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

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Interview Date: 05/25/2016
IPR #: 2016-B-0014
IPR File Name: 16b0014-Rodrigues

Interviewed: Derek Rodrigues

HURLEY: Internal Affairs. It's May 25, 2016. It's 10:0 – I'm sorry. Did you get it started?

BERRY: I did.

HURLEY: Okay. It's 10:02 a.m. We are in Captain RODRIGUES' office in Internal Affairs, and I'm here with Eric BERRY and Captain Derek RODRIGUES. The IPR number for this case is 2016-B-0014, and there is no PPB number. Captain RODRIGUES has been advised that his conduct and the conduct of another bureau member present on April 21, 2015 at 1638 at Harney County, Oregon is the subject of the investigation. Captain RODRIGUES has reviewed information necessary to be reasonably apprised of the nature of the allegations of the complaint, and Captain RODRIGUES has been informed that he is a witness in the case and that Constatin SEVERE is in charge of the investigation. I have advised Captain RODRIGUES that he can have an attorney or advocate present during the interview, and he has decided to decline that at this time. Captain RODRIGUES, under the authority of the chief of police, I am ordering you to answer all questions fully and truthfully. If you fail to respond fully and truthfully, you may be disciplined up to and including dismissal. Do you understand?

RODRIGUES: Yes.

BERRY: Okay. Good morning, Captain RODRIGUES.

RODRIGUES: Morning.

BERRY: Thank you very much for meeting with me this morning. Just to touch base very briefly on the purpose this interview, I'm the assigned investigator on B14 of this year. That incident concerns Chief O'DEA's – I just got a little coffee on my nose, trying to get it off. It concerns Chief O'DEA's involvement in a negligent discharge incident in Harney County and his actions after the incident. You are a witness to this. I believe you may have had some contact with the chief as he made his disclosures. I hope to interview you today about your contact with the chief and your actions after you learned of the incident. To be very clear, you're a witness member, not an involved member. Do you have any questions for me before I get started?

RODRIGUES: No.

BERRY: Okay. Well, I'll get started – now at some point, did you become aware of the chief's involvement in the incident out in Harney County?

RODRIGUES: Yes.

BERRY: And when – when did you become aware of it?

RODRIGUES: I think that was on April 25th. It's a Monday. The chief and I have standing meetings every Monday, one on one. The purpose of that is to give him updates on internal affairs investigations and – since I'm his direct report.

BERRY: Okay. Do you remember – and what time is that standing meeting?

RODRIGUES: I believe that one was at 11:00 a.m.

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50 **BERRY:** Okay. And that meeting is when he disclosed the incident to you?

51 **RODRIGUES:** Yes.

52 **BERRY:** Will you describe what he told you?

53 **RODRIGUES:** Well, first of all, we went through our normal business, and – and I said, “Okay, Chief. Is
54 that done?” And then he says, “No. I want to – I want to, you know, tell you about something that happened
55 on my vacation,” words to that effect. I said, “Okay.” So I sat down, and he was talking about – you know,
56 he was on vacation in Harney County, and they were hunting, and he was – he was telling me what
57 happened and to the point where I said, “Okay, is that it?” because he didn’t reach, you know, any point yet
58 regarding why we’re here. And then he said, “No.” He said one day they were – they were – “they” was
59 him and his friends were on this camping trip were shooting— I guess ground squirrels or – I’m not quite
60 sure what rodent they were shooting. And, you know, they were in a line, either sitting in a line and
61 shooting their weapons, and then he’s telling me at one point one of his friends, I believe to the right, just
62 went over in pain. And then he said they didn’t know what happened, and at some point it became apparent
63 that he got shot in the side, not in the back, in the side of the stomach and the area. And he said, you know,
64 they had to do a caravan and, you know, because they were out in the middle of nowhere. They had to do a
65 caravan and go to a place. I guess 911 was called and then they had to Life Flight his friend. And then I
66 said, “Well, how – you know, how is he,” you know. And he said, “Oh, he’s – he’s good. He went in. He
67 got released.” I said, “Oh, that’s good.” The chief was very humbled. He was very emotional. It bothered
68 him. And then he said, you know, after that, and I don’t know how long after, he said while him and his
69 friends, I guess, were talking about it, retired Sergeant Lieb, I guess – when they were trying to figure out
70 what happened, he said retired Sergeant Lieb told him, “Hey, it came from you,” from him. And then he
71 was, like, you know – then I asked him kind of how did it happen, and he said, “I didn’t know.” He said he
72 doesn’t know. I didn’t go into the details. He said, “I don’t know if I was putting the gun down, taking the
73 gun out,” or whatever, and he was very somber, and that was the extent of our conversation. And for me it
74 was, you know, he was letting out, he was just kind of venting, just kind of – I mean, he was sincere, and
75 he was very, very sad that he injured his friend. And we just – I just was trying to encourage him that, hey,
76 you know, over time, you know, things – things will be okay, and he’s okay. He says, “Yeah, I know. I
77 know,” but I felt kind of bad for him because, you know, he’s going through a lot even up to that point.
78 And so that was the extent of our conversation.

79 **BERRY:** Okay. So it sounds like in hearing your description of what – of the chief’s description of the
80 incident, it sounds like the – as he relayed – as he went through the story the first time, he didn’t bring up
81 causing a negligent discharge?

82 **RODRIGUES:** It was an accident.

83 **BERRY:** Yeah.

84 **RODRIGUES:** He said it was an accident. I didn’t hear negligent – and it doesn’t matter for me whether
85 he said, “negligent discharge,” or whatever. He said, you know, it was an accident. He felt bad. He didn’t
86 know exactly how he did it, but as they talked after, he figured out “this came from your gun.” And that
87 was the extent of it. I know you’re going to ask this question, so I’ll just, you know, start and – there is
88 nothing that in me resonated, “Hey, I’ve got to contact IPR. I’ve got to contact somebody.” There’s nothing
89 for me that caused me any concern. It was, in my mind, you know, just an off-duty incident. It’s a hunting
90 incident. He was sharing something with me that occurred.

91 **BERRY:** Yeah.

92 **RODRIGUES:** No excuse, but apparently it resonated in others that, you know, I should have made a –
93 reported it, and I get that, and I understand that, but it just never resonated in me that, “Oh, Internal
94 Affairs.” It just didn’t, so I thought it was a confidential conversation, and I didn’t share it even with

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95 Lieutenant Hurley which I share everything with at work, nobody. You know, obviously not Constantin –
96 and there was no follow up. There was no status. I was not provided with an email from the chief saying,
97 “Hey, Derek, this is what’s happening,” or a memo or something. “Hey, I need to” – you know, there
98 certainly was not a discussion or anything brought up about law enforcement contact I think which have –
99 and I’m not making any excuses, but that kind of would have ramped up my, I guess, alert level from being
100 there and being supportive to him of okay, there’s a police report here. There’s something. That was never
101 brought up, and so–

102 **BERRY:** Well, I just wanted – I’m sorry to jump back a little bit.

103 **RODRIGUES:** Sure.

104 **BERRY:** But in the chief’s description of the incident, did he ever himself say that he caused his gun to go
105 off?

106 **RODRIGUES:** Yeah. It was him. He said per that conversation that determined–

107 **BERRY:** His conversation with Sergeant Lieb afterwards?

108 **RODRIGUES:** Yeah. That it was him, and he – he never said, “I purposely shot him, I never.” It just –
109 “Yeah, it was me,” and, “I don’t know how it happened,” and he was – he was very depressed, you know,
110 so.

111 **BERRY:** And he said he was shooting ground squirrels?

112 **RODRIGUES:** I guess that’s why they were up in Harney County. I guess ground squirrels or sage rats or
113 whatever. I don’t know about the hunting culture. I don’t – you know, I – yeah, I guess they were shooting
114 rats or something.

115 **BERRY:** Yeah.

116 **RODRIGUES:** That eat up alfalfa fields or something?

117 **BERRY:** Yeah. Evidently, they’re hell on the fields out there. So he described it as a group of his friends
118 sitting in a row and shooting at sage rats or something, and during the course of that, he hears his friend on
119 the right – or notices his friend double over, and it becomes apparent that his friend has been shot.

120 **RODRIGUES:** Or is in pain.

121 **BERRY:** Or is in pain.

122 **RODRIGUES:** And then later, yeah, it becomes apparent that he got shot.

123 **BERRY:** They’ve got to caravan out of there, meet a Life Flight. Sometime after that – did he say when he
124 had this conversation with Sergeant Lieb?

125 **RODRIGUES:** No. And then I wasn’t really prying at that point.

126 **BERRY:** Yeah.

127 **RODRIGUES:** You know, he’s just, like, they figured it out after that from where they were sitting, it had
128 to have come from his gun. I guess there’s nobody in back or whatever, and then – and they don’t know
129 how it happened, and, you know, and–

130 **BERRY:** Did he mention what kind of firearm it was?

131 **RODRIGUES:** I think .22.

132 **BERRY:** .22.

133 **RODRIGUES:** .22 rifle.

134 **BERRY:** Any kind of specific model or anything?

135 **RODRIGUES:** Nah. I don’t know about guns. That’s, you know – I’m a policeman, but I don’t know
136 about guns and stuff.

137 **BERRY:** Did he say who was on the trip with him?

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138 **RODRIGUES:** Well, he mentioned – because I asked. I mean, who – you know, who was the guy. He
139 mentioned the name, but I didn't know him. He wasn't a former – the only two names I remember was
140 Buchtel and Lieb. You know, I know both of them.

141 **BERRY:** Yeah. They're both retired–

142 **RODRIGUES:** Yes.

143 **BERRY:** PPB, aren't they?

144 **RODRIGUES:** Yes. Yes.

145 **BERRY:** Okay. Okay. In your conversation with the chief, did he talk about talking to law enforcement out
146 there?

147 **RODRIGUES:** No.

148 **BERRY:** No? He didn't mention giving a statement or–

149 **RODRIGUES:** I don't want to play the whole I-don't-remember game or any of that–

150 **BERRY:** Yeah.

151 **RODRIGUES:** But you know, the thing is I don't recall that. Now I don't know if he said it, but I can tell
152 you that if that was brought up, again, and I'm not making excuses for my – for what I did – trust me. I can
153 own what I did or didn't do. That certainly would have gotten me in a different realm of – you know, from
154 a conversation, sharing something with me, to now more of an official type of, “Hey, okay – Oh, okay,”
155 you know.

156 **BERRY:** Yeah.

157 **RODRIGUES:** And that's just kind of how I operate. I can be very literal at times. When it's playtime, I
158 play, but when it's time to get down to business, I'm very straightforward and – so.

159 **BERRY:** Well, I guess to ask the question another way, were you aware that he was the subject of a
160 criminal investigation?

161 **RODRIGUES:** Absolutely not. No.

162 **BERRY:** Okay. Yeah. Well, so did you have a – in your contact with the chief, did you talk about next
163 steps like what was going to happen?

164 **RODRIGUES:** No.

165 **BERRY:** No.

166 **RODRIGUES:** It was just – he's sharing with me something that happened on his vacation, and I just –
167 you know, when he said that, Oh, yeah, the guy – I don't know his name – was released and okay, that to
168 me – I was, like, “Okay, what happened, you know.” He says, “Oh, it was good.” Apparently it was a
169 through wound or something, and he – I don't know if he was released that day or – but he was released.
170 He's fine and so – and my simple thought process, he was on vacation, he had an accident, yeah somebody
171 got shot, he's okay. That's all I had and that's – you know, I thought he was kind of sharing in – I thought
172 the chief was sharing something with me that really bothered him, and so I was respectful and mindful of
173 that, but–

174 **BERRY:** Yeah. It would be a difficult story to share.

175 **RODRIGUES:** I just think it would be embarrassing, and I did – like I said. I didn't even share it – I didn't
176 share it with anybody because as a matter of respect, and obviously I didn't think it was something that I
177 felt truly that, you know, this is IA or this is IPR. I didn't, you know, so.

178 **BERRY:** Yeah. Well, and you've been real clear. I just want to confirm my own understanding. Did you
179 have any kind of talk with him about what the AC of Investigations, Henderson, would do or anything like
180 that?

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181 **RODRIGUES:** I was not – no. I don't know anything about any ACs. We never discussed anybody else. It
182 was our conversation. I don't know who knows what or what and nothing. No.

183 **BERRY:** So – and you already told me that he didn't mention talking to the police, so I assume you didn't
184 talk about having contact with the Harney County Sherriff?

185 **RODRIGUES:** No.

186 **BERRY:** No?

187 **RODRIGUES:** No.

188 **BERRY:** Okay. So he shared that story, a difficult story, and you described it as him just kind of sharing a
189 personal story. It didn't occur to you, you indicated at the time, that it was anything more than kind of a
190 terrible accident that happened during vacation. Did you have any idea of what you were going to do with
191 that information after he shared it with you?

192 **RODRIGUES:** Nothing.

193 **BERRY:** Nothing.

194 **RODRIGUES:** To be honest with you, there was nothing that resonated with me. Now I think I'm pretty
195 good at my craft of investigations, and we have off-duty conduct, and it's very clear to me, you know – I'm
196 the big picture guy. I'm about transparency. I really am. I struggle internally sometimes with letting other
197 people get on board with transparency. This did not resonate with me. It just didn't. I mean, and, you know,
198 before I was gagged and everything, just people talking, it seems like everyone who knew some bit of this
199 story was, "Of course!" You know, from negligent wounding to – and it just did not resonate with me that
200 any steps further needed to be taken. And I want to say this for the record. And it doesn't matter to me it's
201 Chief O'DEA or if it's the most junior officer in this bureau. Those who know me here, my staff, including
202 IPR, knows that, you know, I'm about accountability and transparency, so what hurts me and it makes me –
203 it hurts me that the bureau is looking bad, my office is looking bad, and I'm looking bad because of this
204 whole hush-hush protection. It really bothers me, and obviously I had a role in that, but no. It doesn't
205 matter to me who the person is. It's all business when it's business, and I think my record is clear with –
206 some things I've been doing here like controverting recommendations that higher level people have been
207 made. So I just want to get that off my chest and real clear.

208 **BERRY:** Yeah.

209 **RODRIGUES:** So that's very, very–

210 **BERRY:** No. I appreciate you talking about that. And just to be clear, I want to pin down specific details.
211 In your contact with the chief, did he ever mention Independent Police Review?

212 **RODRIGUES:** No.

213 **BERRY:** No? Okay. So he shared the story with you and then how did that conversation end?

214 **RODRIGUES:** It was kind of awkward because I was – he was getting emotional, and I just tried to kind
215 of comfort him and say, "You know, over time things will be all right. I'm just glad he's okay," and shook
216 his hand, and that was the end of our meeting, and that was it.

217 **BERRY:** All right. And then – obviously, you received a CRO related to this case?

218 **RODRIGUES:** Yes.

219 **BERRY:** With the exception of getting the CRO, have you had any kind of conversation with other people
220 about your contact with the chief and what he told you?

221 **RODRIGUES:** No. No.

222 **BERRY:** No? Okay. Have you been interviewed for the DOJ or the OSP investigations?

223 **RODRIGUES:** Yes.

224 **BERRY:** Okay. Have you been interviewed by Harney County?

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225 **RODRIGUES:** No. I was conta–
226 **BERRY:** No? I think they handed it over–
227 **RODRIGUES:** Yeah. I was contacted on Monday by a Meyer. I don't know if it's a Detective Meyer,
228 someone from OSP.
229 **BERRY:** From OSP. Okay.
230 **RODRIGUES:** Yeah.
231 **BERRY:** Okay.
232 **RODRIGUES:** And basically asked me what happened.
233 **BERRY:** Okay. I believe that that is all the questions that I had hoped to ask you. I just hoped to talk to
234 you about your contact with the chief. Is there anything you'd like to add to our conversation?
235 **RODRIGUES:** No. I think I said it all already. Like I said, you know, I'm not – I don't – I was surprised
236 obviously when this hit the news. I was just surprised and a little taken aback that, you know, from what
237 was in the print that, you know, I was notified. I didn't know it was an official notification, and so it's – I
238 felt a little – I felt a little played, if you will. I felt a little – and, again, I like the chief. He's been respectful
239 to me. I've known him for a while, but, you know, semantics aside, yeah, sure. I was notified, but to me, a
240 notification is, "Hey, I need to tell you something that occurred, and you need to know this because this
241 may impact," – and so I felt a little betrayed. Again, it's just me, personally, and then I have a part in this
242 obviously. I didn't forward it like I should have, and it just didn't resonate with me. But, you know, hearing
243 that and, you know, and seeing that print and stuff is just like, you know, it's–
244 **BERRY:** Well, I appreciate you bringing that up, and it reminds me of something I did just want to
245 confirm. I think I – one more time, in the interview – when you left that conversation with the chief, it
246 doesn't sound like you were aware that he was the subject of a police investigation.
247 **RODRIGUES:** No. No, not at all. No.
248 **BERRY:** Okay.
249 **RODRIGUES:** I mean, let me say this. So I'm very well aware of the city code in which any allegations of
250 misconduct in Portland Police Bureau of the rank of captain or above is handled by IPR. That would have
251 been a five – less than a five-minute conversation with Constantin. I would call him. I would say, "Hey,
252 Constantin. There's a police report. This is what happened here. We'll liaison, and we'll get the reports and
253 give it to you all because you all would take it." It's not like I had to think about this. This is, like – this
254 process is set up that way so there is no conflict of interest or fear in conducting investigations of higher
255 ranking individual. So it's not like I had to – it's a nothing. It's okay. Great. Boom. We get it. We're done,
256 you know? And so–
257 **BERRY:** Well, now hey, I understand that you did eventually have some kind of conversation with
258 Constantin.
259 **RODRIGUES:** Constantin texted me – first of all, it was on a Friday afternoon, I think last week?
260 **BERRY:** Last week, I think.
261 **RODRIGUES:** I left work. I came in early. I left at 2:00. [REDACTED]. I'm driving
262 – I'm in Safeway. I get this text, "Constantin – Call me if you can." Anika called me. I'm, like, "What's
263 going on?" So Anika left me a message. She wasn't on. So Constantin asked me about this, and I said,
264 "Yeah." I said, "Well, this is what I know, Constantin," and apparently it was in the paper, and, you know,
265 I was not pleased when, you know, I was notified, and I asked Constantin – I said, "Hey, Constantin, based
266 on just this basic information that I had," I said, "Is that something that you guys are opening up in IA?"
267 I'm asking him. And he says, "Not necessarily in IA, but he says, "You know, for transparency, we would
268 look at it and just to see so that there's no potential violations of policy," and I told him – I said, "I have no
269 clue. I really," – based on my information that I had – take out, you know, what I just told you, you know,

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270 and I said – I told him too, “It just didn’t – that didn’t resonate with me,” and I said, “You know, hey,
271 Monday, what we’ll do is, you know, we’ll get the reports from Harney County, and we’ll get it to you,”
272 and–

273 **BERRY:** Yeah.

274 **RODRIGUES:** Yeah. And now that’s where we’re at now.

275 **BERRY:** Where we are now. Well, I sure appreciate you speaking with me today. Lieutenant Hurley,
276 you’ve been in on this conversation from the beginning. Is there anything you want to add or clarify?

277 **HURLEY:** Yes, I just have a couple questions, and it’s really just for clarification so that later nobody can
278 ask these questions–

279 **BERRY:** Yeah.

280 **HURLEY:** So when – did he tell you that he called the mayor?

281 **RODRIGUES:** No.

282 **HURLEY:** Okay. And did he say who else he had told to you?

283 **RODRIGUES:** No. It was a personal – what I thought was a personal conversation that he was sharing
284 with me. In fact, I wasn’t like going proud. I was, like, “This is pretty cool,” because we share some stuff,
285 you know, and I was, like – you know, and I felt bad for him, but no. To answer your question, nope. I
286 don’t know who else got talked to or – I wasn’t told.

287 **HURLEY:** Okay. And did he talk at all about whether they were drinking that day or if they had been–

288 **RODRIGUES:** No. Absolutely not. And, again, this is – so let me go back again. No excuses because I
289 don’t deal with excuses, but I don’t know about the hunting culture. I guess I’ve been reading, you know,
290 comments and what hunting kind of is, and people go out to the woods, and they shoot animals or
291 whatever, and alcohol is part of that. And I can see the bigger picture now, you know, is people – so I –
292 naïve as I was – again, no excuses. I don’t know about the hunting culture. I don’t know what happens.
293 That’s – I know about investigations. I think I’m pretty good at that, but no, that was never brought up, and
294 it was never in my mind to think – and since I’ve been here, what, 12-13 months, we haven’t had a case of
295 an accidental discharge or negligent discharge/hunting scenario, and I don’t know of any. You know, so it’s
296 not like this is something that commonly happens. It’s – at least in my realm of the world, I don’t – you
297 know, it’s not something that pops up all the time. When we have an off-duty incident, there’s a clear
298 nexus, right? An officer has contact with an outside agency. That officer will either contact their
299 supervisor, or we’ll find out. We will get contacted by the law enforcement agency. It’s very clear. Some
300 way, somehow we’ll find out. I don’t what was told to the Harney County. I didn’t even know, like I said,
301 that there was an interview, but we didn’t get notified. We didn’t get any police reports. We didn’t get
302 anything, so there’s always some connection that we find out, and this was – there was nothing brought our
303 way. There was nothing – so, you know, my level of alert was, I guess, not where it should have been. It
304 was just – it was a conversational piece.

305 **HURLEY:** As you know, being a supervisor for as long as you have, we do a lot of things when someone
306 comes and tells us something. We say, “We’ll document it in case it comes up later. Did he ever say that he
307 had written his own documentation or kept his own notes about what happened in case something came out
308 of this?”

309 **RODRIGUES:** No. And like I said earlier, you know, it’s – you know, there was no memo saying, “Hey,
310 IA. I just – I want to put it on your plate.” You know that happens, common, right.

311 **HURLEY:** Right. And sometimes we just keep our own notes, right? I mean, you and I have had that
312 conversation too–

313 **RODRIGUES:** Sure.

314 **HURLEY:** If it happens outside, fricken write it down so you’ll remember–

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315 **RODRIGUES:** Absolutely.
316 **HURLEY:** Three months from now when somebody says something. He didn't say anything about doing
317 that?
318 **RODRIGUES:** No. Not to me. No.
319 **HURLEY:** Okay. Did he promise you anything or tell you not to talk about it or do any kind of what
320 would be considered a cover up?
321 **RODRIGUES:** No. No. Not at all. Not at all. It was just, "This is what happened."
322 **HURLEY:** And did you talk to him about it again? So you have a standing Monday meeting--
323 **RODRIGUES:** Yep.
324 **HURLEY:** Did you talk to him about it the next meeting or have any further conversations about it?
325 **RODRIGUES:** No. And I guess I'll say for the record that, you know, I'm a thinker, and I do literally take
326 my job home with me at times. I really do. Certain things that happen here, and you know -- when I have to
327 controvert a memo or something that's unpopular, it bothers me, and it does keep me up at night. I never --
328 this was never on my radar. It never -- I -- like, "Oh, shoot! Maybe I should go talk to Erica or Greg --
329 Lieutenant, Sergeant." It didn't. It just didn't. And no excuses. That's just -- you know, it's just -- I just
330 wanted it out there. It just -- it never was brought up again. We never discussed it. I never shared it.
331 **BERRY:** Excellent. Yeah. That's everything I had. You can turn it off.
332 **HURLEY:** So it is 10:27.
333 **BERRY:** All right. Thank you very much.
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335 16b0014trs-RODRIGUES-IPR.doc
336 Transcribed 06/10/2016 @ 5:22 p.m. Elice Turnbull (0610et01)

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

7 **Interview Date:** 06/22/2016
8 **IPR #:** 16-B-0014
9 **IPR File Name:** 16b0014-rodriques
10 **Complainant:** Portland Police Bureau

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12 **Interviewed:** Derek Rodrigues
13

14 **HURLEY:** This is Lieutenant ERICA HURLEY. It is June 22, 2016, at 1140 hours. We are at the IPR
15 office. We are here with ERIC BERRY, DEREK RODRIGUES, MARK MAKLER, and DEIRDRE
16 PEREZ. The IPR number is 2016-B-0014. Captain RODRIGUES has been advised that his conduct and/or
17 the conduct of any other bureau member present on April 21, 2015 [sic] at 1638 hours at Harney County,
18 Oregon, is the subject of the investigation. Captain RODRIGUES has reviewed information necessary to be
19 reasonably apprised of the nature of the allegations and the complaint. Captain RODRIGUES has been
20 informed that he is an involved member in the case and that CONSTANTIN SEVERE is in charge of the
21 investigation. I have advised Captain RODRIGUES that he can have an attorney or an advocate present
22 during the interview, and MARK MAKLER is here in that capacity. Captain RODRIGUES, under the
23 authority of the mayor of Portland, I am ordering you to answer all of my questions fully and truthfully. If
24 you fail to respond fully and truthfully, you may be disciplined up to and including dismissal. Do you
25 understand?

26 **RODRIGUES:** Yes.

27 **BERRY:** Good morning, Captain RODRIGUES.

28 **RODRIGUES:** Morning.

29 **BERRY:** Thank you for coming in to talk to us today. I appreciate it. I just want to touch base briefly why
30 we're here. As you know, DEIRDRE and I are assigned 16-B-0014, the case involving the chief's negligent
31 discharges, and we initially interviewed you during the investigation as a witness member during the course
32 of the investigation, allegations were adjusted, and we have named you, as well as some other folks, as
33 other involved members. I hope to interview you today as an involved member and get your response to the
34 allegation that's in the report. I hope to confirm a couple of details from our previous interview, and then
35 I'll get you through the rest of this. Do you have any questions for me before we get started?

36 **RODRIGUES:** No.

37 **BERRY:** All right. Well, if you come up with anything along the way, please let me know, sir.

38 **RODRIGUES:** Okay, yes.

39 **BERRY:** All right. To touch base about that first interview, I just want to confirm I remember you told me
40 that you first learned about Chief O'DEA's shooting incident during a standing meeting you had with the
41 chief on April 25th, a Monday.

42 **RODRIGUES:** Yes.

43 **BERRY:** Okay. And just very briefly, the chief told you that his friend was shot while a group of friends
44 were in a line shooting at ground squirrels somewhere out in Eastern Oregon.

45 **RODRIGUES:** Yes. You know, basically, they were lined up and he went down and in pain, and it was
46 determined that he got shot or – they went to the hospital. Airlifted to hospital. Later during some time
47 again – as I said, I don't know what later is, how long it was –

48 **BERRY:** Yeah.

49 **RODRIGUES:** – they debriefed and determined that it had to have come from his weapon.

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50 **BERRY:** That's right. Okay. Well, and that's – they kind of anticipate the next question I was going to ask.
51 Chief said initially he didn't know what happened, but then following some contact he had with the retired
52 Sergeant LIEB, who told him that the shot came from the chief.
53 **RODRIGUES:** Yes.
54 **BERRY:** Okay. And I think you were clear about this the last time. Did the chief ever describe how it is
55 that his firearm actually went off –
56 **RODRIGUES:** No.
57 **BERRY:** – during your contact with him?
58 **RODRIGUES:** No. You know, he does not know if he was lifting it up, putting it down, but it kind of was
59 like by a process of elimination through this debrief that it had to have been him, you know, so –
60 **BERRY:** And I recall you saying that the chief was somewhat emotional as he relayed this – the story of
61 what happened?
62 **RODRIGUES:** Yes.
63 **BERRY:** Yeah.
64 **RODRIGUES:** Humbled, emotional. Just like he was, you know, he felt bad about it.
65 **BERRY:** All right. And just to confirm, after the chief described what happened, it doesn't sound like he
66 informed anyone else about the incident.
67 **RODRIGUES:** No.
68 **BERRY:** Okay. And just to confirm again, it doesn't appear that you took steps to open an administrative
69 investigation after?
70 **RODRIGUES:** Based on the information that was provided to me, no.
71 **BERRY:** Okay. Thank you. I appreciate you bearing with me through that. Looking through the transcript
72 of our last interview, I forgot to ask you a couple of things. Did the chief ever mention what kind of firearm
73 he shot his friend with?
74 **RODRIGUES:** I think it was – yeah, a .22 rifle.
75 **BERRY:** Okay. Anywhere in your talk with the chief, did he ever talk about drinking alcohol during this
76 incident?
77 **RODRIGUES:** No.
78 **BERRY:** No, okay. This is something we spoke about in the last interview, and I'll ask again because I just
79 want to make sure I understand what the chief told you.
80 **RODRIGUES:** Okay. Actually –
81 **BERRY:** Sure.
82 **MAKLER:** – can I just say quick just to clarify. You're talking about drinking alcohol at the time of the
83 incident?
84 **BERRY:** Thank you for clarifying. Yeah. Drinking alcohol during the incident.
85 **MAKLER:** Okay.
86 **BERRY:** Not during his lifetime or anything like that.
87 **MAKLER:** All right.
88 **BERRY:** Thank you.
89 **MAKLER:** Sorry.
90 **BERRY:** Oh, no problem. I appreciate that.
91 **RODRIGUES:** I never knew he even drank alcohol, so –
92 **BERRY:** Well that's what – yeah. You're not the first person to say that. To describe the chief as not a very
93 heavy drinker.

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94 **RODRIGUES:** I never knew he drank, and we never had discussions about social stuff like that.
95 **BERRY:** At any point while you were talking to the chief, did he mention talking to the police about the
96 incident?
97 **RODRIGUES:** No.
98 **BERRY:** No, okay. Did the chief ever give you any indication that the police with the Harney County
99 Sheriff's office were investigating the incident?
100 **RODRIGUES:** No.
101 **BERRY:** No. Did the chief ever talk to you about needing to tell the police that he had shot his friend?
102 **RODRIGUES:** No.
103 **BERRY:** Okay. Did the chief ever talk to you about the investigating officer deputy being on leave –
104 **RODRIGUES:** No.
105 **BERRY:** – or vacation? No, okay. Did the chief ever talk about anyone at PPB reaching out and contacting
106 Harney County Sheriff?
107 **RODRIGUES:** No.
108 **BERRY:** Okay. Did the chief ever talk about setting somebody up to act as a liaison with Harney County?
109 **RODRIGUES:** No.
110 **BERRY:** Did the chief ever talk about obtaining a copy of the police report about the incident?
111 **RODRIGUES:** No, and I never knew there was a police report existed.
112 **BERRY:** Thank you. Did the chief ever direct you to take any action regarding this incident?
113 **RODRIGUES:** No.
114 **BERRY:** Did the chief ever talk to you about whether or not there would be an administrative
115 investigation about the incident?
116 **RODRIGUES:** No. The whole tone of the conversation wasn't – this wasn't even a tone. You know, like I
117 said in my first interview, it was after our normal course of business. It wasn't in the begin – it wasn't – no.
118 **BERRY:** Okay. Well I kind of anticipated the question I was going to ask you, so following that contact
119 with the chief when he told you what happened, did you consider that to be a notification that he was the
120 subject of a criminal investigation?
121 **RODRIGUES:** No, not at all. It just didn't - you know, like I told you in my first interview, I share
122 everything with my lieutenant. Everything work related. Nothing. I didn't feel – and like I said in my first
123 interview, I literally lose sleep at night about work at times. This just didn't resonate with me, so –
124 **BERRY:** So if you didn't consider it to be a notification that he was the subject of a criminal investigation,
125 what did you consider that conversation to be?
126 **RODRIGUES:** Well, I wasn't even in the realm of thinking that he was the subject of a criminal
127 investigation because I didn't know there was police involved at all. It was never brought up. I didn't know
128 – I was never told that there was a report. I didn't know there was any police on scene. There was no nexus,
129 and again I'm not making excuses. There was just no nexus. You know, there's always a nexus between,
130 you know, what is off-duty behavior. Some kind of a nexus with a police report, notification made to us
131 that there's some connection. There was none.
132 **BERRY:** And I recall when we talked about this incident the last time that you kind of described your
133 actions and statements during that conversation, you kind of assumed an emotionally supportive role for
134 the chief?
135 **RODRIGUES:** Yes. What I didn't share with you the last time, and as time goes on, you know, things get
136 more vivid is that –
137 **BERRY:** Yeah.

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138 **RODRIGUES:** Get a break real quick?
139 **BERRY:** Sure.
140 **RODRIGUES:** Please?
141 **BERRY:** Sure. Absolutely.
142 **HURLEY:** He can go if you want to stay in here.
143 **BERRY:** Yeah, yeah. The time is approximately 5 to noon. Quitting recording. I'm recording again.
144 **RODRIGUES:** Okay.
145 **BERRY:** Okay. This is ERIC BERRY, approximately 1200 back on the air.
146 **RODRIGUES:** Yeah, yeah. Thanks for the break. So what I wanted to say is that what I didn't share last
147 time is that once we got this business over, and he started talking about this hunting accident, you know, he
148 became a little emotional. So – and then he knows that I'm going through a [REDACTED]
149 [REDACTED]. So to comfort him I tried to also talk about what I'm going through. And so at the end when we
150 were done, he shook my hand and hugged me, and [REDACTED]
151 [REDACTED]
152 [REDACTED]
153 **BERRY:** Thank you. Thank you for that. Thank you for that. So it sounds like a conversation where you
154 both discussed some pretty serious issues that had happened to you.
155 **RODRIGUES:** Yes.
156 **BERRY:** Yes. So following your contact with the chief, what did you consider your next steps to take
157 regarding the shooting incident?
158 **RODRIGUES:** None.
159 **BERRY:** None.
160 **RODRIGUES:** Like I said, I didn't share it. I thought it was quite embarrassing to be honest, and I didn't
161 think that was something that I should even share with ERICA – Lieutenant HURLEY – because I just
162 thought it was personal. It was an accident and his friend was fine. Got released from the hospital. It was all
163 good. And I guess I did a pretty good job of not telling anybody with that, I mean, you know, so –
164 **BERRY:** Well, and I feel like you've been clear, but I just want to confirm. Following that conversation,
165 did you notify anyone else in professional standards about the incident?
166 **RODRIGUES:** No.
167 **BERRY:** No. Okay. And can you tell me why you didn't notify anybody?
168 **RODRIGUES:** I think that's been the content of my conversation this entire interview from the first one
169 and this one. It just didn't resonate with me. It was – to how it was presented, when it was presented, the
170 way it was presented, the tone in which it was presented. What wasn't told to me. The police contact. Just
171 the entire tone of it. Like I told you in my first interview, it might have resonated with 100% of the people
172 in the bureau. It didn't with me and I own that. You know? It really is as simple as that.
173 **BERRY:** I just have a few questions about notification. After that, did you notify anyone at IPR about the
174 incident?
175 **RODRIGUES:** Nope. CONSTANTIN called me when it hit the media. The news. And then I said in my
176 first interview, it's nothing to think about. If there was a nexus to law enforcement or if I thought it was an
177 investigation, the code is very clear. Any misconduct with captains or above goes to IPR. It's a less than a
178 5-minute conversation on the phone. We liaison, we get them the reports and stuff that they need, and it's
179 simple.
180 **BERRY:** And following that conversation with the chief, did you have any contact with the AC of
181 Investigations, DONNA HENDERSON?

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182 **RODRIGUES:** No.

183 **BERRY:** No? Did you have any contact with anyone in the detectives division about the incident?

184 **RODRIGUES:** When it hit the media – I don't know what date it is when it hit the newspaper. I said in my
185 interview, I went to go to a doctor's appointment, so I went to the store, and the first person to tell me was
186 GEORGE BURKE called my phone, commander, and he was almost like kind of nudging me kind of like,
187 hey, you heard you were notified about a shooting, and I was, you know, I didn't have patience. I said,
188 GEORGE, you know, what are you talking about? He kept kind of nudging me again, well, it says right
189 here, and I basically told him – I told him, what the fuck are you talking about? I said I don't know what
190 you're talking about. He says, well, there's a news article that came out here, and he read me the quote that
191 I was notified, and I was not pleased. And I said what? So during that time, I guess ANIKA BENT-
192 ALBERT, Assistant Director, tried calling me, and then – and then I think CONSTANTIN tried calling me,
193 and then finally I told GEORGE, dude, I've got to go. So I left a message for ANIKA, and then I tried to
194 call CONSTANTIN. Then I texted them, then I got in contact with CONSTANTIN, and I guess he saw –
195 I'm assuming he saw the article. That's, you know –

196 **BERRY:** Um-hm.

197 **RODRIGUES:** And he asked me, did you know about this? And then, you know, like I said in my first
198 interview, I said – I said, yeah. I said apparently I was notified, and then I told him, I said, hey – I told him
199 based on the information, CONSTANTIN – so I kind of explained to him the minimal information I had. I
200 said is that really something we would open up an IA on where you guys would need to be notified, words
201 to that effect, and he said not necessarily that we would open up an administrative investigation, but we
202 want – we would like to see if there is any policy violations. So at that point, I was like, wow, I didn't
203 know that. It just – I told him, you know, I didn't know that. So I said, you know, Monday we'll get with
204 Harney County, and you know, I didn't know there was any reports or anything. But we'll liaison and get
205 you what you need, so –

206 **BERRY:** Yeah. So that call with BURKE came in at the same time that ANIKA and CONSTANTIN were
207 kind of –

208 **RODRIGUES:** Yeah. Just everybody read the article at the same time, I guess. Like I said, I had no clue.

209 **BERRY:** Yeah. And then people start calling. After you talked to the chief about the incident, did you ever
210 have any contact with anyone in the mayor's office? The mayor or the mayor's office?

211 **RODRIGUES:** No.

212 **BERRY:** No. In your time in law enforcement, have you yourself investigated shootings before?

213 **RODRIGUES:** You could clarify like on-duty police shootings or – ?

214 **BERRY:** I would say any kind of incident where a person gets shot with a firearm.

215 **RODRIGUES:** An on-duty, yes.

216 **BERRY:** Yeah.

217 **RODRIGUES:** On duty. I've never had –

218 **BERRY:** Either an officer shooting somebody or someone else shooting someone and the police
219 responding and investigating that shooting?

220 **RODRIGUES:** Yeah.

221 **BERRY:** Yeah. Yeah, I know. I know you've been at this a long time. Do you have any kind of sense at
222 how many shootings you've investigated? You don't have to give me a number if you're unable.

223 **RODRIGUES:** Portland's a lot.

224 **BERRY:** Yeah.

225 **RODRIGUES:** Well, when I was a lieutenant at north, I mean I don't know, 30-40 maybe.

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226 **BERRY:** Okay. And I won't hold that as a precise number. I understand that's an estimate. Well, are you
227 aware that police generally will respond and investigate any gunshot wound that turns up at a hospital?
228 **RODRIGUES:** Yes. Now that I have time to reflect on it, yes.
229 **BERRY:** My question would be chief has a friend who was shot – Yeah
230 **RODRIGUES:** Yeah.
231 **BERRY:** – with a gun. Did you have an expectation that police would investigate that?
232 **RODRIGUES:** No. Not during the context of that conversation. My mind as the chief of police is talking
233 to me in an emotional state, my mind is as a human being. My mind is not trying to dissect this is an
234 investigation. I think that is disrespect – it just wasn't where I was at. It wasn't where, hey ERIC, I've got to
235 notify you about something, okay? As I said in my interview, I'm a very literal person. When it's time to
236 work, we work. And that's been the relationship that I've had with Chief O'DEA. We get down to business.
237 And, you know, when it's not business, that's clear. So, no. To answer your question, no. I wasn't
238 dissecting. I wasn't going in my head trying to think – if I'm listening to somebody, would try and – so –
239 **BERRY:** And you know, part of what IPR is investigating is the circumstances that led to IPR not getting
240 notified about this the first time when the bureau folks learned about it. And an old saying is hindsight is
241 20/20 because it's true. I'm sure you reflected on stuff –
242 **RODRIGUES:** Sure.
243 **BERRY:** – after the fact. With the benefit of hindsight, are their actions that you might've done
244 differently?
245 **RODRIGUES:** Of course. I would have made that 5-minute phone call to CONSTANTIN, yes.
246 **BERRY:** Kind of a similar question. You're the captain of Professional Standards Division and had the
247 pleasure or duty of working a lot of administrative investigations. As you've reflected on this, the situation,
248 have you identified any policy issues or issues-related directives that might've contributed to this thing
249 getting delayed in investigation?
250 **RODRIGUES:** I'm not clear on your question.
251 **BERRY:** Well, just I mean I'm sure you've looked over directives and considered how the bureau
252 responds to different things. You identified any gap or shortcoming or problem area in the rules that relates
253 to this that might've contributed to this?
254 **MAKLER:** Can I ask a question?
255 **BERRY:** Of course.
256 **MAKLER:** Because I believe Captain RODRIGUES is under a communication restriction order that says
257 he's not supposed to talk or be involved in the investigation? Am I understanding you're asking him –
258 **BERRY:** Well, let me –
259 **MAKLER:** Are you asking in his capacity as the captain of professional standards did he look at it after
260 the fact or now that he knows and decided their some policy or look at whether there's a policy violation,
261 or are you saying – I'm kind of not – I'm trying to clarify the question.
262 **BERRY:** Yeah, yeah. Well and I appreciate the clarification. I consider Captain RODRIGUES TO be a
263 subject matter expert in administrative investigations.
264 **MAKLER:** Sure.
265 **BERRY:** Part of what I'm looking at is why IPR didn't get informed of this timely, and I hope to benefit
266 from Captain RODRIGUES' wisdom and experience in identifying any problem areas with policy. It's part
267 of what I –
268 **MAKLER:** As far as the notification piece or whether – or in general whether there was a policy – that's
269 what I'm trying to get –

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270 **BERRY:** Yeah, I ask it as general as possible because I think that's a good way to ask questions, and it
271 invites opportunity to comment generally on any policy problem area if you want.

272 **MAKLER:** So I'm clear for him, you're asking for his opinion.

273 **BERRY:** Absolutely.

274 **RODRIGUES:** Okay. So specific to this incident?

275 **BERRY:** Yeah, yeah.

276 **RODRIGUES:** Yeah. Maybe language giving a policy very clear whether negligent discharge of firearms
277 whether on or off duty, vacation capacity, whether you're on authorized leave or not. If that's what you're
278 asking, yeah.

279 **BERRY:** Yeah.

280 **RODRIGUES:** Yeah, yeah. I mean, yes.

281 **BERRY:** Okay. So a little more clear language in the directive that addresses the investigation procedures.

282 **RODRIGUES:** Yes, because again, not all of us – no excuse, right? Not all of us come from a hunting
283 culture. I certainly do not come from a hunting culture. I never – I don't go fishing much. I don't hang out
284 with bureau personnel. I know there's groups that go hunting, and I'm not part of that, okay? So let's be
285 very explicit in our policies and very clear so everybody knows – and I'm not making excuses. You asked
286 me a question about policies. It didn't resonate with me.

287 **BERRY:** Have you had any kind of contact with the chief about this incident since that first conversation
288 on the 25th?

289 **RODRIGUES:** No.

290 **BERRY:** No? Okay. During your contact with the chief, did he ever direct you not to investigate the
291 incident?

292 **RODRIGUES:** No, no.

293 **BERRY:** Did the chief ever direct you not to discuss the incident?

294 **RODRIGUES:** No.

295 **BERRY:** No. Now I've got to cover all my bases in this interview. Did the chief ever offer you any kind of
296 financial incentives or anything like that?

297 **RODRIGUES:** No.

298 **BERRY:** No.

299 **RODRIGUES:** [REDACTED]

300 [REDACTED]

301 [REDACTED]

302 [REDACTED]

303 [REDACTED] He didn't

304 offer me anything, benefit or anything, no. No.

305 **BERRY:** Excellent. Well, thank you for that. You know, one of the things that we're doing is giving
306 people an opportunity to respond to the allegation. As you know, it's an uncomfortable process being
307 investigated. I haven't ever met anyone who enjoys it.

308 **RODRIGUES:** Um-hm.

309 **BERRY:** I'm going to read you the allegation, and I'll ask you to respond.

310 **RODRIGUES:** Sure.

311 **BERRY:** The Portland Police Bureau Captain DEREK RODRIGUES, # [REDACTED] failed to initiate an
312 administrative investigation after being informed that Portland Police Bureau Chief LAWRENCE O'DEA,
313 # [REDACTED] was involved in an off-duty negligent discharge of a firearm, which resulted in injury. I wrote it as

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314 a procedure allegation, and it's written against directive 330 Internal Affairs Complaint Intake and
315 Processing. So hearing that allegation and considering it, how would you respond to that?
316 **RODRIGUES:** Based on this pure – yes, I failed to do that, yes. Based on this pure – obviously, there's a
317 lot more involved, but yes I failed to do that. Yes.
318 **BERRY:** And you've made yourself available today. Is there anything else you'd like to add?
319 **MAKLER:** The allegation – this is MARK MAKLER for the record.
320 **BERRY:** Yeah.
321 **MAKLER:** Mr. BERRY, the allegations here don't take into account the information that was disclosed
322 that you've asked about that he knew this. It's as he's pointed out, very generic. So you're not – this doesn't
323 say based on the information that he was aware of whether or not that cogently he had a basis to make a
324 report. This just is very – it's just a very black and white you were told there was a discharge of a firearm
325 and you didn't report it. And I believe it was characterized – correct me if I'm wrong, ERIC – as an
326 accidental. He said it was accidental not negligent.
327 **RODRIGUES:** Yes.
328 **BERRY:** Yeah. So I want to make sure I understand the point that you're making. Are you saying that the
329 allegation as it's written doesn't fully contain all the information or –
330 **MAKLER:** There were some assum –
331 **BERRY:** – what Captain RODRIGUES didn't know at the time.
332 **MAKLER:** Correct, and there are some assumptions that I want to be clear that he has indicated. He didn't
333 know that there was alcohol involved and the extent of the injury. He didn't know about the statements that
334 had been given, didn't know about Harney County Sheriff's Office they had him talk to you about, didn't
335 know that there was a criminal investigation or that the police had been called to the – actually I don't
336 know whether they were called to the incident. If I remember correctly from looking at the transcript from
337 the 25th, they'd said something about a caravan.
338 **BERRY:** Right, right.
339 **MAKLER:** They actually had to leave where they were to get him medic – to get medical aid or something
340 like that.
341 **BERRY:** Yeah.
342 **MAKLER:** That's not containment. The way this is structured just says there was a negligent discharge
343 and you didn't report it.
344 **BERRY:** Yeah.
345 **MAKLER:** It doesn't say these were the facts that you knew, and there was – and would you characterize
346 that as a negligent discharge, an accidental, which we could probably argue semantically are different –
347 accidental versus negligent, although an accident can be a negligence issue.
348 **BERRY:** Right.
349 **MAKLER:** So that's what I'm trying to clarify –
350 **BERRY:** Well, I appreciate you making that clarification. Typically, I write an allegation as a suggestion
351 that a member, an involved member, engaged in some kind of misconduct, and you're right that I don't
352 write them a page long so they contain all the information about the incident itself. It's a very brief
353 statement, an allegation.
354 **MAKLER:** So let me ask this question. Or let me clarify this based on what you just said.
355 **BERRY:** Yeah.
356 **MAKLER:** You said you write it as a member engaged in misconduct. That's – so, you're asking him did
357 you engage in misconduct effectively. Am I correct?

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358 **BERRY:** Well any allegation is an assertion that a particular directive wasn't followed.
359 **MAKLER:** I guess what I would like to clarify is at the time he's having the conversation, does he
360 perceive that the chief has engaged in something that's a policy violation that he has to report?
361 **BERRY:** Yeah.
362 **MAKLER:** Moving forward from that, because that's one piece of that.
363 **BERRY:** Um-hm.
364 **MAKLER:** All the hindsight information that comes to fruition, we can all sit back and do exactly what
365 you said, which is what I said to him, which is we can Monday morning quarterback this. Would you have
366 done it differently?
367 **BERRY:** Right.
368 **MAKLER:** Is knowing what you know now, do you think that you had an obligation and that you then
369 should have.
370 **BERRY:** Yeah. Well, I appreciate that clarification, and that's certainly one of the reasons I asked the
371 hindsight question is to – to let the investigation benefit from that information.
372 **RODRIGUES:** Thanks for clarifying that. You said it much more articulate than I could, but yeah. I just
373 want it to be clear I didn't knowingly, intentionally, or in any other malice go into this – first of all,
374 knowing it was a clear violation and not reporting it. I just want to make that extremely clear.
375 **BERRY:** Yeah.
376 **RODRIGUES:** After the fact, yes, of course, but just – thank you for clarifying that.
377 **BERRY:** Absolutely. Well, sir, that's all the questions I prepared. I wanted to give the other people present
378 at the interview an opportunity to contribute. DEIRDRE, is there anything you would like to ask?
379 **PEREZ:** What time was your meeting with Chief O'DEA on April 25th?
380 **RODRIGUES:** 11:00.
381 **PEREZ:** Did Chief O'DEA contact you before your meeting on April 25th?
382 **RODRIGUES:** No.
383 **PEREZ:** Okay. And how long did the meeting last?
384 **RODRIGUES:** Our normal business takes about an hour. Maybe a half-hour, 45 minutes.
385 **PEREZ:** Do you remember what was discussed before the chief told you that he had shot his friend?
386 **RODRIGUES:** Oh, what we discussed is just ongoing investigations, investigations of note, which what
387 would require like serious discipline or performance review board or internal criminals. I gave him an
388 update on a couple of pretty high profile cases we're having. That's what we do. We go over action items.
389 Just normal business, I guess normal for Internal Affairs.
390 **PEREZ:** And then after the normal Internal Affairs business was ended, the conversation shifted to kind of
391 a more personal conversation?
392 **RODRIGUES:** Yeah. That's when I said, okay, is that it chief? Was getting ready to leave, you know,
393 chief's busy, right? And he says, no, I've got to tell you something happened on my vacation. It was like
394 that. It was just not – sit down, I've got to tell you something, and you should be aware of this. And again,
395 like I said in my first interview, there's no memo, there's no emails, there's no follow-up, there's nothing.
396 And again, I'm not – go ahead.
397 **PEREZ:** Can you give me an approximation on how long the conversation about the shooting lasted?
398 **RODRIGUES:** 15 minutes maybe? Because, you know, that was intertwined with my discussion on, you
399 know, just kind of get – we'll just say coming down to his level. Yes, coming down to his emotional, sad
400 level of support. That's when I started talking about my thing, issues.
401 **MAKLER:** So in the event this becomes a public record –

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402 **BERRY:** Um-hm.
403 **MAKLER:** – I would appreciate it if you would redact anything related to [REDACTED].
404 **BERRY:** You'd have to talk to my director about that attorney to attorney. I'm certainly not a competent
405 attorney, so you can address those questions to Director SEVERE.
406 **MAKLER:** Just so you – just so it's there so I could –
407 **BERRY:** Yeah.
408 **PEREZ:** That's all I have.
409 **HURLEY:** Just a couple questions real fast. Did you – because Monday mornings usually you have the
410 meeting with all the AC's first, right?
411 **RODRIGUES:** Yes.
412 **HURLEY:** And then they have their executive meeting, and then you go back in at 11:00 for your one-on-
413 one, right?
414 **RODRIGUES:** Yes.
415 **HURLEY:** So did you sit in on the meeting before that? The meeting with all the AC's, were you in that
416 meeting?
417 **RODRIGUES:** I think we had the normal 8:00. Sometimes it's cancelled, but –
418 **HURLEY:** Okay.
419 **RODRIGUES:** – I think we had that meeting.
420 **HURLEY:** And nothing was mentioned in that meeting.
421 **RODRIGUES:** No.
422 **HURLEY:** Okay. And when he had the one-on-one with you and mentioned this, who else did he say that
423 he had told?
424 **RODRIGUES:** Nobody. He just told me.
425 **HURLEY:** Okay, he didn't –
426 **RODRIGUES:** No.
427 **HURLEY:** – talk about the mayor or the other assistant chiefs?
428 **RODRIGUES:** No.
429 **BERRY:** Excellent. That's all the questions I have, sir. Thanks for talking to us today.
430 **RODRIGUES:** Thank you.
431 **BERRY:** The time is approximately 12:22. Ceasing recording.
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434 Transcribed 06/30/16@ 9:55 p.m. Marcelle Ehrhart