

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13

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

14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

**Interview Date:** 05/27/2016  
**IPR #:** 2016-B-0014  
**IPR File Name:** 2016-B-0014 henderson.donna.05.27.16.int.wma

28  
29  
30  
31

**Interviewed:** Donna Henderson

32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50

**HURLEY:** This is Lieutenant ERICA HURLEY. It is May 27<sup>th</sup>, 2016, it is approximately 10:02 in the morning, we are at City Hall. Persons present today are ERIC BERRY, DEIRDRE PEREZ, DONNA HENDERSON, and myself. We're here about IA number 2016-B as in Boy-0014. Acting Chief DONNA HENDERSON has been advised that his – her conduct and/or the conduct of any other bureau member present on April 21<sup>st</sup>, 2015 at approximately 1638 hours in Harney County, Oregon is the subject of the investigation. Chief HENDERSON has reviewed information necessary to be reasonably apprised of the nature of the allegations of the complaint and Chief HENDERSON has been informed that she is a witness member in the case and that CONSTANTIN SEVERE is in charge of this case. I have advised Chief HENDERSON that she can have an attorney or an advocate present during the interview and she has chosen to proceed without an attorney. Chief HENDERSON, under the authority of the Mayor of the City of Portland, I am answering – I am ordering you to answer all of my questions fully and truthfully. If you fail to respond fully and truthfully you may be disciplined up to and including dismissal. Do you understand?

**HENDERSON:** Yes, I do.

**BERRY:** Good morning, Chief HENDERSON.

**HENDERSON:** Good morning.

**BERRY:** Thank you so much for talking to us today.

**HENDERSON:** Thank you.

**BERRY:** I appreciate it. I just want to touch base very briefly about why the heck we're here. You've heard the admonition. I'm the assigned investigator to this case as well as DEIRDRE PEREZ and we're here to interview you as a witness member. My understanding is that you set this interview up with my director, Director SEVERE, where we didn't give you twenty-four hours notice for this interview. I just want to verify that you're comfortable being interviewed at this time.

**HENDERSON:** Absolutely and I appreciate – I appreciate this, thank you.

**BERRY:** Well, thank you. Thank you for clarifying that as well. I'll start with just a little bit of background. I understand you've been with the Bureau for twenty-eight years.

**HENDERSON:** Twenty-eight years.

**BERRY:** Well I—

**HENDERSON:** Come July.

**BERRY:** Come July, yeah.

**HENDERSON:** I still – I think it counts.

**BERRY:** Yeah, I think it counts. I think – I'm comfortable saying twenty-eight if you are.

**HENDERSON:** Yes.

**BERRY:** Can you describe some of the things that you've done for the bureau across those twenty-eight years?

**HENDERSON:** I've worked every branch. I've worked Operations. I've worked Services and Investigations. Community Services has only been in existence the last year, I haven't, but I've

**CONFIDENTIAL TAPED STATEMENT**

**IPR #2016-B-0014**  
**/ Donna Henderson**

**May 27, 2016**  
**Page 2 of 12**

51 actually been in charge of getting TOD, so I've worked with the people that are in Community  
52 Services and the administrative side of it, I worked for a year in – as the captain of Personnel.  
53 **BERRY:** Oh really, I didn't know that.  
54 **HENDERSON:** Yeah.  
55 **BERRY:** Well now in your – as it kind of progressed that the – at one time you were Assistant Chief  
56 of Investigations before you were acting chief now, is that right?  
57 **HENDERSON:** That's correct.  
58 **BERRY:** And I understand before you were Assistant Chief of Investigations you were the head of the  
59 Detectives Division?  
60 **HENDERSON:** Yeah I was a commander of the Detectives Division. That was only for about nine  
61 months. Previously I was three years at family services as a captain. Before that I was at North  
62 Precinct. I closed down North Precinct, when it was a precinct at the time.  
63 **BERRY:** Oh yeah.  
64 **HENDERSON:** And I was a commander there and then when that closed I moved to Family Services.  
65 **BERRY:** Okay, well I hope to talk to you about the Chief's negligent discharge incident in Harney  
66 County. I guess I'll start at the top. Can you tell me how you first learned of that incident?  
67 **HENDERSON:** I think – and I'm just going to look at a calendar.  
68 **BERRY:** Sure, sure.  
69 **HENDERSON:** I think it would've been on April 25<sup>th</sup> I believe.  
70 **BERRY:** That's a Monday, so—  
71 **HENDERSON:** That's a Monday. He – the previous week he was on vacation and I was acting chief  
72 for him at that time, and then on Monday we have a regular AC weekly chief's meeting and that's at  
73 eight o'clock in the morning, so we had our regular meeting that morning and he – after that was done  
74 he dismissed everyone in that meeting except for the four AC'S, so it would've been myself, MIKE  
75 CREBS, MODICA and O'DEA—not O'DEA, DAY.  
76 **BERRY:** DAY.  
77 **HENDERSON:** Too many DAYs.  
78 **BERRY:** I get that messed up myself.  
79 **HENDERSON:** Yeah, I know.  
80 **BERRY:** Yeah, okay.  
81 **HENDERSON:** So he was sitting at the head of the table and he said I need to tell you all something  
82 because I don't – I'm probably going to be upset for a while and I don't want you to think that if my  
83 mood is a little off that I'm mad at you, and so he said that he was – during the week, during his  
84 vacation time, he was out with his buddies. At the time I didn't know where, I knew it was south  
85 somewhere, but I didn't know where and that he accidently shot his close friend and he described and  
86 he – you can tell that it upset him.  
87 **BERRY:** Yeah.  
88 **HENDERSON:** He was sad and he said he's not quite sure what happened. They – he had a .22 rifle  
89 and he said he went to lay his rifle down, and I'm trying to think exactly what he said because of  
90 course the media has said all sorts of things, so I just want to make sure. I know he said he laid his rifle  
91 down. I thought at the time he said like on a rock or something, but I'm not positive of that.  
92 **BERRY:** Okay.  
93 **HENDERSON:** And the next thing he knows, he hears his buddy make a noise and he looks up and  
94 his buddy has been shot, and he told us that he thought that the buddy shot himself because he put his –  
95 he was wearing a shoulder holster and he put the weapon into the shoulder holder and it must have  
96 gone off and shot himself. He said then he ran to his truck and got his first aid kit and came back and

**CONFIDENTIAL TAPED STATEMENT**

**IPR #2016-B-0014**  
**/ Donna Henderson**

**May 27, 2016**  
**Page 3 of 12**

97 they were tending to him and doing what they can, and they took him to the hospital and he said they  
98 got to the hospital and he didn't find out, or find out is maybe not the right word, he did not realize  
99 until a couple of days later that he was the one that had shot his buddy. He didn't go into detail on how  
100 he found that out. He didn't go into any detail of that. All is he kept saying at that point was, it's not  
101 me, I can't believe I did it. It – I just don't know how that happened and then he told all of us that he  
102 had contacted the Mayor and that he had contacted DEREK at IPR and that we – he's done – he said  
103 that he has notified the appropriate people. He contacted the Mayor and he contacted DEREK and he  
104 told us that we weren't to talk about it.

105 **BERRY:** Okay, I just wanted to – I'm sorry to interrupt, but—

106 **HENDERSON:** No its okay.

107 **BERRY:** —I want to clarify one thing while I think of it. You said DEREK at IPR, did you mean  
108 Captain RODRIGUES at—

109 **HENDERSON:** I'm sorry yes.

110 **BERRY:** —Internal Affairs?

111 **HENDERSON:** In Internal Affairs.

112 **BERRY:** Okay.

113 **HENDERSON:** He told us and, you know, we're being sympathetic because it's obvious he's upset  
114 and we were – and I don't remember – I don't remember if it was at that conversation or previous  
115 conversations that I had with him and I'll go into those, but—

116 **BERRY:** Yeah.

117 **HENDERSON:** —I think we talked about, you know, did you check your gun? Was your gun, you  
118 know, was there a problem with your gun? I mean, it doesn't make sense that you would do something  
119 like that and again, that conversation may – I had that conversation with him a couple of times and I'll  
120 explain that later, but I know we had – so we talked about it. He said to us that he was going to notify  
121 DIANE HAMAN and that he would go ahead and tell TERRY KRUGER and all of us assumed, and  
122 obviously wrongly so, that PETE SIMPSON would be notified, because we knew that this was going  
123 to be a deal, but I later found out that PETE SIMPSON was never notified, so we had that. I talked to  
124 him. I went into his office afterwards and we talked for a while because it was obvious he was really  
125 upset, and I just listened. He just said he couldn't believe that it happened. He's not – at the time he  
126 told me I'm not really sure how it happened. I know privately that I asked him I said, you know – oh  
127 and by the way he said to all of us that the investigator was on vacation for – will be on vacation for  
128 two weeks and when they come back he expects to get interviewed or something like that, but he did  
129 tell us at that time the investigator was on vacation, so when I went into the office to talk to him, he  
130 was upset and he just couldn't understand how he could do that. That's not him, you know, he's had a  
131 thirty year career and doesn't – and he just doesn't do things like that. That's when I asked him, I said,  
132 you know, have you checked your gun? Maybe there was something wrong with the rifle, what did you  
133 do with that, and he goes no the rifle was fine. There's nothing wrong with the rifle and I just don't  
134 know what happened, so that was – and then the other stuff when we talked about it was just honestly  
135 more kind of like a therapy session, just trying to—

136 **BERRY:** Yeah.

137 **HENDERSON:** —just trying to help him, so as time went on and I'm not, you know, up until the time  
138 it broke in the newspaper I'm not – I don't know the exact dates, but there was at least one time during  
139 a Friday meeting I think at least BOB DAY was in the meeting and I don't know if the other AC'S  
140 were. I think they were, but I asked had the investigators contacted you yet, and he said no they  
141 haven't and I said well that's kind of strange, but I didn't take that any further at that point and then on  
142 a subsequent time that I saw him in a hallway I asked him how he was doing and, you know, he wasn't

**CONFIDENTIAL TAPED STATEMENT**

**IPR #2016-B-0014**  
**/ Donna Henderson**

**May 27, 2016**  
**Page 4 of 12**

143 eating and drinking. I mean he wasn't eating and he wasn't sleeping and I asked him again I said, have  
144 the investigators contacted you and he said no, and I said you need to give them a call. You need to –  
145 because the only way you're going to get over this is just have this done behind you and he said yeah,  
146 you know, he was on vacation and I said, you just need to get going with this because the longer this  
147 lingers the worse it's going to be for you emotionally and you just need to get over it, so we had that  
148 conversation and I think I asked him at least one other time about the investigator. They still hadn't  
149 contacted him and then everything broke in the newspaper.

150 **BERRY:** So it kind of blew up after that?

151 **HENDERSON:** Yeah, it kind of blew up after that.

152 **BERRY:** If I could step back for a moment to that initial – during the AC meeting, you said that was  
153 when Chief O'DEA said that the investigator was going on vacation, is that right?

154 **HENDERSON:** I think so, I think that's—

155 **BERRY:** Okay.

156 **HENDERSON:** —when he said it. He said that the investigator was going to be on a two-week  
157 vacation.

158 **BERRY:** Okay, and I just want to confirm what – did you understand what he meant when he said  
159 investigator, like, who was he talking about?

160 **HENDERSON:** I assumed Harney County, but I'm—

161 **BERRY:** Right now.

162 **HENDERSON:** That's what I assumed at the time.

163 **BERRY:** Okay.

164 **HENDERSON:** That it was Harney County.

165 **BERRY:** During that meeting, during the AC meeting, did he ever say that he had contact with police  
166 of any kind, Harney County or law enforcement of any kind?

167 **HENDERSON:** My – it seems like he did, but again I've read – I've read a lot of articles about—

168 **BERRY:** Well yeah, I think we all have.

169 **HENDERSON:** Yeah, and so I'm not – I think that there was some contact or at least I got the  
170 impression there was some contact at the hospital, but I don't – I don't know.

171 **BERRY:** Okay, so leaving that AC meeting, were you aware that he was the subject of a criminal  
172 investigation?

173 **HENDERSON:** I – what I – what my assumption was is that they were going to investigate just a  
174 negligent discharge.

175 **BERRY:** Okay.

176 **HENDERSON:** And that an investigator would have to contact him and they'd ask him how it  
177 happened and at least the impression that I got that, you know, it was an accident. He put the gun down  
178 on something and it went off and it was a really horrible, stupid mistake because you don't point – you  
179 know, you've got to watch your muzzle, but that's really all—

180 **BERRY:** Oh yeah.

181 **HENDERSON:** —I assumed that that was going to be.

182 **BERRY:** Yeah.

183 **HENDERSON:** And I never – well I can say all this later when I get there.

184 **BERRY:** Yes, so just in terms of investigating a negligent discharge is that in your mind, is that a  
185 criminal investigation or like—

186 **HENDERSON:** Yeah, it is.

187 **BERRY:** Yeah.

188 **HENDERSON:** Yeah, it is.

**CONFIDENTIAL TAPED STATEMENT**

**IPR #2016-B-0014**  
**/ Donna Henderson**

**May 27, 2016**  
**Page 5 of 12**

189 **BERRY:** Okay, all right, I prepped some questions this morning. Let me just go through them real  
190 brief. You mentioned that Chief O'DEA said he notified the Mayor.  
191 **HENDERSON:** Yes.  
192 **BERRY:** Did he talk at all about what the Mayor was going to do or how he responded?  
193 **HENDERSON:** Nothing, nothing.  
194 **BERRY:** He said that he notified Captain RODRIGUES over in Professional Standards.  
195 **HENDERSON:** That's correct.  
196 **BERRY:** Did he talk about what he was going to do or anything?  
197 **HENDERSON:** No.  
198 **BERRY:** All right, and you talked a little bit – and I just want to confirm, it doesn't sound like he  
199 really described how exactly the discharge occurred.  
200 **HENDERSON:** No.  
201 **BERRY:** Other than he was setting his rifle down, is that right?  
202 **HENDERSON:** He was setting his rifle down and he didn't have good muzzle control.  
203 **BERRY:** Yeah.  
204 **HENDERSON:** I mean, that's all.  
205 **BERRY:** Then swept his friend and then—  
206 **HENDERSON:** Yeah.  
207 **BERRY:** Okay, and he also suggested that he thought that his friend might have shot himself re-  
208 holstering.  
209 **HENDERSON:** That's what – he said – and I don't know, I'm going to say a couple days. It could  
210 have been – he left us with the impression that it was at least a couple of days before he realized that he  
211 was the one that shot him.  
212 **BERRY:** And did he talk at all about how he went to first thinking that his buddy did it to realizing  
213 that he did it?  
214 **HENDERSON:** No.  
215 **BERRY:** No, just that it happened.  
216 **HENDERSON:** Yep.  
217 **BERRY:** All right, and you said – did I hear you right, did he direct you guys not to talk about the  
218 incident with anybody?  
219 **HENDERSON:** Yes, yes, he just said I expect you to keep this to yourselves.  
220 **BERRY:** Okay.  
221 **HENDERSON:** And the thought process – and of course, before we were gagged by the way, the  
222 thought process was that – I'll just talk about my thought process.  
223 **BERRY:** Yeah, yeah.  
224 **HENDERSON:** That he had notified the Mayor, so the Mayor knew and he had notified Internal  
225 Affairs, DEREK, and that obviously they would notify IPR, so that that whole process would get  
226 moving. In my mind a negligent discharge off duty would absolutely be investigated. We've  
227 disciplined officers who said that – and of course, this was probably I don't know, six years ago or  
228 something, but there was an officer, it was a police corps kid that was in his house and was doing  
229 something with his Glock and it went off and it hit the wall and he decided to—  
230 **BERRY:** Probably he was stripping it.  
231 **HENDERSON:** Yeah, probably and he was owning it and he came in and he told his supervisor and it  
232 was investigated. I mean, we just know that – and a negligent discharge that actually hit somebody, of  
233 course it's going to be investigated, so we just figured that's what was taking place. Go ahead, I've got  
234 maybe a little preamble about this, but—

**CONFIDENTIAL TAPED STATEMENT**

**IPR #2016-B-0014**  
**/ Donna Henderson**

**May 27, 2016**  
**Page 6 of 12**

235 **BERRY:** Oh yeah.  
236 **HENDERSON:** —its not about – I can say that later.  
237 **BERRY:** Oh yeah, or now. I mean, I look at this interview and go back and forth.  
238 **HENDERSON:** Okay.  
239 **BERRY:** So if you've got something to say, let's hear it.  
240 **HENDERSON:** You know, we have really good procedures set in place for frankly anybody but the  
241 Chief of police, so what would happen in a normal investigation like this, they would notify an AC or  
242 even the Chief if this had happened and the Chief, because he's in charge of Internal Affairs, would  
243 notify the captain of Internal Affairs, and then because it was an outside agency that would have – that  
244 happened, Internal Affairs would have a liaison for the criminal thing and if we needed be, we could  
245 have somebody from detectives, but usually if it's in another county actually Internal Affairs are the  
246 ones that liaison with the criminal, so we have – so if something got missed somewhere we have all of  
247 these people double-checking, so this kind of black hole would've never happened.  
248 **BERRY:** Mm-hm.  
249 **HENDERSON:** But with the Chief because Internal Affairs answers to him and with the Mayor, there  
250 was no avenue or no reason first of all, we thought we had gotten the whole story. We didn't think that  
251 there was anything else to it and we had no avenue to really check to see what's going on because, you  
252 know, I can – if I went to Internal Affairs, and I'm not talking about you. If I went to Internal Affairs  
253 and asked what's going on here, I really have no right to know, because it's not my case and it's not  
254 done yet, so there really wasn't any avenue to see where things were going. I know I asked the Chief  
255 several times about the investigator and contacting him and he just said it hadn't yet and I encouraged  
256 him to make contact with them.  
257 **BERRY:** Yeah.  
258 **HENDERSON:** So I'll say this here and I'm going to say it everywhere I go, we are going to put in to  
259 place procedures where this won't happen again and we're going to get Internal Affairs and some  
260 people together and just make sure we have something solid and it's going to be something – it doesn't  
261 have to be complicated, but it's going to be something if the Chief of police is involved in anything the  
262 liaison to Internal Affairs will probably be the AC of Investigations.  
263 **BERRY:** Hm.  
264 **HENDERSON:** They will be in charge of it. If we need to criminal nexus we'll bring in the AC of –  
265 I'm sorry the AC of Services will be the liaison and then if we need a criminal aspect then we'll have  
266 the AC of Investigations, but then there will be that double check to make sure everything's happening.  
267 We just – we've never experienced this before and we just didn't have any of this in place, so there  
268 were a lot of holes that just didn't need to happen.  
269 **BERRY:** Yeah, and it sounds like some of the part of the procedure that you – the existing procedure  
270 that you described, is that reflected in directive 333.00?  
271 **HENDERSON:** I am not a directive person.  
272 **BERRY:** I brought a copy with you...  
273 **HENDERSON:** I did.  
274 **BERRY:** —That's the—  
275 **HENDERSON:** I don't remember.  
276 **BERRY:** Yeah, that's the – it's got a long title. That's the Criminal Investigations of PPB Employees.  
277 **HENDERSON:** Yeah.  
278 **BERRY:** Yeah.  
279 **HENDERSON:** Yeah.  
280 **BERRY:** All right, believe it or not we're making good progress.

**CONFIDENTIAL TAPED STATEMENT**

**IPR #2016-B-0014**  
**/ Donna Henderson**

**May 27, 2016**  
**Page 7 of 12**

281 **HENDERSON:** Mm-hm.  
282 **BERRY:** I appreciate you coming in.  
283 **HENDERSON:** Oh no.  
284 **BERRY:** All right, well and I feel like you've answered most of this already, but I just want to  
285 confirm my understanding. In terms of what was your understanding of your next actions regarding  
286 this incident, as you left that meeting?  
287 **HENDERSON:** That there was absolutely nothing for me to do.  
288 **BERRY:** Okay.  
289 **HENDERSON:** And I'm going to say none of us, because we talked about it before we were gagged,  
290 that there wasn't any reason for us to think that there was anything else going on. That's not the kind  
291 of a thing that we would've expected, and so again with the Mayor involved and Internal Affairs  
292 involved we figured it was covered.  
293 **BERRY:** Okay, the notification, the Mayor, and his notification to—  
294 **HENDERSON:** Right.  
295 **BERRY:** —to Captain RODRIGUES.  
296 **HENDERSON:** Because even when you notify Captain RODRIGUES and they notify IPR, IPR  
297 doesn't call us and let us know that they've been notified, so we just assumed that they had been and it  
298 wasn't until I read the newspaper and thinking, holy moly.  
299 **BERRY:** And I realized I forgot to ask a question about the Chief's description of the incident. Did he  
300 talk at all about whether or not he'd been drinking during the shooting?  
301 **HENDERSON:** Absolutely not, none of us got that impression.  
302 **BERRY:** Okay.  
303 **PEREZ:** Did anyone ask him if he had been drinking?  
304 **HENDERSON:** That's not something you'd ask the Chief.  
305 **PEREZ:** Okay.  
306 **BERRY:** All right, so after that meeting you described having some contact with the Chief kind of  
307 intermittently at a Friday meeting and at some other point during a hall – urging him and asking about  
308 the investigator and urging him to contact him.  
309 **HENDERSON:** Mm-hm.  
310 **BERRY:** Beyond that did you take any other action regarding this incident?  
311 **HENDERSON:** No.  
312 **BERRY:** All right, have you prepared any kind of documentation regarding the incident, any written?  
313 **HENDERSON:** No.  
314 **BERRY:** No, all right.  
315 **HENDERSON:** This was going to be the document I assume.  
316 **BERRY:** And have you spoken to anyone else about this?  
317 **HENDERSON:** Before we were gagged we were all talking about it.  
318 **BERRY:** Sure.  
319 **HENDERSON:** I mean, it's very disheartening when you read what's going on in the newspaper, so  
320 yeah, all four of us would've talked about it.  
321 **BERRY:** All the AC'S—  
322 **HENDERSON:** Yeah.  
323 **BERRY:** —talking about it.  
324 **HENDERSON:** Well, yes.  
325 **BERRY:** Anything stand out in your memory from those conversations?  
326 **HENDERSON:** No, just shock and dismay.

**CONFIDENTIAL TAPED STATEMENT**

**IPR #2016-B-0014**  
**/ Donna Henderson**

**May 27, 2016**  
**Page 8 of 12**

327 **BERRY:** Have you yourself – did you ever speak to Captain RODRIGUES about the incident?  
328 **HENDERSON:** No.  
329 **BERRY:** No?  
330 **HENDERSON:** Mm-mm.  
331 **BERRY:** Okay, have you spoken to – I think it – isn't it Commander BURKE that's boss of detectives  
332 right now?  
333 **HENDERSON:** Yes.  
334 **BERRY:** Yeah, did you talk to him about the incident?  
335 **HENDERSON:** Yes, before we were gagged.  
336 **BERRY:** Before the gag.  
337 **HENDERSON:** Yeah.  
338 **BERRY:** Okay.  
339 **HENDERSON:** Yeah.  
340 **BERRY:** And can you describe that conversation?  
341 **HENDERSON:** Just have you read what's in the news and, you know, the disappointment and the  
342 betrayal—  
343 **BERRY:** Kind of the—  
344 **HENDERSON:** —that kind of stuff.  
345 **BERRY:** Yeah, doesn't sound like you directed him to take any action or...  
346 **HENDERSON:** No, no because once the news media and IPR got a hold of it, we knew IPR was  
347 going to do an investigation, and I'm not going to interfere with that. I did try to call RICH EVANS  
348 from the state police.  
349 **BERRY:** Okay.  
350 **HENDERSON:** To see, A) if they could tell us whether or they were going to do criminal charges, so  
351 that I could let the Mayor know, and if they needed anything and I told him, I said, if you don't – if  
352 you're uncomfortable with any of this I get it, so he hasn't returned my phone call.  
353 **BERRY:** Yeah, can you kind of describe that contact that you had with the Mayor's office, since you  
354 learned of this incident?  
355 **HENDERSON:** Let me see, how did this all start? I think the first real conversation I had was with  
356 JOSH ALPERT and that was after they had talked – he had talked to LARRY who had been gagged  
357 and at the time I hadn't been gagged, so LARRY told JOSH to call me and I told JOSH the stuff that I  
358 knew or knew ahead of time. I told him, I said, the stuff that's coming out in the newspaper we had no  
359 idea of and I think at that time there were two conversations. I think at that time I expressed to JOSH  
360 that – and I don't know how the flow went, but I told him, I said, LARRY can't recover from this. I  
361 think I said, I don't know where it's going to end up criminally, but he is not going to recover from  
362 this; and then I had another conversation with JOSH the next day. It must have been days, maybe I've  
363 talked to JOSH several times. I had one conversation with him because LARRY told him to call me  
364 and at that time I hadn't been gagged, so maybe it was before the really, really messy stuff, so I might  
365 not of had that conversation. Then I had a conversation with him the day before the really bad stuff, the  
366 latest bad stuff came out and that I had been gagged, so I could just tell him, listen, I don't know  
367 what's going to happen. I just know that LARRY's not going to be able to come back from this and  
368 then the next day after this stuff came out about the drinking and all of that, I contacted JOSH on the  
369 way to work and just said have you read the articles? Have you read what's going on and he can't be at  
370 work. He can't be here. He said, well – that's right the day before they were talking about whether or  
371 not they were going to place him on administrative leave and they decided that they were going to wait  
372 for the investigations.

**CONFIDENTIAL TAPED STATEMENT**

**IPR #2016-B-0014**  
**/ Donna Henderson**

**May 27, 2016**  
**Page 9 of 12**

373 **BERRY:** Yeah.  
374 **HENDERSON:** And so – and that’s the conversation that he and I had and I said, okay, the next day  
375 or that night I read the final – the big, final article and I called JOSH up as I’m coming to work saying  
376 have you read it? I said, you can’t leave him here, he has got to be placed on administrative leave. This  
377 is not going to be good and that’s when I stressed, he is not going to recover from this, so I had that  
378 conversation and then when they placed him on administrative leave, the Mayor brought me in and  
379 said that you were going – that I was going to be acting or you were going to be acting. Yeah well  
380 there you go.  
381 **BERRY:** Oh, my. I wouldn’t have worn jeans.  
382 **HENDERSON:** And the Mayor at that time was under the impression that, you know, this was going  
383 to be okay and we just had discussions about just reading the newspaper that this wasn’t going to be  
384 okay, so that’s kind of the conversations that I had with the Mayor.  
385 **BERRY:** Okay, and I just want to ask just to cover my bases, in your contact with the Mayor, mayor’s  
386 staff, did you have any kind of conversation about whether or not IPR was aware of the situation?  
387 **HENDERSON:** No.  
388 **BERRY:** No, until, I mean, obviously.  
389 **HENDERSON:** Yeah.  
390 **BERRY:** After we were.  
391 **HENDERSON:** Well, but all of that conversation happened way after—  
392 **BERRY:** Before—  
393 **HENDERSON:** Yeah, yeah, this is – the conversations I’m talking about happened probably in the  
394 last week and a half.  
395 **BERRY:** Got you, after...  
396 **HENDERSON:** Yeah.  
397 **BERRY:** —things are kind of rolling.  
398 **HENDERSON:** After everything was – yeah.  
399 **BERRY:** Okay, okay, have you ever had any contact with Harney County about this, Harney County  
400 Sheriffs’ Office?  
401 **HENDERSON:** No.  
402 **BERRY:** No, okay, kind of – I wanted to ask like, did you have contact right after learning the  
403 incident or have you had contact since—  
404 **HENDERSON:** No.  
405 **BERRY:** —all this happened?  
406 **HENDERSON:** No.  
407 **BERRY:** Okay.  
408 **HENDERSON:** I’m waiting for this investigation and then I fully intend to call them up and  
409 apologize.  
410 **BERRY:** And how about other law enforcement agencies you’ve talked about contacting – you  
411 haven’t said at OSP, have any other contact with any other law enforcement or investigative agencies?  
412 **HENDERSON:** I talked to ROD UNDERHILL and asked if he had anybody that I could call to find  
413 out where the criminal investigation was going. He gave me a number, but I didn’t call it.  
414 **BERRY:** Okay, okay, it doesn’t sound like you’ve given a statement for anybody’s investigation  
415 until—  
416 **HENDERSON:** No.  
417 **BERRY:** —this interview today.  
418 **HENDERSON:** No.

**CONFIDENTIAL TAPED STATEMENT**

**IPR #2016-B-0014**  
**/ Donna Henderson**

**May 27, 2016**  
**Page 10 of 12**

419 **BERRY:** All right, I just want to talk a little bit about policy and we've already touched on a lot of that  
420 as you spoke on it, but can you give me your understanding of how the bureau's expected to respond  
421 when it learns that a member is a subject of a criminal investigation?

422 **HENDERSON:** It depends on the type of criminal investigation, what it is. There are times that  
423 they're placed on the 10-2. There are times that their police powers are taken away and they're put in  
424 TRU, but regardless, Internal Affairs is notified, IPR – Internal Affairs notifies IPR, obviously if it's a  
425 criminal investigation internally, I mean in Multnomah County my Detectives Division would be  
426 responsible for doing the investigation.

427 **BERRY:** Yeah.

428 **HENDERSON:** GEORGE BURKE would be in contact with DEREK on a regular basis just to make  
429 sure there's a good relationship on Internal Affairs trying not to mess up an investigation because in a  
430 criminal investigation there's certain things that we have to follow that Internal Affairs doesn't have to  
431 follow, so GEORGE BURKE and DEREK have a good working relationship there. If it's outside  
432 criminal investigation then the liaison is Internal Affairs.

433 **BERRY:** Okay.

434 **HENDERSON:** With them—

435 **BERRY:** So is that—

436 **HENDERSON:** —and the only thing that that – the only difference is – the only thing that might  
437 differ a little bit in that is if it's domestic violence.

438 **BERRY:** Oh yeah?

439 **HENDERSON:** I think Internal Affairs does liaison, but I also think our domestic violence unit – if  
440 it's an outside agency, offers their service because we've got a robust unit, we have advocates, we have  
441 this, and so we offer if they need anything to let them know.

442 **BERRY:** Yeah, well and I want to be clear that you are a witness member in this investigation, you're  
443 not involved, but how well do you think you followed applicable directive and policy in this case, and  
444 responding to this incident?

445 **HENDERSON:** I think in this one I followed it. I think the things that were supposed to be done in my  
446 mind were done and I don't know how I wouldn't know that IPR wasn't contacted. I don't know how I  
447 would know that that didn't happen.

448 **BERRY:** Did he talk about IPR not giving a call back and saying okay, we're notified.

449 **HENDERSON:** But the – see that call would never—

450 **BERRY:** Yeah.

451 **HENDERSON:** —come to me, so I would never know.

452 **BERRY:** And when you talk about you feel like the things that needed to be done were done, are you  
453 talking about in terms of notification like, who was notified of this?

454 **HENDERSON:** Well the things that needed to be – to get things rolling is the notification.

455 **BERRY:** Okay.

456 **HENDERSON:** So I don't – I'm not involved in doing the work, so how the work gets started is that  
457 whoever, in this case the Chief, notified – we already have a criminal investigation going.

458 **BERRY:** Yeah.

459 **HENDERSON:** So we've got that, that's down in another county that I have no – we don't get  
460 involved because if we start – if me as the assistant chief of Investigations start calling these agencies  
461 it's going to appear that we're trying to dissuade them from doing something or—

462 **BERRY:** Put your thumb on the scale.

463 **HENDERSON:** —yeah, or put it somewhere, so we don't do that, which is why Internal Affairs is the  
464 liaison to that, so once the Chief says that he contacted DEREK and I'm sorry, Internal Affairs, then

**CONFIDENTIAL TAPED STATEMENT**

**IPR #2016-B-0014**  
**/ Donna Henderson**

**May 27, 2016**  
**Page 11 of 12**

465 that puts into place what will happen and from that unless its my case, I don't hear what happens there.  
466 I don't have the one on ones, none of this happens.  
467 **BERRY:** All right, and your contact with Chief O'DEA at any point throughout this process, did he  
468 ever tell you what to say when you're interviewed for this investigation?  
469 **HENDERSON:** No he did not.  
470 **BERRY:** Okay, has he made any offers of financial incentives or anything like that to you in exchange  
471 for what to say?  
472 **HENDERSON:** No.  
473 **BERRY:** All right, thank you.  
474 **HENDERSON:** Sorry.  
475 **BERRY:** That's all the questions I have prepared. I wanted to make sure, Investigator PEREZ is there  
476 anything you'd like to add?  
477 **PEREZ:** I just have a few.  
478 **BERRY:** Yeah.  
479 **PEREZ:** So you are currently the acting chief, is there a current acting assistant chief of  
480 Investigations?  
481 **HENDERSON:** I haven't made one yet, until – I wasn't quite sure what direction everything was  
482 taking and then, so not yet.  
483 **PEREZ:** Okay, and can you tell me a little bit about the responsibilities that an acting chief of  
484 investigations has in regards to the entire position?  
485 **HENDERSON:** Of investigations?  
486 **PEREZ:** Mm-hm.  
487 **HENDERSON:** They do the same thing as the assistant chief would.  
488 **PEREZ:** Okay.  
489 **HENDERSON:** So you're in charge of detectives, you're in charge of FED, Forensic Evidence  
490 Division, you're in charge of Property, you're in charge of Family Services, I've got ITD.  
491 **PEREZ:** Mm-hm.  
492 **HENDERSON:** And the Criminal Intelligence Unit is a dual report to me and the Chief.  
493 **PEREZ:** Okay, and can you describe your expectations of what an Assistant Chief of Investigations  
494 should do in a criminal investigation involving a police member?  
495 **HENDERSON:** They assign the case and they monitor – they get updates from the commander of  
496 detectives on where that case is going and they monitor the case.  
497 **PEREZ:** Mm-hm.  
498 **HENDERSON:** They don't do the investigations.  
499 **PEREZ:** Okay, when you spoke with Chief O'DEA and you had mentioned he asked you not to talk  
500 about it, you and all the other assistant chiefs, did he also ask you or tell you in any way not to do an  
501 investigation or not to be involved in the investigation?  
502 **HENDERSON:** No, he didn't have to because that's not appropriate for us to be involved in it.  
503 **PEREZ:** Okay.  
504 **HENDERSON:** Because this happened outside of Multnomah County, so we have no jurisdiction and  
505 nor would we want to go down there and investigate this.  
506 **PEREZ:** That's all I have.  
507 **BERRY:** Is there anything you want to clarify?  
508 **HURLEY:** The only clarification I – as we discuss the directive a little bit, it's a little confusing in the  
509 first half of this directive is very specific to investigations within Multnomah County, so the second  
510 half of this is investigations outside of Multnomah County.

**CONFIDENTIAL TAPED STATEMENT**

**IPR #2016-B-0014**  
**/ Donna Henderson**

**May 27, 2016**  
**Page 12 of 12**

511 **BERRY:** And that's spells out the expected in the outside—  
512 **HURLEY:** Yeah, and so this would be dealt with as an outside, which would be all Professional  
513 Standards Divisions requirements. I use another case of a DUI accident we recently had where that  
514 officer is under investigation. We would never talk to the investigative branch, we would never talk to  
515 Detectives Division within the Portland Police Bureau, this would all be dealt with and is being dealt  
516 with, with the Professional Standards Division and that outside agency and directly to the Chief, so in a  
517 case like this just in like all the other ones that we have open at this time, an outside investigation with  
518 an outside county would never go through our Detectives Division or our AC investigations just so you  
519 understand.  
520 **BERRY:** No I appreciate that and—  
521 **HURLEY:** Yeah, it wouldn't happen.  
522 **BERRY:** —again is that for the – so as to not give the appearance of trying to influence the process?  
523 **HURLEY:** Exactly, because if we – its kind of like saying, if we call up Harney County and say hey,  
524 we're happy to send a detective down there, well when the Oregonian gets a hold of that, right it looks  
525 like we decided to go down and see what we could cover up or fix or see what we could massage to  
526 make it not be quite so bad. We don't want to be involved in it at all and even in a case that's an  
527 outside county such as this I did get a hold of OSP and my comment to them is if you need a room for  
528 somebody to interview, you need somebody to be compelled to interview, you need somebody in here,  
529 you let me know other than that, when it's all done let me know and if you would forward us your  
530 report when its finished, so we really try to stay completely out of those criminal investigations, so  
531 nobody ever questions whether or not the Portland Police Bureau's trying to influence another agency.  
532 **BERRY:** It makes sense. Well I'll tell you, Chief HENDERSON you've put up with us asking a lot of  
533 nosey questions and a lot of them. Is there anything you want to add to our conversation or make sure  
534 it gets made note of in our interview?  
535 **HENDERSON:** No, I just, you know, like I said before, is that we're going to look at our procedures  
536 and make sure that this doesn't happen again.  
537 **BERRY:** All right, excellent. Well thank you so much for talking with us.  
538 **HENDERSON:** Thank you very much.  
539 **BERRY:** And I appreciate your availability.  
540 **HENDERSON:** Yeah, thank you.  
541 **BERRY:** Yeah.  
542 **HURLEY:** And it is 10:40, we'll go off.  
543  
544 2016-B-0014 henderson.donna.05.27.16.int.wma  
545 Transcribed 06/09/2016 @ 9:00 p.m. Halla Stonehouse

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14

**CITY OF PORTLAND**  
**INDEPENDENT POLICE BUREAU**  
**Confidential Taped Statement**  
**IPR Investigator Eric Berry**

7 **Interview Date:** 06/17/2016  
8 **IPR #:** 2016-B-0014  
9 **IPR File Name:** 16b0014 henderson.donna, 2<sup>nd</sup> Interview  
10 **Complainant:**

12 **Interviewed:** Donna Henderson, 2<sup>nd</sup> Interview  
13  
14

15 **HURLEY:** This is Lieutenant ERICA HURLEY. It's June 17, 2016, at approximately 10:30. We're at City  
16 Hall with ERIC BERRY, DEIRDRE PEREZ and DONNA HENDERSON. The IA number is 2016-B-  
17 0014. Acting Chief HENDERSON has been advised that her conduct and/or the conduct of another Bureau  
18 member present on April 21<sup>st</sup>, 2015, at approximately 1638 hours in Harney County, Oregon, is the subject  
19 of this investigation. Acting Chief HENDERSON has reviewed information necessary to be reasonably  
20 apprised of the nature of the complaint. Acting Chief HENDERSON has been informed that she is an  
21 involved member in the case and that CONSTANTIN SEVERE is in charge of the investigation. I have  
22 advised Acting Chief HENDERSON that she can have an attorney or advocate present during the interview  
23 and ANGELA FERRER, is that correct?

24 **FERRER:** Yeah.

25 **HURLEY:** Is here in that capacity. Acting Chief HENDERSON, under the authority of the Mayor of the  
26 City of Portland, I am ordering you to answer all of my questions fully and truthfully. If you fail to respond  
27 fully and truthfully, you may be disciplined up to and including dismissal. Do you understand?

28 **HENDERSON:** Yes, I do.

29 **HURLEY:** Okay.

30 **BERRY:** Good morning Chief HENDERSON. I appreciate you coming in today to talk to us again. I just  
31 want to touch base briefly about how it is that we're talking again today. Investigator PEREZ and I are  
32 assigned to 2016-B-14, that's the investigation concerning Chief O'DEA's negligent discharge. We  
33 previously interviewed you as a witness member on 05/27 – kind of at the very early stages of the  
34 investigation. The work that DEIRDRE and I do is supervised within IPR by CONSTANTIN SEVERE.  
35 Following that interview, the determination was made to add additional involved members to the  
36 investigation, including yourself, so that we have to do another interview today to get your response to the  
37 allegation against you.

38 **HENDERSON:** Okay.

39 **BERRY:** I want to acknowledge that you were previously interviewed as a witness member and now we're  
40 interviewing you as an involved. That's not typically the way I like to do things and I appreciate your  
41 availability today. Do you have any questions for me before we get started?

42 **HENDERSON:** No.

43 **BERRY:** Well, if you come up with anything or need to take a break or anything just let me know.

44 **HENDERSON:** All right.

45 **BERRY:** I'd like to start by confirming some details as I understood them from our first interview. So, I'll  
46 just take you through some questions kind of quickly and then we can move onto other stuff. In the first  
47 interview, you indicated you first learned of the negligent discharge incident during that 04/25 AC meeting  
48 with the Chief.

49 **HENDERSON:** That's correct.

**INDEPENDENT POLICE REVIEW**

**IPR #2016-B-0014**

**Independent Police Review / Donna Henderson**

**June 17, 2016**

**Page 2 of 9**

50 **BERRY:** Okay, and Chief O'DEA, during that meeting, it sounds like he described manipulating his  
51 firearm in some fashion after which it discharged.

52 **HENDERSON:** Well, manipulating it. I think he said something to the effect that he laid it down on  
53 something.

54 **BERRY:** Laid it down and then it discharged?

55 **HENDERSON:** Yeah.

56 **BERRY:** Okay (someone sneezing), excuse you. All right. It doesn't sound like in that meeting where he  
57 described what happened that – did he ever describe how or why the gun went off?

58 **HENDERSON:** No.

59 **BERRY:** No. And as he described that to you, the Chief indicated initially he was under the impression  
60 that his friend shot himself but then later they determined that the Chief had shot his friend.

61 **HENDERSON:** That's correct.

62 **BERRY:** All right. Did he say anything about how or why he made that determination – or how or why he  
63 realized that he was the one who shot his friend?

64 **HENDERSON:** Hm-mm, no, sorry, no.

65 **BERRY:** And recall – the last time we talked you mentioned that the Chief indicated that he was going to  
66 have additional contact with an investigator?

67 **HENDERSON:** Yes, he said that the detective was on vacation and they would contact him when they  
68 returned.

69 **BERRY:** Okay. Yeah, you anticipated my next question. And so the Chief indicated that this investigator  
70 was going to contact him following his return from vacation, and during that first meeting, the Chief  
71 indicated he notified the Mayor of the incident?

72 **HENDERSON:** Mayor and I believe he said he notified the captain of internal affairs.

73 **BERRY:** Okay. During that meeting, did he ever indicate how the Mayor responded to his notification?

74 **HENDERSON:** No. I get the sense that he said the Mayor was supportive, but I can't really remember  
75 exactly.

76 **BERRY:** Okay, and yeah I'm just trying to confirm some details. Do you recall if the Chief said he had  
77 notified Captain RODRIGUES or was going to notify Captain RODRIGUES?

78 **HENDERSON:** I'm not sure right now.

79 **BERRY:** One or the other?

80 **HENDERSON:** Yeah.

81 **BERRY:** All right.

82 **HENDERSON:** Definitely Captain RODRIGUES was notified. Whether it was going to be or then, I'm  
83 not sure.

84 **BERRY:** In that meeting, did you hear the Chief tell any other AC to take any action regarding this  
85 incident?

86 **HENDERSON:** No, we were all at the same table.

87 **BERRY:** And during that meeting, the Chief told you all not to discuss the incident, is that right?

88 **HENDERSON:** He told us to keep it to itself.

89 **BERRY:** Okay.

90 **HENDERSON:** To ourself.

91 **BERRY:** Last question about that meeting, the Chief never mentioned alcohol during that meeting?

92 **HENDERSON:** No, no.

## INDEPENDENT POLICE REVIEW

IPR #2016-B-0014

Independent Police Review / Donna Henderson

June 17, 2016

Page 3 of 9

93 **BERRY:** All right, well thank you for that. Based on the initial description of what happened, when the  
94 Chief was describing what happened, did you have the impression that police over there knew that the  
95 Chief had shot his friend?  
96 **HENDERSON:** Absolutely.  
97 **BERRY:** Okay, and in terms of the contact that the Chief had with police over there, did he indicate that he  
98 had spoken to police on the day of the incident?  
99 **HENDERSON:** I – again as I said before, I’ve read so many newspaper articles.  
100 **BERRY:** Yeah.  
101 **HENDERSON:** I believe he said to us at the time – no I don’t know if I read that in the newspaper. I know  
102 that he talked to them at hospital, but I’m not sure if he said that or I read it. I’m not sure.  
103 **BERRY:** Okay, that’s fine. And I asked you earlier about if he directed other ACs to take any action. Did  
104 he direct you to take any action regarding this incident?  
105 **HENDERSON:** No.  
106 **BERRY:** Oh, okay. When we spoke the last time, you talked about having some follow-up contact on  
107 multiple occasions asking the Chief if he had had contact with that investigator.  
108 **HENDERSON:** Mm-hm, correct.  
109 **BERRY:** Do you – are you able to tell me kind of when and where those contacts –  
110 **HENDERSON:** No, I can tell you that they would have happened – one time was in a hallway, one time  
111 was in his office and the whole purpose for me asking those questions is because it was obvious that this  
112 whole thing was taking on toll on him –  
113 **BERRY:** Yeah.  
114 **HENDERSON:** – and I think I had mentioned previously that I have a Master’s in counseling. So, my  
115 whole purpose was for his emotional well-being, that he needed to get this behind him.  
116 **BERRY:** I don’t know if you did mention that.  
117 **HENDERSON:** Oh, sorry. They –  
118 **BERRY:** I didn’t know that you had a Master’s.  
119 **HENDERSON:** Yeah, I have a Master’s in counseling.  
120 **BERRY:** Really?  
121 **HENDERSON:** So, I was very concerned about his emotional well-being.  
122 **BERRY:** What I recall from the last time we talked that you talked about you really had the impression it  
123 was taking a – having an emotional impact on the Chief. Okay, so you think possibly once in the hallway,  
124 once in a meeting?  
125 **HENDERSON:** Yeah, and there might have been a third time –  
126 **BERRY:** Might have been a –  
127 **HENDERSON:** – but I can’t even remotely give you dates or anything. I have no idea.  
128 **BERRY:** I understand. The last time we talked, you talked about having some brief contact with  
129 Commander BURKE, the head of detectives, regarding the incident.  
130 **HENDERSON:** Mm-hm.  
131 **BERRY:** I recall and correct me if I’m wrong, I recall you described those contacts as kind of just  
132 discussing can you believe what happened essentially.  
133 **HENDERSON:** Yeah.  
134 **BERRY:** Did he have any kind of discussion with Commander BURKE about whether or not there would  
135 be an administrative investigation?

## INDEPENDENT POLICE REVIEW

IPR #2016-B-0014

Independent Police Review / Donna Henderson

June 17, 2016

Page 4 of 9

136 **HENDERSON:** No, the only – well first of all I don't think I would have asked him about that because he  
137 wouldn't be involved in the administrative investigation. I think Commander BURKE had mentioned when  
138 this whole thing broke that he had called up Captain RODRIGUES and said I just read this in the  
139 newspaper. What's going on? What did you say? Why, why is this happening, but I wouldn't have asked  
140 him about the administrative because he wouldn't be responsible for that.

141 **BERRY:** Wouldn't have at all been in that. Did he have – during your admittedly brief contacts with  
142 Commander BURKE, did you have any discussion about anyone of the detectives taking part in the  
143 criminal investigation –

144 **HENDERSON:** No –

145 **BERRY:** – liaising with the –

146 **HENDERSON:** – that's not our responsibility.

147 **BERRY:** Okay, and when you say it's not your responsibility, could you expand on that a little bit?

148 **HENDERSON:** Sure, let me get my paper and I'll expand.

149 **BERRY:** Yeah, I brought –

150 **HENDERSON:** No, I've got it.

151 **BERRY:** Oh, you got it okay.

152 **HENDERSON:** Yeah, I've got it. For a case in which a criminal investigation is being conducted by  
153 another agency, the following procedures shall apply. The internal affairs manager or designee will act as  
154 liaison between the police bureau and the agency conducting the criminal investigation and any  
155 prosecutorial agency. The internal affairs manager or designee will coordinate investigative action, such as  
156 interviews, with the agency conducting the investigation and/or prosecutor as to avoid jeopardizing the  
157 criminal case. The internal affairs manager or designee will be responsible for ensuring that no information  
158 from the administrative investigation is shared with anyone involved in the criminal investigation or  
159 prosecution.

160 **BERRY:** Okay, that's sounds like you're reading a section of directive 333.

161 **HENDERSON:** Yeah, well I – and the reason I'm reading it is because that's what we follow as –

162 **BERRY:** Yeah.

163 **HENDERSON:** – how we, how we do or do not conduct criminal investigations.

164 **BERRY:** Okay. So, in a case where's an outside agency is investigating a Bureau member for potential  
165 criminal –

166 **HENDERSON:** Outside agency in an outside jurisdiction.

167 **BERRY:** Outside, thank you agency, outside jurisdiction, internal affairs or professional standards handles  
168 the liaison work –

169 **HENDERSON:** Yes.

170 **BERRY:** – which essentially is this case. Okay, all right. Well, and is it – so it's your understanding  
171 directive 333 covers that issue how the Bureau responds to criminal investigations involving –

172 **HENDERSON:** That's correct, yeah.

173 **BERRY:** – involving members? Okay. Beyond coordinating to assist or monitor a criminal investigation,  
174 is there an expectation that there will also be an administrative investigation when a member is accused of  
175 criminal misconduct?

176 **HENDERSON:** Correct.

177 **BERRY:** Okay. I'll ask you this question twice, regarding criminal investigations of members outside or  
178 inside jurisdiction, does the AC of investigation have a role in that?

179 **HENDERSON:** Outside jurisdictions no. Inside jurisdictions yes.

## INDEPENDENT POLICE REVIEW

IPR #2016-B-0014

Independent Police Review / Donna Henderson

June 17, 2016

Page 5 of 9

180 **BERRY:** Okay, and the idea of you having the responsibility for inside jurisdictions, is that because  
181 Portland Police Bureau would be the investigating agency?

182 **HENDERSON:** That's correct.

183 **BERRY:** Okay. Regarding administrative investigations, not criminal, of Bureau members who are  
184 accused of criminal misconduct inside or outside the jurisdiction, does the AC of investigations have a role  
185 in that?

186 **HENDERSON:** No.

187 **BERRY:** No, okay. I understand that you're acting chief now. Referring back to your role as AC of  
188 investigations, would you typically receive updates on the status of an administrative investigation?

189 **HENDERSON:** No.

190 **BERRY:** No. Just to make sure I fully understand, if you had – if one of your employees was the subject of  
191 that administrative investigation, would you receive updates for that investigation?

192 **HENDERSON:** Inside or outside, what are we talking about?

193 **BERRY:** Well, let's go inside.

194 **HENDERSON:** No I don't receive the updates.

195 **BERRY:** Okay.

196 **HENDERSON:** The chief of police receives the updates.

197 **BERRY:** Okay, and so you would be, as that employee's supervisor, you would be informed of the result  
198 of the end of the investigation?

199 **HENDERSON:** What would end up happening is when it was all completed, the packet would go to the  
200 RU manager. They would write up their findings and then it would come to me and I would either concur  
201 or not concur. You know the whole process –

202 **BERRY:** Yeah.

203 **HENDERSON:** But that's when I would be notified.

204 **BERRY:** Okay. Is this thing as it unfolded – have you ever spoken to Captain RODRIGUES about the  
205 incident?

206 **HENDERSON:** No.

207 **BERRY:** No. Can you tell me why?

208 **HENDERSON:** I can't tell you why I would. Let me, let me back that up. So, I can't tell you why I would,  
209 but why I would talk to him, but I can tell you why I haven't because as it unfolded and I realized in the  
210 newspaper that all the information hadn't come out and that IPR hadn't been notified. I believe that there  
211 was going to be an investigation on why procedures weren't followed, so I wasn't going to talk to Captain  
212 RODRIGUES when he was probably going to be a subject of a complaint.

213 **BERRY:** Okay. Have you ever spoken to anyone from the Mayor's office about whether or not there was  
214 an administrative investigation?

215 **HENDERSON:** Again, I'm not sure what you're asking – I don't know what you're talking about now.

216 **BERRY:** Okay, have you ever spoken to anyone from the Mayor's office about whether or not there was  
217 an administrative investigation?

218 **HENDERSON:** I'm really having a hard time understanding the context of this. So, whether or not there  
219 was going to be an administrative investigation with the Chief or –

220 **BERRY:** Correct.

221 **HENDERSON:** No, no.

## INDEPENDENT POLICE REVIEW

IPR #2016-B-0014

Independent Police Review / Donna Henderson

June 17, 2016

Page 6 of 9

222 **BERRY:** In your conversation – I know you described talking to the other ACs about the incident prior to  
223 you all receiving the CRO's. During those conversations, did you ever talk about whether or not there's  
224 going to be an administrative investigation?

225 **HENDERSON:** No, because there wouldn't be a whether or not. Of course, there would be an  
226 administrative investigation.

227 **BERRY:** Okay. So, it wouldn't be a question of whether there was going to be one –

228 **HENDERSON:** No, just that there is.

229 **BERRY:** – there would be.

230 **HENDERSON:** Yeah, obviously.

231 **BERRY:** Okay.

232 **HENDERSON:** When I say obviously, obviously for us there was going to be an administrative  
233 investigation.

234 **BERRY:** Kind of more broadly speaking, do you feel like an assistant chief has a responsibility to act if  
235 they suspect that the Chief is engaged in some kind of wrongdoing?

236 **HENDERSON:** I think that it's incumbent upon me to follow procedures and those procedures as they  
237 were told to me were followed. I don't have, nor should I try to interfere in administrative investigations or  
238 criminal investigations that aren't my purview because it would look as though I'm trying to taint  
239 investigations.

240 **BERRY:** Okay, and we've all heard the expression that hindsight is 20/20, so here we are June 16<sup>th</sup>. It's  
241 been a while since this incident has come to light. With the benefit of the hindsight that you have now and  
242 with the benefit of everything that you know now that you didn't know back then, are there actions that you  
243 might have taken or things you might taken – done differently as you reflect on that situation?

244 **HENDERSON:** So, when you say done differently, to me it kind of assumes that I did something wrong  
245 then and I don't think I did anything wrong then.

246 **BERRY:** Mm-hm.

247 **HENDERSON:** Knowing if somebody had come and told me that my chief of police did not give the full  
248 information, did not tell – that told Captain RODRIGUES of what happened, that Captain RODRIGUES  
249 wasn't going to do his job, yes I would say, oh if Captain RODRIGUES isn't going to do his job, then I'm  
250 going to go ahead and notify IPR. If I had been told that Chief O'DEA was going to tell me one story and  
251 that he had told Harney County another story, then yes I would have contacted Harney County and say did  
252 you know this?

253 **BERRY:** Now, I know this incident has been much on your mind, much on the minds of a lot of people.

254 **HENDERSON:** The entire bureau.

255 **BERRY:** Yeah. As you've had time to reflect on that, have you identified any kind of policy shortcomings  
256 or problem areas that you think might have contributed to this situation?

257 **HENDERSON:** I think we have very good policies except as it relates to the Chief. One of the reasons it  
258 was changed – the internal affairs report to the Chief is because there were past issues and so Chief O'DEA  
259 said the best practice is to have the captain of internal affairs report to the Chief of police. With that said,  
260 there is no checks and balances for the Chief of police. I would have never in a million years believed that  
261 this chief would have conducted himself the way he has. Now that obviously it's brought to everyone's  
262 attention, we're going to have to look at some sort of dual reporting for the captain. We haven't really been  
263 able to discuss it to try to – because of the gag order and –

264 **BERRY:** Right.

265 **HENDERSON:** – my folks are very paranoid right now and so even though we could probably discuss  
266 procedures, they're still afraid to discuss anything, so as soon as we can discuss this openly and fully, we'll

## INDEPENDENT POLICE REVIEW

IPR #2016-B-0014

Independent Police Review / Donna Henderson

June 17, 2016

Page 7 of 9

267 have a more solid procedure in place so this doesn't happen again. But from, just from my thought process,  
268 is that I think we'll have a dual reporting, but we're going to have to talk about it and make sure that we  
269 cover all bases and we'll need to bring in internal affairs and really kind of dent this out.

270 **BERRY:** Well now when – just so I want to make sure I understand what you're saying. You talked about  
271 the captain of internal affairs reporting directly to the Chief and that change was made based on a prior  
272 difficulty. I don't want to ask you to violate confidentiality, but can you describe that, that previous  
273 difficulty that led to that change?

274 **HENDERSON:** I'm going to get it wrong.

275 **BERRY:** Yeah.

276 **HENDERSON:** Just that, yeah, I'm going to get it wrong.

277 **BERRY:** Yeah, I think.

278 **HENDERSON:** I think there was some influence to try to stop an investigation and –

279 **BERRY:** Okay.

280 **HENDERSON:** – it – I don't really know all – I'm not really privy to all of the details.

281 **BERRY:** Well the nuts and bolts. At some point, the captain of IA reported to an AC?

282 **HENDERSON:** Yes.

283 **BERRY:** Then that was changed directly to the Chief –

284 **HENDERSON:** Yes.

285 **BERRY:** – with the idea to eliminate any chance of someone influencing –

286 **HENDERSON:** Yes, absolutely.

287 **BERRY:** – an investigation? And now as a result of that, you're considering there is a dual reporting.

288 **HENDERSON:** There will have to be a dual reporting.

289 **BERRY:** Okay. So, I don't want to keep you long, I do want to give you a chance to respond to the specific  
290 allegation as it's written. What I'm going to do is I'll read it and then I'll ask you to respond to it. So, I'll  
291 do my part. Portland Police Bureau Assistant Chief DONNA HENDERSON, [REDACTED], failed to take  
292 appropriate action after being informed that Portland Police Bureau LAWRENCE O'DEA, [REDACTED], was  
293 involved in an off-duty negligent discharge of a firearm, which resulted in injury. It's written as a conduct  
294 allegation, it's written against directive 315.30, the satisfactory performance. I got a copy if you want to  
295 refer to it. Hearing that allegation, how would you respond to that? Do you want-

296 **HENDERSON:** No, no, I've got.

297 **BERRY:** Okay.

298 **HENDERSON:** I got what I need. So, for the satisfactory performance, I'm assuming what we're looking  
299 at is the failure to take appropriate action on the occasion of a crime.

300 **BERRY:** Yeah, that first paragraph. The rest is devoted –

301 **HENDERSON:** Yeah.

302 **BERRY:** – as you know to the –

303 **HENDERSON:** And I'm just going to read this. I didn't realize that's how you were going to answer, but I  
304 think what I'm going to read is going to answer it and then I can give you a copy.

305 **BERRY:** Yeah.

306 **HENDERSON:** Give you a copy to it.

307 **BERRY:** That would be great.

308 **HENDERSON:** So, on April 25<sup>th</sup>, 2016, LARRY O'DEA, Chief of Police, disclosed to all assistant chiefs  
309 that he had accidentally shot someone while on a hunting trip in Harney County and that Harney County  
310 was investigating the shooting. He stated that the detective investigating the shooting was on vacation for

## INDEPENDENT POLICE REVIEW

IPR #2016-B-0014

Independent Police Review / Donna Henderson

June 17, 2016

Page 8 of 9

311 two weeks and would be contacting him, meaning O'DEA, upon his return. O'DEA stated that he had  
312 already spoken to the Mayor and reported to the incident to the captain of internal affairs. Directive 333.0  
313 states, for a case in which a criminal investigation is being conducted by another agency, the following  
314 procedures shall apply: The internal affairs manager or designee will act as liaison between the Police  
315 Bureau and the agency conducting the criminal investigation and any prosecutorial agency. The internal  
316 affairs manager or designee will coordinate investigative actions, such as interviews, with the agency  
317 conducting the investigation or the prosecutor so as to avoid jeopardizing the criminal case. The internal  
318 affairs manager or designee will be responsible for ensuring that no information from the administrative  
319 investigation is shared with anyone involved in the criminal investigation or prosecution. Up to May 23<sup>rd</sup>,  
320 2016, I believed Chief LARRY O'DEA was an honorable man who acted with integrity. When he told us  
321 about the accident, it was obvious how upset he was and that he could make – how upset he was that he  
322 could make such a monumental mistake and he repeated several times that he wasn't that guy. He didn't  
323 make those mistakes. O'DEA said that the investigator was on vacation. He would be contacted upon his  
324 return. I had no reason to suspect or to question the truthfulness of those statements. I did not learn the truth  
325 until the Oregonian published the story about the shooting. I had no reason to believe that Chief O'DEA  
326 did not inform Harney County of what actually happened and to this day I feel betrayed, personally and  
327 professionally. O'DEA stated that he had reported the incident to the captain of Internal Affairs, which is  
328 keeping with the PPB directives and policy. Internal Affairs is a direct report to the Chief. The process was  
329 created specifically to prohibit other members of PPB command or officers from attempting to influence,  
330 intimidate or corrupt an investigation. Directive 0300, internal affairs complaint intake and process states  
331 once a complaint is received by Internal Affairs, the authority for processing, investigating or referring the  
332 complaint is delegated by the Chief of police to the Professional Standards Division captain or designee.  
333 No bureau official has the authority to stop, intercede or suspend or in any way direct or influence the  
334 substance of Internal Affairs administrative investigation. Due to the sensitive nature of this responsibility  
335 of Internal Affairs, any suggestion that I or other assistant chiefs should have inserted ourselves into the  
336 Internal Affairs investigation is in conflict with the entire Internal Affairs process or investigation. O'DEA  
337 told us about the shooting on April 25<sup>th</sup>, 2016, and the Oregonian article was published May 23<sup>rd</sup>, 2016.  
338 That's a total of 28 days from the time it happened to the time it was reported in the Oregonian. Criminal  
339 investigations, as well as administrative investigations, take time, especially when the lead detective was  
340 on vacation and Harney County – Harney is a small county with limited resources. As proof that they take  
341 time, the investigation is still going on. As with all investigations of this type, I am not privy to the status of  
342 the investigation until it is completed. According to O'DEA's statement to us, the captain of Internal  
343 Affairs had been notified pursuant to PPB directives. There was nothing to indicate to me that O'DEA did  
344 not notify Internal Affairs. The chief of police misled the Mayor, his senior staff and Internal Affairs about  
345 the incident. From my perspective, I had no reason to disbelieve the account given to me of the incident, no  
346 reason to believe that he had not followed procedure by notifying Internal Affairs and no reason to suspect  
347 that Internal Affairs had failed to act. There was no information given to me that would have led me to  
348 believe that investigations were not underway beginning April 25<sup>th</sup>. So, I don't think I failed to perform my  
349 duties. I think all of that explains why I did what I did.

350 **BERRY:** I understand that. Well, I thank you for responding to allegation. It was never a comfortable –

351 **HENDERSON:** And you can have –

352 **BERRY:** Yeah, if could have a copy of that.

353 **HENDERSON:** I'm fine. I'm fine with that.

354 **BERRY:** I appreciate your availability today. While we're here, is there anything you want to add to our  
355 conversation?

**INDEPENDENT POLICE REVIEW**

**IPR #2016-B-0014**

**Independent Police Review / Donna Henderson**

**June 17, 2016**

**Page 9 of 9**

356 **HENDERSON:** No, I got to read it, thank you.

357 **BERRY:** All right, excellent. Investigator PEREZ, do you have any questions?

358 **PEREZ:** I don't have anything.

359 **BERRY:** No, Lieutenant HURLEY?

360 **HURLEY:** Just one. You talked about in your last one and this one that the Chief asked you not to talk  
361 about it outside that room. In your mind, if the Chief asks you to do something, does he have to say to you I  
362 am the Chief and you're an assistant chief and I'm ordering you to do or do you what he does because he's  
363 the Chief of police and he asked you to do something?

364 **HENDERSON:** I do what he does because he's the Chief of police.

365 **HURLEY:** So, even if in the back of your head you wanted to maybe ask some inquiring questions, would  
366 it have been in a direct – directly against what the Chief had asked you to do?

367 **HENDERSON:** It would have been directly – yes, it would have been, but also just to kind of play on what  
368 you just asked – in my mind the investigation was underway. People had been notified. So, when you say  
369 keep it to yourself I'm not going to gossip about it. I'm not going to stick my nose in it. I'm not going to do  
370 any of that. So, once he said that to me and I know that the investigation is underway, if I had gone to  
371 DEREK RODRIGUES and say hey what's going on with the investigation, how are things doing? Not only  
372 would I have been in direct violation of what the Chief told me I – that's not what I should do. That is  
373 trying to influence something that I have no right to influence. So, all of that comes into play.

374 **HURLEY:** Great, that's all.

375 **BERRY:** Ma-am, is there anything you'd like to add or clarify?

376 **FERRER:** No.

377 **BERRY:** No, all right. Well, that's all the questions I have for you. Thanks for coming in.

378 **HENDERSON:** Thank you very much.

379 **HURLEY:** It's 11:09 and I'll turn the recorder off.

380

381 16b0014trs-henderson.donna 2<sup>nd</sup> interview – IPR

382 Transcribed 06/29/2016 @ 4:22 p.m. Cathy Daley