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CITY OF PORTLAND
INDEPENDENT POLICE REVIEW
Confidential Taped Statement
Investigator Eric Berry

7 **Interview Date:** 05/24/2016
8 **IPR #:** 2016-B-0014
9 **IPR File Name:** 16-B-0014 odea.lawrence.05.24.16.int.wma
10 **Complainant:**

11
12 **Interviewed:** Lawrence O'Dea
13
14

15 **BERRY:** This is IPR investigator ERIC BERRY. Today's date is Tuesday May 24th 2016. The time is
16 approximately 10:10. I am present at a conference room in the auditor's office on the third floor of city
17 hall for an interview related to my case 2016-B-0014. Also present with me in the room are IPR
18 director CONSTANTIN SEVERE and Portland Police Bureau Chief LAWRENCE O'DEA.
19 Gentlemen are you both aware that I'm recording our conversation?

20 **ODEA:** Yes.

21 **SEVERE:** Yes.

22 **BERRY:** All right, and thank you very much, so Chief I'll start kind of at the beginning. Can you tell
23 me a little bit about the – this trip that you went out on? Like, where did you go?

24 **ODEA:** Yeah, this particular trip we went kind of to Southeast Oregon around the Pueblo Mountains.

25 **BERRY:** Okay.

26 **ODEA:** Kind of probably the closest town is Fields.

27 **BERRY:** Is which one?

28 **ODEA:** Fields.

29 **BERRY:** Fields, okay.

30 **ODEA:** And it –

31 **BERRY:** That's where Fields station is right?

32 **ODEA:** Yeah.

33 **BERRY:** I've driven past there.

34 **ODEA:** It's for sale.

35 **BERRY:** No kidding. If you wanted a business opportunity.

36 **ODEA:** But a group of friends and I have gone on these trips for – I think this is our twenty eighth
37 year.

38 **BERRY:** Okay.

39 **ODEA:** And we all take a week of vacation every year and kind of go to different parts of the state.
40 We've been all over the state and just exploring. Sometimes they're quad riding trips and shooting and
41 camping.

42 **BERRY:** I've read different descriptions and different stories that I've read about this. It's been
43 described as a hunting trip and a camping trip. Which –

44 **ODEA:** I wouldn't call it a hunting trip because it's really more of an exploring trip. I mean, we're
45 driving and camping at different places.

46 **BERRY:** Yeah.

47 **ODEA:** But we're shooting at times, and there's sage rats, but you know, probably more target
48 shooting necessarily than sage rat shooting. I had gone on a sage rat hunting trip about two weeks
49 before where –

50 **BERRY:** All right.

51 **ODEA:** That's what we were doing at an alfalfa ranch.

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52 **BERRY:** Well now, so that's what I've heard about sage rats, is you find a farmer and ask their
53 permission and they're always happy to let you –
54 **ODEA:** Oh yeah, yeah there's a –
55 **BERRY:** – keep the population down.
56 **ODEA:** Place that I've gone several years in a row.
57 **BERRY:** Yeah.
58 **ODEA:** And so that – this was just I would call more of an exploring trip, well not necessarily hunting
59 trip although we did all that with different shooting.
60 **BERRY:** And where were you all staying, were you camping or –
61 **ODEA:** Yeah, we camp in our vehicles or tents or on cots, so –
62 **BERRY:** Okay.
63 **ODEA:** STEVE BUCHEL was riding with me and he brought a little tent and we'd set that up each
64 night. I slept in the back of my truck.
65 **BERRY:** Yeah.
66 **ODEA:** In a canopy and then some other folks would either sleep in their vehicles or set up a tent or a
67 couple people just put cots out in the open and just threw a tarp over themselves at night.
68 **BERRY:** And did you stay at the same camp site or did you move around?
69 **ODEA:** No, we moved around.
70 **BERRY:** That's a good way to do it.
71 **ODEA:** Yeah, its – because the idea was just wanting to explore this whole area.
72 **BERRY:** Yeah.
73 **ODEA:** And then – but the last place we were at we were going to stay a second night because it was
74 the last night and before going out onto the hardball road we –
75 **BERRY:** Okay.
76 **ODEA:** – ended up not staying because of the shooting, but that Thursday night we were going to
77 stay in that same place twice, which we never do.
78 **BERRY:** And which place is that, the place where you wound up at the end?
79 **ODEA:** Yeah, I – I mean its kind of the middle of nowhere.
80 **BERRY:** Middle of nowhere?
81 **ODEA:** Yeah.
82 **BERRY:** Hard to tell where.
83 **ODEA:** Yeah, it was –
84 **BERRY:** Okay.
85 **ODEA:** In general the Pueblo Mountains are sort of in the southeast corner. MIKE LIEB was the
86 navigator, maps, and GPS guy, so I don't know exactly where we were, I know generally where we
87 were, but he had – he had good maps. Knew where the private land was, knew where the public land
88 was, and so that – we kind of started just sort of circularly went around the mountain areas down –
89 touch by the Nevada border and worked our way –
90 **BERRY:** Yeah.
91 **ODEA:** Back up to the highway.
92 **SEVERE:** So the place where the incident occurred was that on public land or on private land?
93 **ODEA:** Yeah, public land.
94 **SEVERE:** Okay.
95 **BERRY:** Like BLM or something?
96 **ODEA:** BLM land, yeah he's got good maps and GPS. He usually picks out the areas where we're
97 going to go each year and this was a place that none of us had been, and so he had maps and GPS and

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98 we even had radios in our trucks, so that he was able to tell us when driving along, there's a little
99 square of private land there or public land here.

100 **BERRY:** Yeah, that's pretty beautiful country down there. I've been through a couple of times and I
101 really like it. You talked about doing a little shooting; can you tell me what firearms you had with you?

102 **ODEA:** Yeah, .22's.

103 **BERRY:** .22's?

104 **ODEA:** Yeah.

105 **BERRY:** Okay, and what kinds of .22's?

106 **ODEA:** The – I was shooting the Winchester Lever Action it's called the model 9422.

107 **BERRY:** Okay, a 9422?

108 **ODEA:** Yeah.

109 **BERRY:** Sure, sure, how long have you had that?

110 **ODEA:** A long time.

111 **BERRY:** Yeah.

112 **ODEA:** You know they quit making them and yeah, and, you know, I saw a couple the other day they
113 were going for about twelve hundred bucks now and they just –

114 **BERRY:** Oh yeah.

115 **ODEA:** – crazy sky rocket in value since Winchester stopped making them.

116 **BERRY:** Well that's the truth. Any kind of – I mean, there all these – people really admire
117 Winchesters.

118 **ODEA:** Yeah.

119 **BERRY:** You put a Winchester name on it and it seems like it can add four or five hundred dollars to
120 the price. You had a 9422.

121 **ODEA:** Yeah.

122 **BERRY:** Did you have any other .22's with you?

123 **ODEA:** Yeah, I had a Smith and Wesson .22 pistol and an H&R nine shot.

124 **BERRY:** Okay.

125 **ODEA:** Pistol.

126 **BERRY:** One of those top break revolvers?

127 **ODEA:** No, it actually is a side break.

128 **BERRY:** Side, oh okay.

129 **ODEA:** But when the event happened I was shooting my rifle.

130 **BERRY:** The rifle is the one, okay, and what kinds of firearms did the other guys have with them?

131 **ODEA:** A variety of .22's, so one of the fellow's had two top break H&R nine shot .22's and he had
132 made a couple homemade holsters for them.

133 **BERRY:** Oh yeah.

134 **ODEA:** And MIKE LIEB was shooting a Colt Diamond Back .22 and a K22 Smith and Wesson and a
135 10-22 rifle.

136 **BERRY:** I was waiting to hear you say somebody had a 10/22 there.

137 **ODEA:** Yeah and then STEVE BUCHTEL was shooting a 10/22 rifle. That is what he had brought.

138 **BERRY:** All right.

139 **ODEA:** And JEFF PURVIS had a Smith and Wesson semi-automatic, a .22 and then BOB
140 DEMPSEY, my friend who I shot, had a Smith and Wesson model 41 semi-automatic .22.

141 **BERRY:** 41, all right, well and in kind of going through everybody's low down I anticipated maybe
142 another question I was going to ask you, who all was there on the trip?

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143 **ODEA:** JIM MILLER, MIKE LIEB, BOB DEMPSEY, myself, JEFF PURVIS, STEVE BUCHTEL,
144 and BRIAN CAROL.

145 **BERRY:** Okay, and does that guest list, does that kind of stay steady for your hunting trips?

146 **ODEA:** Well – so MIKE and BOB grew up together and knew each other in school and then they met
147 JIM kind of early on, so those three did trips for years even as I think in their teens. It was in 1988 that
148 I joined them.

149 **BERRY:** Okay.

150 **ODEA:** And then the other folks have come before at different times. I would not say that the other
151 three were – they haven't done it for, you know, twenty eight years, but they've been on several trips
152 here and there.

153 **BERRY:** On and off.

154 **ODEA:** Because its one we do every year, take a week every year.

155 **BERRY:** All right, let's see, all right, well I appreciate you giving me that background on the trip and
156 kind of who was there and kinds of firearms everybody had. I'd like to ask you about what happened.

157 **ODEA:** Mm-hm.

158 **BERRY:** The negligent discharge or accidental discharge. I wonder if you could just walk me through
159 what happened.

160 **ODEA:** Yeah, so we were all kind of generally lined up in lawn chairs in a row shooting down into an
161 open area that had a – had a high bank and we had cans set up on the far bank and there was sage rats
162 running around here and there too, and so we were all shooting out there on and off just sitting around
163 for a couple hours and a couple of us were having troubles with our guns and – which is unusual
164 because my guns older, but its not been shot a lot. It's always been really really reliable and JEFF
165 PURVIS was to my left, and he said he had a cleaning kit if I wanted to use it to try to fix my gun
166 because what would happen – it would not extract a – either a fire round or a casing out of the
167 chamber.

168 **BERRY:** So you jacked the lever and –

169 **ODEA:** Yeah and just the extractor would just pop right off and the round would stay –

170 **BERRY:** Yeah.

171 **ODEA:** – in there and it started happening quite a bit, and so he gave me his kit, so I cleaned the gun
172 up and started shooting it again and then it started doing it – still was doing it and then of – I'm
173 shooting ammunition out of a vitamin jar.

174 **BERRY:** Mm-hm.

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

180 **BERRY:** Yeah.

181 **ODEA:** And so we're all out there and shooting and I just had to get up and I got electronic ear muffs
182 on, so they kind of compress your head a little bit. You need to take them off your head a little bit, but
183 I got up and went to my truck and got – had a little bit of food and grabbed a beer for later, I hadn't had
184 anything to drink that day, you know, we bring beer and have beer on the trips, but I hadn't had
185 anything that day, and so I had one and I got one for my chair, it was one of those folding Coleman
186 chair with the little table.

187 **BERRY:** With a little side table?

188 **ODEA:** On the side.

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189 **BERRY:** Yeah.

190 **ODEA:** A little table and then, like, a cup holder in that, so I brought that out and set it down there
191 and we're shooting some more and decided after a little bit then, its like, all right, I'm going to take a
192 break now and go back behind my truck where I can take my hearing protection off. With everyone
193 shooting .22's you needed protection on the line, but if you get back off the line a little bit you can take
194 it off and let my head breathe.

195 **BERRY:** Yeah.

196 **ODEA:** From the headphones, and so I'm sitting in my chair and my plan is to go up walk left
197 towards my truck and I'm putting my gun down, picking up my drink or picking up my drink and
198 putting my gun and starting to go this way and then I hear BOB make a noise and I can hear it go – it's
199 a, you know, I can hear the noise good those hearing amplification because it shuts off loud noises, but
200 amplifies talking voices.

201 **BERRY:** Yeah.

202 **ODEA:** And I hear him make a noise and it wasn't like a – because people were cheering when
203 people would hit a can or especially every time you hit the one that's way out at a hundred yards and
204 we could tell that something happened and I turned and, you know, he's – I mean, it can't be a step or
205 two away and I turn and I see him with his left hand holding his side and he's wearing black Carhartt
206 bib overalls and a black short sleeved t-shirt and he has a military tanker holster.

207 **BERRY:** Mm-hm.

208 **ODEA:** I don't know if you're familiar with those or not.

209 **BERRY:** Like the – for the .45's?

210 **ODEA:** Yes.

211 **BERRY:** That and they –

212 **ODEA:** Yup.

213 **BERRY:** Strapped to your belt there.

214 **ODEA:** Yeah.

215 **BERRY:** Yeah.

216 **ODEA:** Yeah, so he has it set up angled and its holsters that we all have. We got them for riding
217 around on quads and stuff.

218 **BERRY:** Yeah.

219 **ODEA:** But he keeps his Smith and Wesson .22 in there, so it sticks out about two inches below that
220 and I – so I see him hold – and his holster's empty. I don't see his other hand. He's kind of squeezing
221 and holding with his hands and I see a little bit of blood on the side and at first he said something like
222 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
223 shot yourself trying to re-holster that .22 because that tanker holster's lined up right in this hole, so its
224 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
225 to check him. I said I got to peel this holster off and peel your bib tops off to see this and check all
226 around him and I can see there – it's clearly a .22 hole, right in his side there, and so I'm believing
227 seeing that that he's re-holstering had his finger on the trigger and shot himself.

228 **BERRY:** Mm-hm.

229 **ODEA:** And checking him and not finding any exit wound. I carry a big trauma box with me, and so I
230 get him patched up and while I'm doing that, and STEVE BUCHTEL'S helping me. MIKE LIEB is
231 getting his truck – the back of his super cab of his truck emptied out and putting a sleeping bag out and
232 then we – there's no cell phone coverage out there, so –

233 **BERRY:** Yeah.

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234 **ODEA:** – the plan is they're going to drive towards fields and when they get reception they're going
235 to stop and call for an ambulance to meet there, and so MIKE LIEB drives and STEVE BUCHTEL
236 and JIM MILLER go with them, with BOB DEMPSEY and STEVE tells me later they got phone
237 reception, he told them to stop. He called and he had an ambulance meet them at Fields. The
238 ambulance people also activated life flight and what the rest of us told him, said we'll scoop up all of
239 camp because camps all set up and spread and squeeze it into our trucks and meet you in fields we'll
240 be behind you there, so we scramble and pick that up and when we come out onto the hardball road I
241 had a misunderstanding on the directions.

242 **BERRY:** Mm-hm.

243 **ODEA:** BRIAN CAROL who's in the truck in front of me, we turned left onto that road going away
244 from Fields instead of right, but then we see a police car come by with lights and an ambulance its like,
245 that's got to be the other direction and I had a misunderstanding for where we had gone in off of that
246 highway.

247 **BERRY:** Mm-hm.

248 **ODEA:** I thought we were going to make a loop and still come out south of Fields. We made a loop
249 and came out north of Fields.

250 **BERRY:** North of Fields.

251 **ODEA:** So –

252 **BERRY:** Oh yeah.

253 **ODEA:** ...for a few minutes we're driving the wrong way and its like, all right, we got the radios. All
254 right, it's the other way, and so we flip around, you know, so it takes a few minutes going the wrong
255 direction to flip around, head back, and pull into Fields. As we're pulling into Fields we can see the life
256 flight helicopter coming.

257 **BERRY:** Yeah.

258 **SEVERE:** Just to go back a little bit, when you're sitting in your chair before you see Mr. DEMPSEY
259 kind of, indicate that he has been injured somehow, do you remember basically the shooting lines?

260 **ODEA:** Yeah.

261 **SEVERE:** Was it like, so where – so –

262 **ODEA:** Yeah, so far right would be earlier STEVE BUCHTEL was there, but when this happened he
263 had moved over to the left side, so far right became JIM MILLER, and then MIKE LIEB, and then
264 BOB DEMPSEY, then me, then JEFF PURVIS, then STEVE BUCHTEL, and then BRIAN CAROL;
265 and STEVE BUCHTEL and BRIAN CAROL, my truck was pulled up a little, so I couldn't see
266 STEVE other than him just sticking out of the nose of the truck, so imagine all these chairs lined up
267 and kind of the nose of my truck and then STEVE at the front of that.

268 **BERRY:** Up there.

269 **ODEA:** And then BRIAN left of that.

270 **SEVERE:** And how much distance did each of you guys have from each other?

271 **ODEA:** It was fairly close. I mean, probably just enough room for maybe if you put a empty chair
272 between us, I mean, so – I mean, about as far if we're both sitting looking that way about –

273 **BERRY:** Okay.

274 **ODEA:** ...this much space between us, because I had my table there and you probably could've
275 squeezed another chair in-between that.

276 **SEVERE:** So would you say maybe six to seven feet?

277 **ODEA:** Oh I – no I would say more like four.

278 **SEVERE:** Four?

279 **ODEA:** Yeah.

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280 **SEVERE:** Four feet, okay.
281 **BERRY:** Okay.
282 **ODEA:** And it was probably – it was a little inconsistent, but I think that was generally how JIM and
283 MIKE and BOB and I and JEFF – well although JEFF was a little bit in front.
284 **BERRY:** Yeah.
285 **ODEA:** And then STEVE'S further on the side of my truck and then BRIAN'S further yet.
286 **SEVERE:** Okay, so when it first occurs, the incident where Mr. DEMPSEY is touching his lower part
287 of his body, you believed that it is something that he is in – its basic self inflicted.
288 **ODEA:** Yeah, I'm looking because I'm getting, you know, my – because I – and I have – since
289 figuring I did it I've tried to go through my head a thousand times and figure out what happened. Did I
290 not get a round out, you know, because when I set my gun down, hoisted it down empty, you know,
291 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
292 not get it out.
293 **BERRY:** Yeah.
294 **ODEA:** You know, failed to do that on the front end, but my intention is, you know, I'm picking up
295 my can and putting my gun down and going to go over, walk around over to the – my truck and the
296 back of my truck, and so I'm – you know, I'm turned away from him and I couldn't tell you – because
297 I didn't have any sensation with my gun going off.
298 **SEVERE:** So you didn't – you didn't feel the –
299 **ODEA:** No.
300 **SEVERE:** – the weapon discharge and you didn't hear it?
301 **ODEA:** No, and those hearing protectors do a good job of cutting off loud noise, but I didn't have
302 any sensation of my gun going off, you know, I'm put in, you know, my mind I am setting my gun
303 down because I'm leaning against this table while I go and I'm turning and looking this way, and so
304 I'm looking this way when I hear him make that noise, because I remember turning and looking at him
305 and by the time I turn and looking at him, he's already grabbing and looking back like this.
306 **BERRY:** Yeah.
307 **ODEA:** And so I can't say, you know, whether my gun discharged as I'm first setting it down or did I
308 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
309 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
310 know when I turn all I have is my can in my hand, and but as soon as I look and then as soon as he
311 says he shot, instantly its like, all right, you just shot yourself re-holstering. It was, you know, it just
312 lined right up with that and he had been drinking some, but I wouldn't say that he was drunk, but he'd
313 been drinking, so I might've just thought he must've just kept his finger on the trigger.
314 **BERRY:** Oh, okay.
315 **ODEA:** Re-holstering and, you know, now, you know, after we talked it out later and figured out he
316 didn't do it, you know, and it was clear to me that it had come from me and I just really tried to replay
317 and try to focus and figure how I – what were my movements, you know, I remember and my plan is
318 pick up my can, put down my gun, and walk that way and I know I had my can in my hand and I didn't
319 have my gun when I turn around and look at him and, you know, my perception was, you know, I'm
320 two steps away.
321 **SEVERE:** So when did you realize that it wasn't something – that the injury wasn't something that
322 was self inflicted by Mr. DEMPSEY and –
323 **ODEA:** Sunday.
324 **SEVERE:** – Sun – and the incident occurred what day of the week?
325 **ODEA:** The Thursday – Thursday the 21st about 4:30.

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326 **SEVERE:** Okay.

327 **ODEA:** P.M.

328 **SEVERE:** Okay.

329 **ODEA:** And so we go down, you know, into Fields. He gets LifeFlighted. We're talking to the
330 deputies, you know, one at a time and then they decided to fly him to Boise instead of Bend. We
331 thought he'd be going to Bend, and so MIKE and JIM are retired, and so they said we'll go. We'll go
332 to Boise and – to be able to, you know, bring him back and the rest of us head back home and by that
333 time – you know, and it's about an eight hour drive from –

334 **BERRY:** Yeah.

335 **ODEA:** – Fields there, and so by the time we get back it's, you know, Friday morning. Friday the
336 22nd and then – oh and BOB DEMPSEY called me on our drive back at like 10:00 P.M., talked to
337 STEVE BUCHTEL and I, and he called me and he said they're letting me out tomorrow. The bullet
338 didn't hit anything, and so we had asked him again and says – about shooting himself and he goes I
339 didn't shoot myself. We're like, what? He said I didn't shoot myself and, you know, he still wasn't for
340 sure about that because clearly he was on pain medications and then had been drinking and what not
341 and he's still maybe a little bit in denial or something.

342 **BERRY:** Yeah.

343 **ODEA:** And so – but then – so STEVE BUCHTEL and I are talking on the way home, all right, if he
344 didn't shoot himself what happened here? Where – and it was – I didn't know exactly where it was. I
345 knew there positions here, but since STEVE had been earlier, I said the only two things that I could
346 think of was where JEFF was, was a little bit in front and he was having some malfunctions, too, and
347 doing kind of a malfunction cleared at the side. I thought, did he come back and shoot and its like, I
348 was looking right that way, I would've seen that and – but STEVE said that he had heard JEFF say he
349 wasn't there, that he had taken a break to go to the bathroom or something, and so the only other thing
350 I was thinking of was BRIAN had gone pretty far forward of the line once. I'm like, BRIAN you have
351 to get back that's a bad angle, but none of those two really made sense, and so I wondered did
352 something happen between he and MIKE there and then – but then I talked to MIKE on Sunday,
353 Sunday the 24th, and MIKE was just to BOB'S right and MIKE said he clearly remembers a shot going
354 off between BOB and I. That he was certain a shot went off between us. He thought somebody had an
355 accidental discharge into the dirt and then he said the other thing that made it certain for me, he said
356 either he or JIM had checked BOB'S gun and that his gun had an empty chamber and a full magazine
357 in it, and so if he would have shot himself, that gun wouldn't be in that condition.

358 **BERRY:** Yeah.

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

364 **SEVERE:** So when was the first time that you checked your weapon after this shooting incident?

365 **ODEA:** What do you mean checked it?

366 **SEVERE:** Just to – well just to see if, you know, there was any rounds in your weapon.

367 **ODEA:** When we're – afterwards we're just picking everything up, you know, picking up and
368 emptying everyone's guns, so I know I had rounds in –

369 **SEVERE:** Okay.

370 **ODEA:** – my magazine. I couldn't tell you for sure...

371 **SEVERE:** Okay.

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372 **ODEA:** In my chamber or not.
373 **SEVERE:** Now that's a tubular, yeah –
374 **BERRY:** Now do you load it from the front or does it have side gate in the front?
375 **ODEA:** In the front, yeah.
376 **BERRY:** Most .22 levers are that way.
377 **ODEA:** Yeah.
378 **SEVERE:** Okay.
379 **BERRY:** When you set it down did you have the action open or –
380 **ODEA:** I couldn't tell you. The usual thing for me would be to just empty that round out of the
381 chamber.
382 **BERRY:** Yeah.
383 **ODEA:** And set it down.
384 **BERRY:** Set it down open –
385 **ODEA:** Yeah.
386 **BERRY:** – right?
387 **ODEA:** Not with the action open, just when the chambers empty.
388 **BERRY:** Okay.
389 **ODEA:** And so I knew there'd be rounds in the magazine. I couldn't tell you how many, it holds
390 fifteen or seventeen or something –
391 **BERRY:** Yeah, with the .22s it holds a lot. When you closed the lever back up that hammer is going
392 to back?
393 **ODEA:** Yeah.
394 **BERRY:** Do you have any idea if the hammer was back when you –
395 **ODEA:** Well, the gun went off, so clearly the hammer was back, but I couldn't tell you, you know,
396 ahead of time.
397 **BERRY:** Yeah, was it then –
398 **ODEA:** Well –
399 **BERRY:** Were you aware of it, when you set it down?
400 **ODEA:** No.
401 **BERRY:** No, okay.
402 **ODEA:** No, not at all.
403 **BERRY:** That the hammers back?
404 **ODEA:** Like I said, I can't because I'm – you know, I'm taking – because I'm right handed, so I'm,
405 you know, he's here and I'm usually out this way.
406 **BERRY:** Yeah.
407 **ODEA:** And now I'm going to put the gun here and pick up my can the can and go here.
408 **BERRY:** Yeah.
409 **ODEA:** And so I can't tell you where on my chair for sure it ended up or did it end up on the ground
410 or – that's it because I wasn't even thinking at all about my gun at the time. I was thinking of him –
411 shot himself.
412 **SEVERE:** So day of the incident had you taken any prescription drugs or –
413 **ODEA:** Allergy pill.
414 **SEVERE:** Allergy pill?
415 **ODEA:** Yeah.
416 **SEVERE:** And you had how much to drink prior to the incident?

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417 **ODEA:** I had nothing, I mean, well 6:30 in the morning I had a cup of coffee with a splash of Irish
418 crème in it.

419 **SEVERE:** Mm-hm.

420 **ODEA:** But I had actually had no beer, nothing to drink all that day.

421 **SEVERE:** And –

422 **ODEA:** I had just picked up that first can to –

423 **SEVERE:** Oh, okay, and the incident occurred what time?

424 **ODEA:** About 4:30.

425 **SEVERE:** 4:30, okay.

426 **BERRY:** Now I don't want to – I just want to make sure I understand. You're shooting, you take a
427 break, you go back to your truck, you get something to eat, you grab a beer for later.

428 **ODEA:** Mm-hm.

429 **BERRY:** Bring it back to the shooting line, you get up, then that's when whatever happened,
430 happened.

431 **ODEA:** Mm-hm.

432 **BERRY:** You take your beer with you, but you're setting your rifle down.

433 **ODEA:** I was – I couldn't tell you the exact order, but I'm, you know, I'm picking up my can and –

434 **BERRY:** Yeah.

435 **ODEA:** – putting the rifle down, so I'm taking that and I'm going to go back behind the truck.

436 **BERRY:** But you hadn't opened the beer?

437 **ODEA:** I may have just opened it because, you know, I'm setting the gun down and I'm picking it up
438 and either it was already open and I think I might've just, just popped it –

439 **BERRY:** Okay.

440 **ODEA:** – when I'm – as I'm getting up.

441 **BERRY:** I'm just asking because it's always a short line for me between picking up a can and
442 opening it up when –

443 **ODEA:** Oh yeah.

444 **BERRY:** – I have a beer, yeah.

445 **ODEA:** Yeah, I –

446 **BERRY:** Okay.

447 **ODEA:** You know, my – as best as I can recall, I'm picking it up and opening it as I'm walking,
448 because my intention is, you know, I'm done with this, I'm going to go back here, take off –

449 **BERRY:** Yeah.

450 **ODEA:** – my headphones and relax.

451 **BERRY:** You talked about this thing happening, the group of you all are running down the road to get
452 coverage, so you can call for aid. The group of you police up the camp.

453 **ODEA:** Yeah.

454 **BERRY:** And then eventually meet everyone after – at Fields station.

455 **ODEA:** Yeah.

456 **BERRY:** And that's after going the one way and then realizing –

457 **ODEA:** Yeah.

458 **BERRY:** Okay, did you give a statement to a deputy?

459 **ODEA:** Yeah.

460 **BERRY:** At Fields?

461 **ODEA:** Yeah.

462 **BERRY:** I know you got a lot going on right there. Do you remember what deputy you spoke to?

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463 **ODEA:** No, I never did get his name. He only had one card and I think –
464 **BERRY:** Yeah.
465 **ODEA:** – he originally gave it to MIKE, who gave it to BOB.
466 **BERRY:** Okay, and so you just, you described to the deputy what happened?
467 **ODEA:** Yeah, at – and at the time, you know, I believed that BOB shot himself.
468 **BERRY:** Yeah.
469 **ODEA:** And I'm also thinking, all right, if that didn't happen – because BOB was saying, "No, I
470 didn't, no, I didn't." That, all right, I'm probably the one person that for sure didn't because my guns
471 sitting down and I'm walking the other way, and so I mean, I – not only did, you know, I ended up
472 being the one shooting him, but I was at that point thinking all right, whatever happened here I know
473 my guns sitting down. I'm not even shooting at the moment.
474 **BERRY:** Yeah, so when you talked to the deputy did you suggest maybe that BOB shot himself?
475 **ODEA:** Mm-hm, that's what I believed happened.
476 **BERRY:** Yeah, at that time.
477 **ODEA:** I just – because we had taken BOB's holster off and taken his Carhartt's off, so the holster
478 wasn't there to see that, but I described him the holster.
479 **BERRY:** Yeah.
480 **ODEA:** And told him that that's what I thought happened.
481 **BERRY:** And did the other guys – it sounds like they all gave statements too.
482 **ODEA:** Yeah.
483 **BERRY:** Yeah, did you hear anything that they said?
484 **ODEA:** No, we had one on one.
485 **BERRY:** With the statements?
486 **ODEA:** Yeah.
487 **BERRY:** Okay, go ahead.
488 **SEVERE:** Was he – was the sheriff's deputy from Harney County, was he able to talk to Mr.
489 DEMPSEY that night?
490 **ODEA:** I don't believe so.
491 **SEVERE:** Okay.
492 **ODEA:** And that and my conversation with BOB on Sunday, that's why I think that – so on Sunday,
493 so MIKE and I are talking and I said that's when it hits me. Holy shit, I did this, and so I call BOB
494 right away and tell BOB and said BOB I got to talk to the deputy. He goes he's on vacation for a few
495 weeks. He's going to call me because he hasn't talked to me yet, when he gets back from vacation.
496 **BERRY:** Okay.
497 **ODEA:** And so I told BOB and apologized to BOB and I said, you know, I apologize for thinking you
498 shot yourself. Its clear to me now, I did this.
499 **BERRY:** How did he respond to that?
500 **ODEA:** He was great. He's been phenomenal.
501 **BERRY:** Yeah, that's good.
502 **ODEA:** Yeah, it's –
503 **BERRY:** Now I have to cover all my bases. Did you have any kind of conversation with anyone
504 before you talked to the deputy about what you were going to say?
505 **ODEA:** I don't know, I don't think so because I rode alone because STEVE was riding with me.
506 **BERRY:** Mm-hm.
507 **ODEA:** But he was in MIKE'S vehicle, so he was already there, and so the deputy had talked to those
508 folks by the time I got there, so I don't think I talked to anybody.

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509 **BERRY:** Okay.

510 **ODEA:** About that, and we were all scrambling to pick up the rest of camp, so we didn't have any
511 conversation then.

512 **BERRY:** Yeah. So you get home a few days later, Sunday.

513 **ODEA:** Right, except for I did have, you know, when I'm treating BOB, I'm saying, you know, you
514 shot yourself.

515 **BERRY:** Yeah.

516 **ODEA:** And so STEVE BUCHTEL'S there and BOB'S there, I don't know who else might've been
517 close.

518 **BERRY:** Yeah, so Sunday you kind of piece together what happened?

519 **ODEA:** Yeah, so Sunday talking to MIKE and I mean, two things were significant because BOB had
520 been consistent. He said I didn't do it and, you know, and I still wasn't – all right, are you sure because
521 that's what it looks like.

522 **BERRY:** Yeah.

523 **ODEA:** But MIKE – when MIKE said two things; he said I am certain that a shot went off between
524 you and then he said – talked about either he or maybe JIM had checked BOB's pistol, picked up
525 BOB'S pistol and holster and said that it had an empty chamber and a full mag and then it just hit me
526 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
527 out and right there.

528 **BERRY:** Yeah. Heck of a thing to realize, huh?

529 **ODEA:** It was devastating.

530 **BERRY:** Yeah.

531 **ODEA:** So I told MIKE, hey, I have to talk to BOB and I called BOB and said BOB when you talked
532 to the deputy, you got the contact info, and he said he was vacation for a few weeks; he's going to call
533 me as soon as he gets back. He hadn't talked to him. I told my wife that day as well. I told my son that
534 day, and then I called STEVE BUCHTEL and told STEVE BUCHTEL as well.

535 **BERRY:** Okay.

536 **ODEA:** And that was on Sunday the 24th.

537 **BERRY:** Okay.

538 **ODEA:** And then the mayor was in Europe, but due back Monday, and so I called him at seven
539 o'clock in the morning on Monday, first thing Monday morning and told him. I told my four assistant
540 chief's at eight o'clock that morning, told them the whole story that, you know, I thought my friend
541 had shot himself, but it ends up that I did. I told DEREK RODRIGUES at 11:00 A.M. that morning.
542 He's the captain of Professional Standards as you know, and then I also told my executive assistant and
543 my adjutants, so that's Lieutenant TERRY KRUGER and DIANE HAMMON, so I told those eight
544 people that Monday and the other five that Sunday as we figured it out.

545 **SEVERE:** So when you notified the mayor, was that a phone conversation?

546 **ODEA:** Yeah.

547 **SEVERE:** Okay.

548 **ODEA:** Yeah, because it was seven in the morning. I knew that he would be back from Europe that
549 night, so I wanted to tell him right off the bat as soon he gets back.

550 **BERRY:** Yeah, the first meeting that you had when you told you're ACs, was –

551 **ODEA:** Yeah.

552 **BERRY:** – CREBS there?

553 **ODEA:** Yeah.

554 **BERRY:** Okay, and he's –

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555 **ODEA:** Yes him.
556 **BERRY:** – your AC of investigations, isn't he?
557 **ODEA:** No, DONNA HENDERSON is.
558 **BERRY:** No? Oh man, I'm sorry.
559 **ODEA:** Yeah, so yeah, DONNA HENDERSON, BOB DAY, KEVIN MODICA, and MIKE CREBS,
560 they were all –
561 **BERRY:** Okay.
562 **ODEA:** – four there.
563 **BERRY:** Okay.
564 **SEVERE:** So going back to your interview with the Harney County sheriff's deputy, was he the sole
565 law enforcement person that you talked to that night?
566 **ODEA:** Yeah, there was another deputy there from maybe Fish and Game or something else, but he
567 was just there as cover. He wasn't doing any of investigation.
568 **SEVERE:** And so when you did your interview with him, how did you identify yourself?
569 **ODEA:** I just told him – I answered his questions, I didn't say that I was a police officer or a chief.
570 We've got directives that talk about that stuff, so –
571 **SEVERE:** So let's talk about that a little bit, so what did you feel was, you know, kind of the balance
572 that you're trying to have and kind of saying okay, I'm LAWRENCE O'DEA. This incident happened,
573 this my version of events and the obligation that you feel under the directives of not using, you know,
574 your authority as a chief of police in another jurisdiction to get, you know, any potential favor or, you
575 know, this – what was the – did you have any of that kind of conversation of any type?
576 **ODEA:** Yeah, no because, you know, I mean you have been on cases where we've talked to people.
577 They'll throw out that they're a police officer or this or that when there's no law enforcement reason to
578 do that, and so he never asked me what my job was. I don't know if he asked the others or not. They
579 answered all his questions as far as, who I was, where I lived and did that; but I didn't – would not
580 think it would be appropriate to interject, oh by the way, I'm the chief of police, I think that would be a
581 violation potentially of our directive around off duty conduct.
582 **SEVERE:** So you talked earlier that you wanted to – after you realized that okay, you know, I'm –
583 just process of elimination. The bullet came out of my firearm; I want to talk to this deputy to kind of –
584 **ODEA:** Yeah.
585 **SEVERE:** – clarify a couple of things. The deputy was on vacation, were you able to do a second
586 interview with him or a conversation?
587 **ODEA:** No, apparently this got leaked out before he was back and called me.
588 **SEVERE:** Have you had conversations with any other law enforcement?
589 **ODEA:** Yes.
590 **SEVERE:** Okay.
591 **ODEA:** After that with a detective from Oregon State Police and a special agent from the Department
592 of Justice.
593 **SEVERE:** Okay.
594 **ODEA:** They – I talked to them for – the two of them for about an hour and a half Friday the 20th, this
595 last Friday and then follow up questions with just her last night about 7:30.
596 **SEVERE:** Okay, and your initial interview with the Harney County deputy, how long of an interview
597 was that?
598 **ODEA:** Oh boy, probably ten or fifteen minutes maybe.
599 **SEVERE:** Okay, so this is kind of going back to the beginning of just introducing all the persons who
600 were there. How many of those individuals are former law enforcement, if any?

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601 **ODEA:** MIKE LIEB is a retired sergeant from the Portland Police Bureau.
602 **BERRY:** Is that L-O-E-B?
603 **ODEA:** L-I-E-B.
604 **BERRY:** Thank you.
605 **ODEA:** Yeah, and STEVE BUCHTEL is a retired lieutenant and currently a sergeant at OHSU police.
606 **SEVERE:** Were there any current PPB members present on your trip?
607 **ODEA:** No.
608 **BERRY:** Okay, and I just want to – I wanted to pin down something, I'm sorry we're bouncing
609 around a little bit. The Sunday that you realized what happened, talked to your friend who told you that
610 the deputy is on vacation, did you make an attempt to contact Harney County yourself?
611 **ODEA:** No, and I tell you in hindsight that was really foolish of me. For whatever reason, I'm
612 thinking all right, they haven't talked to him, everyone, you know, we all believed he shot himself at
613 this point.
614 **BERRY:** Yeah.
615 **ODEA:** He's going to call him back and he's going to call me and we figured out what happened and
616 then – very much a mistake on my part not to have contacted (inaudible) call back and let them know,
617 even though, you know, figuring there's no other investigation going on. He's gone and on vacation,
618 but looking back on this whole thing, that stands out to me as a big mistake.
619 **BERRY:** And do you have any idea what the progression was at Harney County, the first people you
620 spoke to and then you wound up also speaking to OSP and DOJ?
621 **ODEA:** Huh-uh.
622 **BERRY:** Do you know how the investigation moved from HCSO to over there?
623 **ODEA:** I – my guess is that, you know, because I told thirteen people and then talked to two more –
624 even talked to – my wife had a meeting with our insurance carrier, walked him through the story and
625 he's like, well be careful to, you know, before you think you did it, until the investigation is done and
626 we know that its coming, so I mean there's – and then she told her sister, too, so there's fifteen people
627 there and the mayor said he was going to tell three more of his staff, so there is – there's at least
628 eighteen people that know this and a media inquiry came in to us, and so we had – we had to answer
629 that, so the, you know, the media leak happened before the deputies ever re-contact us.
630 **BERRY:** Okay.
631 **ODEA:** And so they're like – and what investigators told me was like, Harney's doing this
632 investigation. They think it's a self inflicted gun shot wound. All the sudden they're hearing in
633 Portland that the chief is sorry for shooting, so we need to figure out what the hell's going on here.
634 **BERRY:** Yeah, yeah, will you tell me a little bit – talk about notifying the mayor –
635 **ODEA:** Mm-hm.
636 **BERRY:** ...by phone call on that Monday about what happened? What was your understanding of
637 what the mayor was going to do after that conversation?
638 **ODEA:** I don't know what he was going to do at this point because it was – this is what we know, I
639 thought my friend shot himself. I accidently did, but –
640 **BERRY:** Yeah.
641 **ODEA:** – the investigations on going.
642 **BERRY:** Okay, but did he talk about who he would need to – need to notify or –
643 **ODEA:** Yeah, he said that I need to notify JOSH, JOSH ALPERT, DEANNA, DEANNA WESSON
644 MITCHELL.
645 **BERRY:** Yeah.
646 **ODEA:** And SARA, SARA HOTTMAN.

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647 **BERRY:** Okay.

648 **ODEA:** So he said that on that phone call that he was going to notify them.

649 **BERRY:** Okay, and then other than talking about – you told him that the investigation is on going and

650 then he talked about notifying – needing to notify JOSH, DEANNA, SARA, any other kind of

651 conversation about who was going to do what or what was going to happen?

652 **ODEA:** No, he actually was really supportive. He talked about, you know, a personal event that had

653 happened to him, so he was, you know, being – had a supportive role.

654 **BERRY:** Yeah, okay, and then shortly after that it sounds like you notified your ACs?

655 **ODEA:** Yeah, eight o'clock. I have an eight o'clock meeting with them every Monday, so –

656 **BERRY:** Standing meeting.

657 **ODEA:** – I told them all, all four of the AC's, told them the same story. Here's what – I thought my

658 friend had shot himself. Turns out – I figured out on Sunday I actually shot him.

659 **BERRY:** Yeah, did you have any kind of conversation in that meeting about how the bureau was

660 going to respond to the ongoing investigation?

661 **ODEA:** The only thing I remember talking about was needing to keep the information secure, so you

662 know, until the deputy's able to follow up and finish his investigation.

663 **BERRY:** And when you say keep the information secure, what do you –

664 **ODEA:** I don't remember the exact words, but it was – the discussion was around – this isn't some

665 big wholesale notification right now, because the investigation is still ongoing. The deputy's not

666 available and there is some key new information he doesn't have yet.

667 **BERRY:** Yeah, and in the directive that addresses the criminal investigations of bureau members,

668 there are a lot of roles spelled out for the AC of Investigations, AC HENDERSON, did you have any

669 conversations specifically with her about what steps she would take or do?

670 **ODEA:** No.

671 **BERRY:** No? Okay, and then you also notified your executive assistant and your adjutant.

672 **ODEA:** Yeah, I – yeah, I notified both of them, told them the story as well and then told Captain

673 RODRIGUES because he is our captain of Professional Standards.

674 **BERRY:** So what – other than talk about needing to keep information secure to aid in the deputy's

675 investigation, what – did you guys have an action plan or a plan of how you're going to respond or

676 what you're going to do, you and your ACs following that meeting?

677 **ODEA:** No, I mean, my thinking was I'm going to be talking to the deputy in a couple weeks and I

678 guess we'd figure it out then, that's kind of how I was probably thinking.

679 **BERRY:** Yeah, and what – can you tell me what kinds of things happened between your contact with

680 the ACs, the regular Monday meeting was at eight. What was going on between then and talking to

681 Captain RODRIGUES?

682 **ODEA:** Well that meeting ends at 9:30.

683 **BERRY:** Long meeting.

684 **ODEA:** So – yeah.

685 **BERRY:** Yeah.

686 **ODEA:** So at 9:30 that's when I met with my lieutenant and my executive assistant and told them.

687 **BERRY:** Yeah.

688 **ODEA:** And then I have a standing morning meeting with Captain RODRIGUES following that, and

689 so I told him.

690 **BERRY:** That's right I forgot you guys also have a standing meeting –

691 **ODEA:** Yeah.

692 **BERRY:** – don't you. Okay, and can you describe that conversation?

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693 **ODEA:** Yeah, I kind of laid out what happened. Here's what happened, I was on vacation, that I
694 thought my buddy had shot himself and it ends up that I shot him and there's an investigation going on
695 about that.

696 **BERRY:** And what was his reaction to that?

697 **ODEA:** He had a compassionate reaction as well too, you know, and this has been – this is the next
698 day after I know that I did this, so I'm probably showing a lot of emotion, which is –

699 **BERRY:** Totally understandable, yeah. Well, now during your contact with Captain RODRIGUES I
700 know, you know, as we all know that the bureau and the city often conduct investigations of officer's
701 conduct, member's conduct. Did you have any discussion with Captain RODRIGUES about whether
702 the city was going to investigate this matter?

703 **ODEA:** I didn't say that to him I, you know, presume in telling him that I was involved in an, you
704 know, an accidental discharge that hit somebody. That – but I had conversation with the ACs saying
705 I'm going to notify DEREK next because of – you know, he's a Professional Standards Divisions
706 captain, it would be a follow up investigation.

707 **BERRY:** Okay, so it sounds like you're aware that there's at least a possibility that it'd be
708 investigated.

709 **ODEA:** I didn't think of it as a possibility. I thought that it would happen.

710 **BERRY:** An inevitability.

711 **ODEA:** Yeah.

712 **BERRY:** Yeah.

713 **ODEA:** I mean, I thought that that was part of protocol.

714 **BERRY:** Now –

715 **ODEA:** I remember DONNA that had made some remark about that, that it was smart to do right up
716 in the beginning.

717 **BERRY:** Yeah, did you – as you think back and I know you told people important to you in your
718 personal life on Sunday, and you told people important to you in your professional life on Monday.
719 Sounds like you had a lot of conversations about what happened, across any of these conversations can
720 you think of a time where telling IPR what happened came up?

721 **ODEA:** I never considered doing that because I'm telling our liaison with IPR, is Professional
722 Standards.

723 **BERRY:** Okay, so do you feel – was your understanding that Professional Standards then would
724 notify IPR?

725 **ODEA:** Yeah, that's how we work every time we have a case or, you know, something like that, you
726 know, we tell DEREK. DEREK has regular meetings with IPR.

727 **BERRY:** Okay, and just specifically in your contact with the mayor, did you have any kind of
728 conversation about IPR?

729 **ODEA:** No.

730 **BERRY:** Okay, okay.

731 **SEVERE:** Just to follow up on that, was there any conversation about, you know, BHR doing
732 something, at least from the mayor's point of view of like, there being some sort of administrative
733 investigation of what's going on?

734 **ODEA:** No.

735 **SEVERE:** Okay.

736 **BERRY:** All right, well we asked you a lot of questions in a row about what happened and what you
737 did after and who you talked to after that and we bounced around a lot, and I appreciate you providing
738 as much information as you have and it's a lot to go over again and I really – I appreciate you

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739 willingness to answer all those questions. It's standard practice that we're developing in our interviews
740 to kind of go over allegations with an involved member, and so I'd like to talk to you about your
741 actions and how they reflect or don't reflect directives. So I'd like to first talk about the issue of
742 truthfulness, there's a directive that covers truthfulness, and I'll start generally and move into detail as
743 necessary, but to kind of thinking of the directive of truthfulness and your understandings of your
744 required actions to follow that directive, how do you think your actions – how do you think you
745 comported yourself in terms of that directive?

746 **ODEA:** I was not untruthful. I was wrong, you know. When I saw him, instantly its like, that holster, I
747 know that gun when you have it in there, sticks down two inches. It was right where the hole was, you
748 know, I had no realization that my gun went off and I look at him and I was certain he had shot
749 himself. Even later when he's saying I didn't, its like, yeah, yeah, I think you did.

750 **BERRY:** Yeah.

751 **ODEA:** And then as soon as I'm aware of factors that change that, I'm immediately saying that had
752 to be me, that there's no other explanation and, you know, telling a bunch of people – telling some
753 thirteen people.

754 **BERRY:** And in your contact with those thirteen people did you describe the incident –

755 **ODEA:** Yeah, I –

756 **BERRY:** – accurately?

757 **ODEA:** – Every one of them heard the story that I thought he had shot himself first and then realized
758 later I had done it.

759 **BERRY:** Okay, okay, well I've prepared allegations. These are the allegations associated with my
760 investigation and I'd like to – I'll read both of them to you and then we will – excuse me, I'll correct
761 this one and then I'll read them to you, so the first allegation; Portland Police Bureau Chief
762 LAWRENCE O'DEA, [REDACTED], through his careless handling of a firearm brought reproach and
763 discredit upon the City of Portland and the Portland Police Bureau by causing a negligent discharge,
764 which wounded another. I wrote that as a conduct allegation under directive 310, the conduct
765 professional, so hearing that and its never fun hearing yourself as the subject of an allegation, what
766 would your response to that be?

767 **ODEA:** I guess, generally I get it and it makes sense, but also at the end of the day I don't know for
768 sure what happened. I know my gun shot him. Almost certainly I had to do something to cause that.

769 **BERRY:** Yeah.

770 **ODEA:** You know, I don't think it was anything mechanical with the gun. The gun is sound. It was
771 having that one problem, but at the end of the day, you know, I caused that.

772 **BERRY:** And the second allegation is, Portland Police Bureau Chief LAWRENCE O'DEA, 18924,
773 failed to provide appropriate and adequate notice he was the subject of a criminal investigation. I wrote
774 that as conduct under directive 333, the criminal investigation of police bureau employees. How would
775 you respond to that?

776 **ODEA:** I completely disagree with that. I'd say that, you know, the moment that I knew what had
777 happened I talked to that person, MIKE, about it, I talked to several other people. My boss was in
778 Europe, but due back in the morning. I notified him right away, I notified my four assistant chiefs. I
779 notified my captain of Professional Standards.

780 **BERRY:** Excellent, thank you and I'm sorry sir, in your answer for the first allegation it jogged my
781 memory, if I can ask you two very brief questions I meant to ask you earlier. The Winchester 9422 –

782 **ODEA:** Yeah.

783 **BERRY:** – have you made any kind of modifications to it?

784 **ODEA:** No, it's completely stock.

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785 **BERRY:** So no aftermarket parts or anything like that?
786 **ODEA:** I've had – nothing, nothing at all. Like I said its – it's never given me trouble.
787 **BERRY:** Yeah.
788 **ODEA:** And on this trip and this trip was only when particular rounds were sticking in it.
789 **BERRY:** Some of the old cruddy ammunition.
790 **ODEA:** Yeah, and it doesn't even look old and cruddy it just – starting to see that the shiny ones
791 worked and the other ones didn't. It was just enough oxidized, so I was frankly surprised with how
792 little that was on there that it held up in the gun, but –
793 **BERRY:** Oh yeah.
794 **ODEA:** But that's the only trouble that guns ever had, and so its not a gun issue, that was an
795 ammunition issue and at the end of the day I don't know if it was related to why there's still a round in
796 the chamber or not.
797 **BERRY:** And your friend, BOB's Smith and Wesson, I just want to make sure I understand it. Was
798 that the – is that like a 22A or –
799 **ODEA:** No, no it's a model 41 –
800 **BERRY:** Okay, so he had the 41.
801 **ODEA:** He had the 41, JEFF had the 22A.
802 **BERRY:** Okay, so model – and that's – I think that's – is that just a single action automatic, do I
803 remember right?
804 **ODEA:** Yeah.
805 **BERRY:** Okay, and your other friends mention checking the chamber of his gun after the incident and
806 it was again –
807 **ODEA:** Yeah, MIKE said, either he himself or I think maybe said JIM checked it, but one of the two
808 of them checked it and he told me that it was, you know, full magazine and empty chamber.
809 **BERRY:** Empty chamber, and so if it had gone off your expectation would've been that that next
810 round would've been chambered?
811 **ODEA:** Yeah, and there'd be no way to have, you know, a full magazine. I mean, its not – there's no
812 way its going to kick a round out and not pick another one up, I mean –
813 **BERRY:** Yeah.
814 **ODEA:** – that confirmed for me, there's no way he could've shot himself.
815 **BERRY:** Okay.
816 **ODEA:** Between that and then MIKE saying there was a shot between you guys, for sure.
817 **BERRY:** Yeah.
818 **ODEA:** He said he thought one of us shot into the dirt.
819 **BERRY:** Well and you – and one more question and I promise I'm done with the detail questions.
820 You talk about policing up the camp. You've got a group of guys taking BOB down to get help and
821 you're cleaning up, when you're putting away the Winchester, did you happen to notice if a spent
822 cartridge came out?
823 **ODEA:** I didn't, I mean, I remember – because I was emptying all kinds of guns and –
824 **BERRY:** Going fast.
825 **ODEA:** Just –
826 **BERRY:** Yeah.
827 **ODEA:** – dumping everything out and opening everything up. Locking bolts back on the 10-22's and
828 –
829 **BERRY:** Yeah.

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830 **ODEA:** – and again I wasn't thinking at all anything about my gun other than emptying all these guns
831 for the transport.

832 **BERRY:** Yeah.

833 **ODEA:** Because at that point I'm certain BOB shot himself.

834 **BERRY:** Excellent, Chief that's all the questions I prepared. Is there anything you'd like to ask?

835 **SEVERE:** No, I'm good.

836 **BERRY:** No? All right, Chief O'DEA thank you so much for talking to us. Time is approximately
837 11:05, shutting off tape.

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840 Transcribed 06/13/2016 @ 12:00 a.m. Halla Stonehouse