he asked the others or not. They answered all his questions as far as, who I was, where I lived and did that; but I didn't – would not think it would be appropriate to interject, oh by the way, I'm the chief of police, I think that would be a violation potentially of our directive around off duty conduct.

Chief O'Dea indicated: Mr. Lieb and Mr. Miller drove to Boise, to meet Mr. Dempsey when he was released from the hospital, while the rest of the group returned to the Portland area. Mr. Buchtel was riding with Chief O'Dea. During the drive, at approximately 2200 on 04/21/16, Mr. Dempsey called Chief O'Dea and Mr. Buchtel. Mr. Dempsey told them the bullet had not struck any vital areas, and he would be released the following day. Chief O'Dea asked Mr. Dempsey "about shooting himself." Mr. Dempsey repeatedly stated, "I didn't shoot myself." At the time, Chief O'Dea was still inclined to believe Mr. Dempsey shot himself. Chief O'Dea stated, "He [Dempsey] still wasn't for sure about that because clearly he was on pain medication and then had been drinking and what not and he's still maybe a little bit in denial or something."

Chief O'Dea indicated: As he and Mr. Buchtel drove home, they continued to talk about the incident, to try and determine who might have shot Mr. Dempsey, if he indeed had not shot himself. Chief O'Dea remembered Mr. Purvis was also experiencing occasional malfunctions, but Mr. Buchtel indicated Mr. Purvis had taken a break from shooting at the time Mr. Dempsey was shot. Chief O'Dea also remembered that at one point Mr. Carroll was shooting from a position somewhat in front of the shooting line, but Chief O'Dea had directed Mr. Carroll to move back.

Chief O'Dea indicated: After returning home, he spoke to Mr. Lieb by telephone, on Sunday 04/24/16. During the conversation Mr. Lieb, who had been on the right of Mr. Dempsey as the group shot, told Chief O'Dea he was "certain" he heard a shot go off, between Chief O'Dea and Mr. Dempsey. Mr. Lieb told Chief O'Dea he thought "somebody had an accidental discharge into the dirt." Mr. Lieb also told Chief O'Dea that either he or Mr. Miller had checked Mr. Dempsey's pistol after the incident, and found

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it had an empty chamber and a full magazine. Chief O'Dea stated, "And so if he [Dempsey] would have shot himself, that gun wouldn't be in that condition." Chief O'Dea stated:

And so when Mike [Lieb] and I are talking, I mean, it just it hits me like a freight train. Holy smokes, I did this. It had to be me because there's no other way for a shot to go off between us unless it was Bob [Dempsey] or me and I start, you know, replaying in my head a thousand times trying to figure out this, you know, I had no sensation of a gun going off at all, you know, and I turned and look at him, and so my whole focus then is he just shot himself.

Chief O'Dea stated, "It just hit me that it's the only other way for a shot to go off would've been me and that was the only gun that was out and right there." Chief O'Dea stated, "It was devastating."

Chief O'Dea stated:

Those hearing protectors do a good job of cutting off loud noise, but I didn't have any sensation of my gun going off, you know, I'm put in, you know, my mind I am setting my gun down because I'm leaning against this table while I go and I'm turning and looking this way, and so I'm looking this way when I hear him make that noise, because I remember turning and looking at him and by the time I turn and looking at him, he's already grabbing and looking back like this.

And so I can't say, you know, whether my gun discharged as I'm first setting it down or did I get it all the way down or did I catch something on the way. I couldn't tell you for sure that I – did I not drop it or did it fall, you know, I know I'm setting it down this and I'm looking this way and I know when I turn all I have is my [beer] can in my hand, and but as soon as I look and then as soon as he says he shot, instantly it's like, all right, you just shot yourself re-holstering. It was, you know, it just lined right up with that and he had been drinking some, but I wouldn't say that he was drunk, but he'd been drinking, so I might've just thought he must've just kept his finger on the trigger.

Chief O'Dea stated:

Since figuring I did it I've tried to go through my head a thousand times and figure out what happened. Did I not get a round out, you know, because when I set my gun down, hoisted it down empty, you know, flick that round out and did – was that one of the ones that didn't come out? I don't know or did I just not get it out.

Chief O'Dea indicated his typical practice when setting down a firearm is to empty a cartridge from the chamber, close the action, and set it down, "not with the action open, just when the chambers empty." Chief O'Dea stated, "And so I knew there'd be rounds in the magazine."

When asked, Chief O'Dea confirmed that when he closes the lever action on his Winchester, the hammer is in the cocked position. When asked, Chief O'Dea indicated he was not aware of the hammer being in the cocked position when he set his rifle down. Chief O'Dea stated, "Well, the gun went off, so

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clearly the hammer was back, but I couldn't tell you, you know, ahead of time." Chief O'Dea stated, "And so I can't tell you where on my chair for sure it ended up or did it end up on the ground or – that's it because I wasn't even thinking at all about my gun at the time. I was thinking of him – shot himself." Asked whether he noticed if he ejected a spent cartridge from his Winchester, as he was putting away firearms after the incident, Chief O'Dea stated:

I didn't, I mean, I remember – because I was emptying all kinds of guns and just dumping everything out and opening everything up. Locking bolts back on the 10/22s and – and again I wasn't thinking at all anything about my gun other than emptying all these guns for the transport.

Asked how much he drank before the incident, Chief O'Dea stated, "I hadn't had anything to drink that day, you know, we bring beer and have beer on the trips, but I hadn't had anything that day, and so I had one and got one for my chair." When asked, Chief O'Dea confirmed he brought a can of beer back with him to his chair. Chief O'Dea indicated he was not certain whether he had opened the beer before Mr. Dempsey was shot. Chief O'Dea stated, "I may have just opened it because, you know, I'm setting the gun down and I'm picking it up and either it was already open and I think I might've just, just popped it – when I'm – as I'm getting up."

Chief O'Dea indicated after his conversation with Mr. Lieb on 04/24/16, he told his wife, his son, and Mr. Buchtel that he had likely shot Mr. Dempsey. Chief O'Dea indicated on 04/24/16, he also called Mr. Dempsey. Chief O'Dea stated, "And so I told Bob [Dempsey] and apologized to Bob and I said, you know, I apologize for thinking you shot yourself. It's clear to me now, I did this." Chief O'Dea indicated he told Mr. Dempsey he needed to speak to the deputy who responded to the incident. Chief O'Dea indicated Mr. Dempsey told him the deputy was "on vacation for a few weeks." Chief O'Dea indicated Mr. Dempsey told him the deputy had not yet interviewed Mr. Dempsey, but had told Mr. Dempsey he would call him after the deputy's vacation.

Asked if he made an attempt to contact the deputy himself, Chief O'Dea stated:

No, and I tell you in hindsight that was really foolish of me. For whatever reason, I'm thinking all right, they haven't talked to him, everyone, you know, we all believed he shot himself at this point. He's going to call him back and he's going to call me and we figured out what happened and then – very much a mistake on my part not to have contacted (inaudible) call back and let them know, even though, you know, figuring there's no other investigation going on. He's gone and on vacation, but looking back on this whole thing, that stands out to me as a big mistake.

Chief O'Dea indicated at 0700 on Monday, 04/25/16, he called Mayor Charlie Hales and informed him of the incident. Chief O'Dea stated, "I don't know what he [Hales] was going to do at this point because it was – this is what we know, I thought my friend shot himself. I accidentally did, but the investigations ongoing." Chief O'Dea indicated Mayor Hales told him he would inform some members of his staff, including Josh Alpert, Sara Hottman, and Deanna Wesson-Mitchell of the incident. Asked if he and the Mayor talked about what would happen next, or what actions people would take, Chief O'Dea stated,

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“No, he [Hales] actually was really supportive. He [Hales] talked about, you know, a personal event that had happened to him, so he was, you know, being – had a supportive role.”

When asked, Chief O’Dea indicated he and Mayor Hales did not discuss notifying IPR of the incident. When asked, Chief O’Dea indicated he and Mayor Hales did not discuss whether or not the Bureau of Human Resources (BHR) would conduct an administrative investigation regarding the incident.

Chief O’Dea indicated at 0800 on 04/25/16, he attended a standing meeting with his four A/Cs. Chief O’Dea indicated A/C Crebs, A/C Day, A/C Henderson, and A/C Modica attended the meeting. Chief O’Dea stated, “I told my four assistant chiefs at eight o’clock that morning, told them the whole story that, you know, I thought my friend had shot himself, but it ends up that I did.”

Asked if he and the A/Cs discussed how PPB would respond to the investigation regarding the incident, Chief O’Dea stated, “The only thing I remember talking about was needing to keep the information secure, so you know, until the [HCSO] deputy’s able to follow up and finish his investigation.” Asked what he meant by keeping the information secure, Chief O’Dea stated:

I don’t remember the exact words, but it was – the discussion was around – this isn’t some big wholesale notification right now, because the investigation is still ongoing. The deputy’s not available and there is some key new information he doesn’t have yet.

Asked if he and the A/Cs formulated a plan for how to respond to the incident, Chief O’Dea stated, “No, I mean, my thinking was I’m going to be talking to the deputy in a couple weeks and I guess we’d figure it out then, that’s kind of how I was probably thinking.” During the interview, Chief O’Dea indicated A/C Henderson is the A/C of Investigations. Asked if he spoke to A/C Henderson about what steps she would take regarding the incident, Chief O’Dea stated, “No.”

Chief O’Dea indicated following his meeting with the A/Cs, he also described the incident to Captain Rodrigues, as well as some of his own staff. Chief O’Dea stated, “I told Derek Rodrigues at 11:00 AM that morning. He’s the Captain of Professional Standards as you know, and then I also told my executive assistant and my adjutants, so that’s Lieutenant Terry Kruger and Diane Haman, so I told those eight people that Monday.”

Asked to describe his conversation with Captain Rodrigues, Chief O’Dea stated:

I kind of laid out what happened. Here’s what happened, I was on vacation, that I thought my buddy had shot himself and it ends up that I shot him and there’s an investigation going on about that.

Chief O’Dea described Captain Rodrigues’ reaction as “compassionate.” Asked if he spoke to Captain Rodrigues about whether the City would investigate the incident, Chief O’Dea stated:

I didn’t say that to him I, you know, presume in telling him that I was involved in an, you know, an accidental discharge that hit somebody. That – but I had conversation with the

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A/Cs saying I'm going to notify Derek [Captain Rodrigues] next because of – you know, he's a Professional Standards Divisions captain, it would be a follow up investigation.

Asked if he was aware it was possible the City would investigate the matter, Chief O'Dea stated, "I didn't think of it as a possibility. I thought that it would happen." Chief O'Dea stated, "I mean, I thought that that was part of protocol." Chief O'Dea stated, "I remember Donna [A/C Henderson] that had made some remark about that, that it was smart to do right up in the beginning."

Asked if he ever spoke with anyone about informing IPR of the incident, Chief O'Dea stated, "I never considered doing that because I'm telling our liaison with IPR, is Professional Standards." Chief O'Dea stated, "That's how we work every time we have a case or, you know, something like that, you know, we tell Derek [Captain Rodrigues]. Derek has regular meetings with IPR."

When Director Severe and Investigator Berry interviewed Chief O'Dea on 05/24/16, IPR's investigation was in its early phases. Only two of the eventual four allegations associated with this investigation had been prepared. Asked to respond to the allegation he brought discredit and reproach upon the City of Portland and PPB by causing a negligent discharge of a firearm which caused injury, Chief O'Dea stated:

I guess, generally I get it and it makes sense, but also at the end of the day I don't know for sure what happened. I know my gun shot him. Almost certainly I had to do something to cause that. You know, I don't think it was anything mechanical with the gun. The gun is sound. It was having that one problem, but at the end of the day, you know, I caused that.

Asked to respond to the allegation he failed to provide adequate notice that he was the subject of a criminal investigation, Chief O'Dea stated:

I completely disagree with that. I'd say that, you know, the moment that I knew what had happened I talked to that person, Mike [Lieb], about it, I talked to several other people. My boss was in Europe, but due back in the morning. I notified him right away, I notified my four assistant chiefs. I notified my captain of Professional Standards.

No follow-up interview with Chief O'Dea conducted

Within hours of his interview with IPR on 05/24/16, Chief O'Dea was placed on administrative leave by Mayor Hales. On 06/26/16, Chief O'Dea retired from the Police Bureau. [REDACTED]

[REDACTED] Attorney Derek Ashton represents Chief O'Dea. Investigator Berry spoke with attorney Ashton by telephone, on 08/08/16 and 03/22/17, and requested permission to conduct a follow-up interview with Chief O'Dea. During both contacts, attorney Ashton did not grant permission for IPR to interview his client Chief O'Dea further.

Oregon DOJ / OSP investigation reviewed

On 02/02/17, Oregon DOJ provided IPR with copies of its investigative materials, including reports describing their contact with Chief O'Dea. [REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Investigator Comments:

None.

Exhibits:

1. Transcript and recording of 06/02/16 interview with Mayoral Chief of Staff Josh Alpert
2. Transcript and recording of 05/31/16 interview with EMT Christi Banton
3. Transcript and recording of 11/14/16 interview with Joel Brillhart
4. Transcript and recording of 06/06/16 interview with Assistant Chief Michael Crebs, [REDACTED]

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5. Transcript and recording of 06/16/16 interview with Assistant Chief Michael Crebs, [REDACTED]
6. Transcript and recording of 06/21/16 interview with Assistant Chief Robert Day, [REDACTED]
7. Transcript and recording of 05/26/16 interview with Robert Dempsey
8. Transcript and recording of 06/03/16 interview with Mayor Charlie Hales
9. Transcript and recording of 2/19/16 *Straight Talk* interview with Mayor Charlie Hales
10. Transcript and recording of 05/31/16 *Think Out Loud* interview with Mayor Charlie Hales
11. Transcript and recording of 12/23/16 *Think Out Loud* interview with Mayor Charlie Hales
12. Transcript and recording of 06/08/16 interview with Administrative Assistant Diane Haman
13. Transcript and recording of 05/27/16 interview with Assistant Chief Donna Henderson, [REDACTED]
14. Transcript and recording of 06/17/16 interview with Assistant Chief Donna Henderson, [REDACTED]
15. Transcript and recording of 06/07/16 interview with Mayoral Comm. Director Sara Hottman
16. Transcript and recording of 05/31/16 interview with Paramedic Travis Lock
17. Transcript and recording of 05/31/16 interview with USDFW Officer John Megan
18. Transcript and recording of 06/01/16 telephone interview with First Responder Debby Miller
19. Transcript and recording of 05/31/16 interview with Assistant Chief Kevin Modica, [REDACTED]
20. Transcript and recording of 06/21/16 interview with Assistant Chief Kevin Modica, [REDACTED]
21. Transcript and recording of 05/24/16 interview with Chief of Police Lawrence O’Dea, [REDACTED]
22. Transcript and recording of 06/07/16 interview with Mayoral Deputy Chief of Staff Tera Pierce
23. Transcript and recording of 05/25/16 interview with Captain Derek Rodrigues, [REDACTED]
24. Transcript and recording of 06/22/16 interview with Captain Derek Rodrigues, [REDACTED]
25. Transcript and recording of 12/01/16 interview with Captain Derek Rodrigues, [REDACTED]
26. Transcript and recording of 06/08/16 interview with PIO Sergeant Pete Simpson, [REDACTED]
27. Transcript and recording of 05/31/16 interview with EMT Perilynn Wells
28. Transcript and recording of 06/01/16 interview with Mayoral Staff Deanna Wesson-Mitchell
- [REDACTED]
30. [REDACTED]
31. [REDACTED]
32. [REDACTED]
33. [REDACTED]
34. [REDACTED]
35. [REDACTED]
36. [REDACTED]
37. [REDACTED]
38. Written statement provided by Assistant Chief Donna Henderson, [REDACTED]
39. Report, prepared by Joel Brillhart, dated 09/26/16
40. Email from Joel Brillhart, dated 11/04/16, sent to IPR Investigator Eric Berry
- [REDACTED]
42. [REDACTED]
43. Copy of PPB press release, dated 05/20/16, prepared by PIO Sgt. Simpson
44. Copies of email correspondence from and to PIO Sgt. Simpson, dated variously
45. Copies of drafts of PPB statements regarding incident, prepared by PIO Sgt. Simpson
46. Copies of text message correspondence between Chief O’Dea and Sgt. Simpson, provided by Sgt. Simpson
47. [REDACTED]

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48. Copies of selected email correspondence from Mayor Charlie Hales, Mayoral Chief of Staff Josh Alpert, IPR Director Constantin Severe, BHR Director Anna Kanwit, and Oregon DOJ Investigator Jodi Shimanek, dated variously.
49. Copies of text message correspondence from Chief of Police Lawrence O’Dea’s cellular telephone, dated 04/21/16 through 06/07/16
50. Copies of text message correspondence from Captain Derek Rodrigues’ cellular telephone, dated 04/21/16 through 06/07/16
51. Copies of text message correspondence from Mayor Charlie Hales’ cellular telephone, dated 04/21/16 through 06/07/16
52. Copies of text message correspondence from Mayoral Chief of Staff Josh Alpert’s cellular telephones, dated 04/21/16 through 06/07/16
53. Copies of text message correspondence from Mayoral Deputy Chief of Staff Tera Pierce’s cellular telephone, dated 04/21/16 through 06/07/16
54. Copies of text message correspondence from Mayoral Communications Director Sara Hottman, dated 04/21/16 through 06/07/16
55. [REDACTED]
56. [REDACTED]
57. Mayoral press release, dated 05/24/16, regarding Chief O’Dea’s administrative leave
58. [REDACTED]