



**MEMORANDUM**

To: Mayor Ted Wheeler  
Commissioner of Police

From: Constantin Severe,  
Director, Independent Police Review

Date: August 30, 2017

Subject: IPR Recommendations 2016-B-0014

IPR has completed its independent investigation into former Police Bureau Chief Lawrence O'Dea's negligent discharge of a firearm in Harney County, Oregon on April 21, 2016. During this investigation, the assigned IPR staff, Investigators Eric Berry and Deirdre Perez, interviewed 19 witnesses and reviewed hundreds of pages of documents.

The investigative record shows that multiple individuals within the City, both in the prior Mayor's Office and the Police Bureau, became aware of Chief's O'Dea's negligent discharge of his rifle on April 25, 2016. This was roughly four days after the incident. Chief O'Dea notified his immediate supervisor, Mayor Charlie Hales, who then notified several members of his management team. The Mayor purposely chose not to notify Public Safety Director Deanna Wesson-Mitchell, the only person on his team who had a deep understanding of the Police Bureau and its disciplinary system.

Interviews with members of the Mayor's staff show that after Mayor Hales was notified of the negligent discharge, no one on his staff followed up with the Police Bureau or the Independent Police Review as to whether there was an investigation or its status. Additionally, Chief O'Dea was not placed on administrative leave until after the shooting had been publicized in the media.

Several witnesses, including Mayor Hales, stated that they assumed that an administrative investigation had been initiated. Most members of the Mayor's Office were generally unfamiliar with the Police Bureau and lacked knowledge of its policies and procedures. Several staff members noted that the Mayor's Office was distracted by the budget process and negotiation of a new contract with the Portland Police Association.

There was no City investigation into Chief O'Dea's actions until the Independent Police Review opened its investigation on May 23, 2016. Media reports alerted IPR to the Harney County incident. The City's initial failure to start an investigation impeded IPR's ability to have timely access to witnesses and evidence.

The Mayor and his staff made multiple contradictory statements to the media suggesting the City did not issue a statement regarding Chief O'Dea's negligent discharge because of pending criminal and administrative investigations. No one from the City contacted Harney County as to the status of its criminal investigation until after the initial media reports. In other cases where Police Bureau members

have faced criminal investigation, the Police Bureau has provided timely public notification of the pending investigation.

Mayor Hales' public statements indicating his support of Chief O'Dea undermined his credibility to serve as a neutral, objective factfinder. In several interviews with the media, Mayor Hales criticized the Harney County Sheriff's Office and the Oregon Department of Justice for what he described as a rush to judgment. Mayor Hales also criticized Attorney General Ellen Rosenblum for the length of the Oregon DOJ investigation [REDACTED], which he compared to a traffic ticket. A contributor to the length of both the criminal and administrative investigations was the City's initial failure to ensure that the appropriate agencies were informed of Chief O'Dea's actions. An attack by the mayor of the largest city in Oregon on the state's chief law enforcement official served to undermine the City's administrative investigation in this matter.

Based on its investigation, IPR makes the following recommendations:

- 1. The Police Commissioner should ensure all staff who have a role engaging with the Police Bureau receive training about the Police Bureau's policies and have an understanding of the City's police accountability system.**
- 2. The Police Commissioner should refrain from comments that may harm the credibility of either the administrative or criminal investigations of Police Bureau members.**
- 3. The Police Commissioner should ensure that the Police Bureau has a uniform policy on public notification of pending administrative or criminal investigation of Police Bureau members.**
- 4. The Police Commissioner should ensure that the Police Bureau has a consistent policy for when members are placed on administrative leave.**