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

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Interviewed: Charlie Hales

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BERRY: This is IPR Investigator ERIC BERRY. Today's date is Friday, June 3rd, 2016. The time is approximately – well, it's 10:07 now. I'm present at IPR conference room for an interview on my case 2016-B-0014. Also present in the room with are IPR Investigator DEIRDRE PEREZ and Mayor of Portland CHARLIE HALES. And Mayor HALES, are you aware that I'm recording our conversation?

HALES: Yes, I am.

BERRY: Outstanding. Thank you very much. Thanks for coming in today. So from the vantage of an IPR investigator, we know very little about how a mayor's office functions. So I wonder, can you begin by describing the bureaus that you're responsible for overseeing?

HALES: So I'm responsible for overseeing the Bureau of – the Police Bureau, the Office of Management and Finance, the Planning Bureau, the Office of Equity and Human Rights and the Portland Development Commission.

BERRY: Okay. And what are your responsibilities as that commissioner who oversees these?

HALES: In each case, it's first of all, appointing bureau directors; although in the PDC's case, that's not direct. That is, I appoint board members to the Portland Development Commission and they hire the director. In fact, we're in that process at the moment because Patrick Clinton is leaving the PDC and we're in the process of appointing a successor so I and one member of my staff, my liaison to the PDC, are engaged in supporting that process but that process is under way. In the other cases, it's direct appointment. I appoint the Planning Director, I appoint the Police Chief, I appoint the Director of the Office of Equity and Human Rights and I appoint the director of OMF; although, in that case it requires or at least – I'm not sure if it formally requires but is certainly in terms of folkways requires more collaboration with the rest of the council because I want to search the whole enterprise.

BERRY: That makes sense.

HALES: So there's some nuances to each of those appointments but hiring and firing bureau directors is one of the fundamental commissioner responsibilities and it applies to me as well as mayor. Then, for course, there's setting strategic direction for those bureaus and in that case, it is – it's more – that involves more day-to-day activity. Obviously, you're not appointing bureau directors all that often.

BERRY: That's true.

HALES: But the guidance in terms of we need to do more of this and less of that, I'm hearing this in the community, we need to respond to it, we're doing a strategic plan about equity in the Police Bureau or the future direction of the Portland Development Commission so at a strategic planning level, literally, you know, I roll up my sleeves and am immersed in more of the detailed guidance to the Bureau than in other facets of the work. So for example, the Portland Development Commission developed a new strategic plan. I sat in those meetings even though we had a committee working with the Board. You know, I really introduced some topics, we really need to think about medical science as a sector of our economy now that the Knight challenge has resulted in a five-year million dollar commitment getting matched by another one

CONFIDENTIAL TAPED STATEMENT

IPR #2016-B-0014
PPB/Mayor Charlie Hales

June 3, 2016
Page 2 of 17

51 and all of a sudden, we're in a new level. So, you know, I get to that level of detail, hey the Police Bureau
52 really needs to think about more walking beats, how can we with the workforce we have find more people
53 who can be on the street on Hawthorne rather than just rolling down the street on Hawthorne to deal with
54 the livability issues on the street. So although I don't exercise traditional managerial direction and control, I
55 want you to assign these three deputies – these three assistant chiefs to this work or those four officers to
56 foot patrol. No, I don't do that.

57 **BERRY:** Yeah.

58 **HALES:** But I do set direction for the Bureau in concert with someone who I've either appointed or who I
59 find perfectly acceptable who was appointed by a previous mayor. So for example, SUSAN ANDERSON,
60 the Planning Director, was appointed by a previous mayor, I'm perfectly content with her as a bureau
61 director. Never really seriously contemplated making a change there because I knew from the beginning
62 that she and I were similarly oriented in terms of the planning direction of the city –

63 **BERRY:** Right.

64 **HALES:** – whereas obviously in Chief O'DEA's case, Chief REESE retired two years under my term and I
65 appointed Chief O'DEA as the Chief of Police. So there's that – those are two of the big interfaces with the
66 bureaus and then of course another one, which was actually at full throttle at the time that this incident
67 occurred is developing the city's budget because that's one of the fundamental responsibilities of the mayor
68 in addition to assigning bureaus, leading the council and being the ceremonial head of city government and
69 then being a commissioner in charge of my portfolio of bureaus. It's also a charter responsibility that I
70 prepare the budget. And in late April, we were literally at the peak of that work and, you know, that's – that
71 I work directly with my own bureaus and all the rest and of course we're preparing the budget, so that ends
72 up being a very labor-intensive effort in my office where about three months of each year.

73 **BERRY:** I can only imagine.

74 **HALES:** Yeah. We are doing little else in the mayor's office.

75 **BERRY:** Oh, I hadn't considered the timeline but I suppose you're right. At the time that this was all kind
76 of developing, that was right mid –

77 **HALES:** We were two weeks away from voting on the budget.

78 **BERRY:** Oh, my gosh. Yeah. Well, I appreciate all that information and it's helpful to us to understand
79 that because as I say, it's a part of this building that we don't ever see.

80 **HALES:** Yeah.

81 **BERRY:** Specifically kind of turning to the Police Bureau, do you feel like you have any special roles or
82 responsibilities in your role as Commissioner of Police?

83 **HALES:** Oh, absolutely. First of all, there's just showing moral support for the work. Police work is very
84 difficult.

85 **BERRY:** Yeah.

86 **HALES:** Being the community's voice in the direction of the Bureau goes along with that so for example,
87 as I think CONSTANTIN or others will tell you, every time there's an officer-involved shooting, I'm at the
88 scene in the middle of the night. In fact, often when there's a gang incident and there's been a loss of life or
89 there's been serious mayhem, I'll go to the scene in the middle of the night. I have no operational
90 responsibility at that moment, but I'm there to show support for the work and concern for officers involved
91 and there's that sort of moral support element of leadership with any organization and it's a part of the job.
92 So for example, yesterday there was an awards ceremony that's an annual event where the Police Bureau
93 recognizes heroism or good management in the Bureau but also in the community so, you know, some
94 citizen who performed CPR on somebody on the sidewalk gets an award from the Police Bureau, and I was
95 there to participate in that ceremony. So that ceremonial stuff is not just photo opportunities. It's a way for

CONFIDENTIAL TAPED STATEMENT

IPR #2016-B-0014
PPB/Mayor Charlie Hales

June 3, 2016
Page 3 of 17

96 the commissioner in charge to show support for the work of the Bureau. There's certainly that piece of it. I
97 participate along with usually the auditor but sometimes one of the assistant auditors, deputy auditors, in
98 every swearing in ceremony for new police officers –

99 **BERRY:** Oh sure.

100 **HALES:** – because one, we need to recruit more and two, we want to welcome and encourage and begin to
101 acculturate the ones that we recruit so there's – you know, I would say there's a bit of – theater is the wrong
102 word – but there's a bit of state craft to leading the Police Bureau because on one hand, we've been making
103 some major changes in the Bureau and change is hard in any organization, particularly a public safety
104 organization like the Police Bureau and the Fire Bureau. And two, you know, I believe in the work they're
105 doing and I know how dire the situation is out there with particularly with respect to gang violence. It's
106 something that we've been particularly focused on because we've had the worst year in gang violence in a
107 very long time last year and we're equaling that pace so far this year.

108 **BERRY:** A lot of incidents last year. Yeah.

109 **HALES:** Yeah.

110 **BERRY:** True.

111 **HALES:** Yeah. We had 15 people killed and 73 wounded and over a thousand shots fired last year in gang
112 violence incidents, so that's a dismal new high-water mark for that problem. And so there's a need for the
113 Bureau under those kinds of pressures to feel that their commissioner or their mayor supports them.

114 **BERRY:** Got their back. Now, understanding that there likely may not be an average week, are you able to
115 describe kind of how often you have contact with the Police Chief?

116 **HALES:** Typically – unless there's a middle of the night incident, typically it's really only about every
117 other week.

118 **BERRY:** Okay.

119 **HALES:** And we have a meeting with the leadership team including the chief and the assistant chiefs.

120 **BERRY:** Is that a standing meeting?

121 **HALES:** Yeah, pretty much. Every other week, Monday afternoons.

122 **BERRY:** Okay. I like to start with broad questions. How would you describe your working relationship
123 with Chief O'DEA?

124 **HALES:** Excellent. I've known Chief O'DEA for a long time. I knew him even back when I was the City
125 Commissioner and had no responsibility for the Police Bureau and he was, I think, an officer or a sergeant
126 in East Precinct at that point. A particularly distinguished one, as you probably know. He's got a record of
127 personal heroism in the Bureau that's distinctive and there are pictures of a much younger LARRY O'DEA
128 and descriptions of those incidents up on the wall in East Precinct, so I knew of him. I knew particularly of
129 his commitment to equity in the Bureau and that he was a real voice for engaging the community and a true
130 believer in the idea of community policing so those were some of the reasons why I decided to appoint him
131 as chief after Chief REESE retired. So I have a very close working relationship with him. I think he's been
132 faithful to my direction and philosophy about where the city and the Police Bureau need to be going. He
133 also – as you can probably know him and spend some time with him doing this process, he might appear to
134 be – sounding a little flippant here – a sort of standard issue cop, you know, and then you hear him speak
135 and you realize this is a very thoughtful, erudite guy and so for example, when he presented to the Attorney
136 General when she was here a couple of months ago to praise our work in dealing with people with mental
137 illness, you know, his presentation was just stellar. You know, again, this is, you know, an Irish cop but
138 he's a lot more than that –

139 **BERRY:** Yeah.

CONFIDENTIAL TAPED STATEMENT

IPR #2016-B-0014
PPB/Mayor Charlie Hales

June 3, 2016
Page 4 of 17

140 **HALES:** – and so there have been many times since I appointed him as chief when I've been pleasantly
141 surprised to learn more dimensions of how good he is so instead of having buyer's remorse, I've had
142 whatever the opposite of that is since I asked him to serve as chief because he keeps showing more depth.

143 **BERRY:** Yeah. Well, stepping back before the incident that we're talking about, can you kind of describe
144 how those standing meetings progressed? Like what kind of things would you typically talk about or not
145 talk about?

146 **HALES:** Oh, it's – typically at those meetings we're talking about the gang violence issue and where we
147 stand. You know, literally we get reports at every staff meeting, not just every one of my own staff
148 meetings. TOM PEAVY and ANTOINETTE EDWARDS who run the Gang Violence Prevention effort
149 are at my staff meeting. They're reporting the statistics every Monday morning and usually we're looking at
150 what happened over the weekend because it tends to be more of that over the weekends than on
151 weeknights.

152 **BERRY:** Right.

153 **HALES:** And then usually that's a mandatory topic, if you will, on the agenda for when we meet with the
154 Bureau. Questions of how we're staffing and allocating the workforce because the Bureau's understaffed at
155 the moment by 64 positions, so it's a difficult juggling act to try to not stop doing this or not stop doing that
156 in order to maintain the number of officers needed to do the patrol function because that's a mandatory
157 service. You call 911, we can't say I'm sorry they're no police officers available so we always have to have
158 officers available to respond to 911 calls, and yet we also want officers to be riding horses through the
159 North Park blocks to prevent problems there or walking on Hawthorne to talk to the merchants there or
160 serving a school resource officer even when no crime is being committed at Wilson High School. You
161 know, those functions of the Police Bureau are really important to community policing but they've become
162 increasingly difficult to maintain in a short staffing environment. At those meetings, January to May, a lot
163 of the discussion is about the budget because the Police Bureau has both developed their proposed budget
164 in concert with me and my staff and then we're in discussions with the rest of the city council and having
165 hearings in the community on what those budgets should be and so well what are our options. If we're not
166 going to get this decision package, what do we do about that, so I don't remember the exact agendas of the
167 meetings at about the time that this incident occurred but certainly in terms of the rhythm of the work, there
168 is a lot of attention in March and April to budget issues. Usually checking in on the progress of the
169 Department of Justice settlement because they are periodic meetings with DOJ staff.

170 **BERRY:** It's a familiar topic.

171 **HALES:** Yeah. So you know all about that. That's – that is also typical. Those are probably the big threes
172 are the allocation of the work, the situation with gang violence, budget and DOJ. Those are probably the
173 big four in terms of what we typically cover in that hour and a half, every-other-week meeting.

174 **BERRY:** And is that a meeting that DEANNA WESSON-MITCHELL attends?

175 **HALES:** Yes. That's right. DEANNA's responsibilities are those more day-to-day how's the Bureau
176 proceeding with both their basic responsibilities and whatever agenda we have for doing things differently.

177 **BERRY:** You described WESSON-MITCHELL, she kind of oversees day-to-day monitoring of the
178 Bureau progress towards –

179 **HALES:** Right. And NICOLE GRANT who's her under –

180 **BERRY:** Oh sure.

181 **HALES:** – her deputy.

182 **BERRY:** All right. Well, other than NICOLE and DEANNA, are there other staff that you have that kind
183 of work mostly on police issues?

184 **HALES:** Oh, JOSH ALPERT. I mean, my chief of staff works on everything –

CONFIDENTIAL TAPED STATEMENT

IPR #2016-B-0014
PPB/Mayor Charlie Hales

June 3, 2016
Page 5 of 17

185 **BERRY:** With everything, right.

186 **HALES:** – and so when it comes to, you know, personnel matters or strategy or legal issues, you know, I
187 constantly, you know, get the counsel of JOSH.

188 **BERRY:** Well, and other than the chief attending those meetings, what other Bureau members do you have
189 regular contact with?

190 **HALES:** Typically the assistant chiefs, or at least most of them, are at that every-other-week meeting and
191 sometimes the financial – fiscal staff from the Bureau as well and then if we're working on some particular
192 issue, you know, there might be a captain or a lieutenant in charge of – you know, for example, we've been
193 – you know, we've been – we created a new Muslim Advisory Council and so the folks that were working
194 on that might have been there. So, you know, it's those kinds of specialties occasionally that are represented
195 around that table but primarily, it's the chief and the assistant chiefs.

196 **BERRY:** And do you ever receive any notification or kind of updates regarding ongoing administrative
197 investigations regarding police officers?

198 **HALES:** Not ongoing. And again, part of my approach to this crisis was I'm accustomed to that process
199 occurring and then a recommendation for discipline coming forward in the form of a letter, a proposed
200 discipline letter that has been vetted by the chief and, you know, IPR – it's gone through the IPR process
201 and it's there on my desk that this officer did this, here's what the investigation found, that's all detailed in
202 the letter, you know, here's the conclusion from IPR and the CRC, the proposed discipline is a two-week
203 suspension, if you agree with that, Mayor, sign this letter and that goes to the member for – you know, for
204 action. Hopefully acceptance and not a grieving process by the Bargaining Unit.

205 **BERRY:** Right.

206 **HALES:** So – and actually one of the things that's gone well in the last three years is that we have typically
207 not had – we've not been taken to arbitration for as many of those disciplines because we've imposed a
208 discipline matrix and it's working, so we are both terminating officers who need to be terminated because
209 their conduct issue was serious enough that it justified termination or we're making suspensions or – you
210 know, or other penalties stick –

211 **BERRY:** Right.

212 **HALES:** – at a much higher percentage that apparently was the case in the past, and that's not because the
213 Police Association has become a pussy cat. It's because, you know, we have actually consistent rules for
214 discipline and we've been consistently applying them. But what I see is the very end of that process,
215 literally on my desk, a letter that's been vetted and prepared and – which I actually read. And actually I have
216 a friend who's a local musician, Thomas Lauderdale, you probably know him, and he once toyed with the
217 idea of running for mayor and I said Thomas, if you want to be mayor, I'm going to give you three
218 documents and if you really like these three documents, you want to be mayor and one of them is the city
219 budget and the other is a contested case land use decision and the third one is a police discipline letter. And
220 if you like reading those three documents on a regular basis, then you'll love being mayor and you might
221 notice that there's been no further frothy talk about Thomas Lauderdale running for mayor because he was
222 recoiled at the prospect of ever having to read documents like that and realize that I was right and he's a
223 great musician but he'd be a lousy mayor so – but, you know, again, my point about that anecdote is I see
224 the letter. I'm not engaged in that process prior to the production of that report. Again, when we get to this
225 particular case, that's very much the way I approach this case is that, you know, I have this somewhat naïve,
226 old-fashioned belief that there ought to be investigation, accumulation of facts, the reaching of a conclusion
227 and the making of a decision in that order.

228 **BERRY:** And not the other way around?

CONFIDENTIAL TAPED STATEMENT

IPR #2016-B-0014
PPB/Mayor Charlie Hales

June 3, 2016
Page 6 of 17

229 **HALES:** Not scrambling it around. And of course in this case, it got scrambled around because the Harney
230 County Sheriff's Office started releasing things to the news media here, there and everywhere in what I
231 thought would be a confidential investigation, became quite the contrary. Oh well, that's where we are but
232 I'm accustomed to and habituated in a very thoughtful, careful, methodical process in which, you know, a
233 confidential professional investigation accumulates facts, evidence and makes a conclusion. That
234 conclusion is delivered to me as a proposed decision and I make a decision and, you know, I like that
235 methodical approach because it has a better chance of actually achieving justice than having somebody get
236 tried in the news media saying whether that's LARRY O'DEA, TODD WYATT or anyone else so that's
237 really how I approached this situation is, you know, okay – I assume you want me to recount what LARRY
238 told me when he called me but I can dive right into that if you want at this time but –

239 **BERRY:** Yeah.

240 **HALES:** – so, you know, I was in Europe with the Secretary of Transportation for a best practices trip,
241 flew back Saturday and Sunday and I believe the incident happened on Saturday but at any rate, he knew –
242 LARRY knew I was on an airplane and called me very early on Monday morning and told me this is what
243 happened, you know, that I was in Eastern Oregon shooting .22s with my friends. He didn't specifically
244 mention that he was hunting but he said shooting .22s with his friends and that there had been a terrible
245 incident in which a weapon had discharged. At first, they had thought that it might have been a self-
246 inflicted wound by the guy who was wounded whose name I still don't know. And then they later realized
247 that it had been LARRY's weapon that had discharged and that perhaps it had discharged because it had
248 fallen over but then again, there was a lot of fog of war in clarity about exactly how did this gun go off and
249 did this friend get wounded. But by the time LARRY called me and told me this, he knew that it had been
250 his gun that had wounded his friend and he, of course, was personally – took personal responsibility for
251 that. He wasn't claiming that this wasn't his fault. In fact, quite the contrary. In fact, much of our
252 conversation was about how distraught LARRY was and my concern for him as my employee and as the
253 chief of the Bureau that he was extremely distraught about hurting his friend and that he said his friend, you
254 know, bore him no malice for this because his friend knew it was an accident but nevertheless, he,
255 LARRY, felt terrible and was just unable to sleep and was, you know, pretty wrecked by the knowledge
256 that he had wounded his friend. And, of course, it was bad that he had wounded his friend but it could've
257 been much worse. This was a bullet and it could've gone elsewhere and it could've killed the man, so
258 LARRY knew that better than anyone would so he was even more – I think that heightened his sense of
259 guilt and remorse. So much of our conversation was person-to-person, boss-to-employee, mentor-to-
260 mentee about, you know, bad things happen to good people, LARRY, and, in fact, either in that
261 conversation or the next one, which was maybe that night, I told him the story about how I made a
262 navigation error on a backpacking trip once and my daughter had fallen and gotten hurt because we were
263 on a bad trail instead of on a good trail and that she was a dancer who was unable to dance for six months
264 because she was in pain for six months.

265 **BERRY:** Oh boy.

266 **HALES:** And that wounded me very much as a father and I knew that feeling that I believed LARRY was
267 having of being personally responsible for someone else's pain even though one might look at my situation
268 and say hey, you just made a trail mistake and you shouldn't beat yourself up about your daughter but I did,
269 and LARRY was clearly beating himself up about this friend because he's a conscientious guy and he had
270 wounded his friend and that that was fundamentally wrong to him. And so I was trying to give him as much
271 succor and good counsel as I could, person-to-person, boss-to-employee, you know, in that conversation.
272 Now, that doesn't mean that we never talked about the factual situation, so let me return to that because
273 that's pretty important to what you're doing. He told me in that conversation that there was an investigation

CONFIDENTIAL TAPED STATEMENT

IPR #2016-B-0014
PPB/Mayor Charlie Hales

June 3, 2016
Page 7 of 17

274 underway by the Harney County Sheriff's Office and I thought that was right and appropriate because this
275 was an incident involving a discharge of a gun and someone being wounded and is potentially criminal;
276 though obviously from his account, it sounded to me very much like an accident but nevertheless, those
277 things need to be investigated –

278 **BERRY:** Right.

279 **HALES** – because some people claim things are accident that aren't. I didn't believe LARRY had made any
280 false claims, but anyway, you see my point. Of course, it had to be investigated, and he also informed me
281 that he had informed the police command staff and Captain RODRIGUES who heads the Internal Affairs
282 Division in the Bureau so that an investigation here could begin.

283 **BERRY:** Did he talk specifically about a Bureau investigation beginning?

284 **HALES:** He said that he had contacted Captain RODRIGUES so that a Bureau investigation could begin,
285 correct.

286 **BERRY:** Okay.

287 **HALES:** So I knew that both, you know, an investigation on scene by the relevant authority –

288 **BERRY:** Yeah.

289 **HALES:** – Harney County at that point; although, obviously later, it was transferred to the state. That that
290 was underway and that the Portland investigation was also underway since he had contacted Captain
291 RODRIGUES. Now, what I didn't know then but learned over the course of the last couple weeks is that
292 apparently automatically if it's a captain or above, it moves from IAD to IPR.

293 **BERRY:** Right.

294 **HALES:** I've learned that over the last couple weeks but I didn't know that before now, but that doesn't
295 change very much my reaction to what Chief O'DEA told me and that I would've assumed – you know, if I
296 had known that then, I would've assumed that that would've meant that Captain RODRIGUES would've
297 contacted IPR and said this one's yours. But at any rate, I knew that the Internal Affairs investigation that's
298 appropriate for an officer's conduct even while off duty had been begun.

299 **BERRY:** Did you have any kind of sense when you talked to Chief O'DEA that he expected you to take
300 any action regarding the incident?

301 **HALES:** No. Because, again, I was satisfied that he – that Harney County was investigating the incident
302 and that IAD would be conducting its investigation.

303 **BERRY:** Yeah.

304 **HALES:** Again, not knowing that that actually should've been handed off – or maybe was, I don't know –
305 handed off to IPR at the time so – although, obviously I knew that LARRY had done something terribly
306 wrong at a human level, I believed his account that this was an accident and I had no reason to doubt his
307 veracity then or now that he told me that an investigation was underway in Harney County, which turned
308 out to be true, and that he had contacted Captain RODRIGUES to make sure that a local investigation was
309 started, which also was true. So again, I had no reason to independently verify what the chief had told me
310 and that I never had any experience with him being untruthful and none here either, and obviously he knew
311 this would be ultimately public. But again, back to my old-fashioned belief that investigations happen and
312 then the news media is informed, I expected this to be a very confidential process followed by action and
313 disclosure for reasons for that action.

314 **BERRY:** So you expected a confidential investigation and then some public comment –

315 **HALES:** Absolutely.

316 **BERRY** – or notice at the end of it?

317 **HALES:** Yeah. There's no such thing as privacy in our work.

318 **BERRY:** No.

CONFIDENTIAL TAPED STATEMENT

IPR #2016-B-0014
PPB/Mayor Charlie Hales

June 3, 2016
Page 8 of 17

319 **HALES:** But sometimes there is a sequestered process like when someone is being investigated, one
320 would hope that, you know, we just have to, you know, open every curtain, you know, and turn on every
321 microphone and then the Oregonian would be satisfied.

322 **BERRY:** Right.

323 **HALES:** But no, there's some things and particularly – and again, I may be – I've been in and out of city
324 government but I've been a boss lots of times and this is – this to me also was fundamentally an HR issue.
325 I'm this man's boss. I may have cause to terminate him because of this. I hope not because he's a good chief
326 and he's doing a good job but – so therefore once – and I've been in that situation before where an
327 employee was investigated for misconduct and I had to terminate him or her, and so it's very important to
328 be careful and confidential in how that process scrolls out. And both to protect the employee from
329 uninformed speculation or precipitant action and to protect the process from retaliation by that employee in
330 the courts later for having conducted a witch hunt and, you know, fired them for political reasons.

331 **BERRY:** Right.

332 **HALES:** So I was conscious immediately even though, again, most of my head was about this is my chief
333 and he's hurting. I was conscious that okay, this could lead to serious stuff once the investigation is done so
334 we got to make sure, you know, we think that through.

335 **BERRY:** Well, when you had that – after you had that first call with Chief O'DEA, who else did you
336 inform in your office about this incident?

337 **HALES:** So I informed two people and two only and that was JOSH ALPERT and SARA HOTTMAN
338 and I decided not to inform DEANNA WESSON-MITCHELL, even though I have great confidence in her
339 as my police liaison – so I'll go into that in more detail. First again, JOSH is my confidant in all things.
340 Before he was my Chief of Staff, he was my Director of Special Projects but I used to call him my
341 consigliere because he's the person that I've always turned to both in private life and in city hall as my, you
342 know, help-me-think-this-through person.

343 **BERRY:** Yeah.

344 **HALES:** He's also an attorney, though he's not practicing as one so, you know, he has a good sense of the
345 law. And so of course, I needed to let JOSH know and I needed to let SARA know only as a contingency
346 which is this is a confidential investigation, I don't think you're going to hear anything about this but if you
347 do hear anything about this, this is what I know happened and talk to me. So I had a much briefer
348 conversation with SARA to just let her know, hey, just FYI, keep this confidential, this happened, there's
349 an investigation underway, at some point we'll hear, because you don't want your communications person
350 to be surprised by reporters saying did you know that --

351 **BERRY:** Right.

352 **HALES:** You know, so that's all she needed to know and I thought about including DEANNA in that but
353 she didn't really need to know. It was a need-to-know basis question, who needed to know, and maybe I
354 didn't call that correctly but – and I think if I had to do it over again, I probably would've included
355 DEANNA in that small group of people that were informed about the confidential investigation but, again,
356 she is – the Bureau liaison position in a commissioner's office, of necessity has a foot on both logs. They
357 are in the commander's office or the commissioner's office but they're also of the Bureau so they are sort of
358 – they're an interface and therefore they have to have lots of friends, relationships and contacts inside the
359 Bureau and be able to push the Bureau in the direction that the commissioner wants to go, whether that's
360 CAMILLE TRUMMER with the Planning Bureau or JILLIAN DETWEILER with the PDC or DEANNA
361 with the Police Bureau and so I – and again, in my mind, I thought I don't really want to put DEANNA in
362 the position of knowing this until later in the investigation because she has to work with the chief and all
363 the rest of those folks every day and I didn't really want her to have to carry this around.

CONFIDENTIAL TAPED STATEMENT

IPR #2016-B-0014
PPB/Mayor Charlie Hales

June 3, 2016
Page 9 of 17

364 **BERRY:** Did you have an expectation or an understanding that she would be informed at some point?
365 **HALES:** Of course. Of course, yeah.
366 **BERRY:** And is that fair to say that kind of at the end of the process that you described earlier you getting
367 the letter –
368 **HALES:** Well, again, thinking back again the habit and the practice we have, that proposed discipline
369 letter comes to DEANNA before it comes to me so I get a cover memo on each of those discipline letters
370 from DEANNA at the penultimate stage of process. It's been through IAD, it's been through IPR, then it's
371 to DEANNA'S desk to say here's the recommendation in this case is a two-week suspension, I've looked at
372 this, Mayor and I agree with that recommendation and I think you should sign this letter or I don't agree
373 with that recommendation, the officer should've gotten stronger discipline than this, you know. And so
374 again, this is an anomalous situation obviously, it's the police chief, it's – you know, it's not the same
375 situation as a typical discipline, some major or minor problem with the rank-in-file officer that's come up
376 through the process and through the chain of command, so this one, you know, is very peculiar. But even
377 so, I had the expectation that there would be a confidential investigation that would produce a draft finding
378 and that that finding would come through DEANNA to me at the appropriate point.
379 **BERRY:** At the end of it?
380 **HALES:** Yeah.
381 **BERRY:** Yeah.
382 **HALES:** Obviously, again, that hope that it would be confidential and appropriate has been somewhat
383 undermined.
384 **BERRY:** Well, to step back to kind of your early contacts with Chief O'DEA as he described the incident
385 to you. In those first contacts, do you remember, did he ever talk about himself or anyone else drinking
386 alcohol while this was going on?
387 **HALES:** Not at all.
388 **BERRY:** Okay.
389 **HALES:** And I've been around Chief O'DEA enough socially to know that – I think I've seen him have a
390 drink twice, once a glass of wine at my house because we have a Christmas time reception for the Bureau
391 directors and two, once at a retreat I think I saw him have one drink but I've never seen him have two, and
392 so, no there was no mention of alcohol in his conversation with me.
393 **BERRY:** Was there a point in your contact with the chief that he did mention alcohol being there or not
394 being there?
395 **HALES:** Yeah. He later said after the report was leaked from Harney County that he wanted me to know
396 that he had not consumed alcohol.
397 **BERRY:** Okay. Well, and I understand that things were moving pretty fast. You might not be able to
398 describe this. Do you have a sense of how many contacts you had with the chief about this matter?
399 **HALES:** Oh, I think a total of three.
400 **BERRY:** Three?
401 **HALES:** Yeah. All phone conversations.
402 **BERRY:** Okay.
403 **HALES:** Yeah.
404 **BERRY:** So you talked about the one call Monday morning and I think you mentioned –
405 **HALES:** I think – yeah. I think it was Monday night that I called him back, just really just to check up on
406 him.
407 **BERRY:** Okay.

CONFIDENTIAL TAPED STATEMENT

IPR #2016-B-0014
PPB/Mayor Charlie Hales

June 3, 2016
Page 10 of 17

408 **HALES:** And then later, you know, after the Harney County report came out that he allegedly had alcohol
409 on his breath, he called me and said Mayor, aside from everything else, you just need to know that's not
410 true.

411 **BERRY:** Okay. Believe or not, we're making good progress in this. So I think you've been very clear. I just
412 want to confirm. I wrote it down as a question. It sounds like your understanding is – or understanding or
413 expectation is that there would be an investigation in the matter. You've been open about that.

414 **HALES:** Absolutely.

415 **BERRY:** And in terms of how you came to that understanding, is that based on your previous experience
416 with officer-involved investigations?

417 **HALES:** Yeah.

418 **BERRY:** Yeah.

419 **HALES:** Again, it's certainly not my first rodeo in the sense of seeing investigation of officer conduct
420 having a process that vets discipline or follow-up to that. Of course, the very anomalous situation here was
421 that it was the chief and he's my direct report.

422 **BERRY:** Yeah.

423 **HALES:** Rather than having it be an officer or sergeant or somebody further down in the Bureau.

424 **BERRY:** Well, and you mentioned in that first conversation you had with him, he mentioned talking to
425 Captain RODRIGUES and that there was going to be an IA investigation.

426 **HALES:** Yeah.

427 **BERRY:** Do you remember in this process, did you have any conversation with Chief O'DEA about IPR
428 getting notified?

429 **HALES:** No. I mean, again, I – that was a failure of detailed knowledge on my part in that I didn't know
430 that – I assumed that once Captain RODRIGUES was contacted, that the machinery of IAD/IPR was – you
431 know, was started and apparently that hasn't been as clean a start as it should've been.

432 **BERRY:** Yeah.

433 **HALES:** But my understanding is as soon as there is an incident and it's reported to IAD, if IAD and IPR
434 are, you know, connected and that all – that whole machinery is thereby activated.

435 **BERRY:** And you talked about the level of detail. That's just the not being aware that IPR does the captain
436 and up investigations?

437 **HALES:** Yes. I've learned that since this all started but did not know that detail before.

438 **BERRY:** All right. Well, and you've talked about in terms of the incident becoming public, we've talked a
439 lot about a typical or a proper kind of chronology of events. It should be a confidential investigation
440 followed by public awareness once all the facts are accumulated.

441 **HALES:** Right. Exactly.

442 **BERRY:** Other than the city conducting an investigation regarding the chief's conduct, did you have an
443 expectation the city was going to do anything else about this?

444 **HALES:** I don't understand your question. I'm sorry.

445 **BERRY:** Well, other than investigating the matter, did you expect that the city would take any other action
446 related to –

447 **HALES:** The city, meaning?

448 **BERRY:** The city. Another witness confused this. I used this – when I speak, I use the term city to kind of
449 represent city government.

450 **HALES:** Yeah.

451 **BERRY:** Perhaps it's too broad of a term as someone who oversees every facet of the city.

CONFIDENTIAL TAPED STATEMENT

IPR #2016-B-0014
PPB/Mayor Charlie Hales

June 3, 2016
Page 11 of 17

452 **HALES:** Well, again, as I mentioned, I expected from the beginning that as the boss of an at-will employee
453 that this incident could have HR impact and might effect, my retention of LARRY O'DEA as police chief
454 but I did not jump to any conclusion, as a good boss I would think should not that either he was fine, this
455 wouldn't matter, he could be chief for as long as he wanted or as long as I wanted, or that this meant
456 LARRY would have to be terminated. I've fired Bureau directors before and, you know, it's not something
457 you do casually and – but I knew from the beginning that this could have HR impact so therefore the other
458 process, if you will, that was underway was me as a boss knowing that I would need to evaluate whether
459 this employee could continue in city service or not because he's an at-will employee. He's not a civil service
460 employee. He's an at-will employee. I can call in my Bureau directors any morning of the week and say
461 you're fired and they're fired. I wouldn't do that –

462 **BERRY:** No.

463 **HALES:** – but let's agree you can do that. And so I knew that process or that evaluation was pending but it
464 was also pending facts and conclusions and later conversation, you know, that at some point I will have
465 that conversation with LARRY as my employee of either based on what I've learned, you know, you can
466 return to service as Police Chief or based on what I've learned, you can't and in a more – what I would
467 regard as a more normal HR process and disciplinary process. The fact-finding and evaluation would've
468 been done more privately than it's been in this case.

469 **BERRY:** And can we talk a little bit about your decision to not initially place the chief on administrative
470 leave?

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

478 **BERRY:** Something between the two poles?

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

489 **BERRY:** And will you talk a little bit about what led you to change that conclusion and place him on the
490 leave?

491 **HALES:** Oh, once there were press accounts that purported to exhibit variances between what LARRY
492 had told me and what others like the Harney County Sheriff's deputy had – or what LARRY had told me
493 and had not told me. So, for example, he had not told me anything about alcohol and yet the sheriff's
494 deputy out in the wind in Eastern Oregon somehow smelled alcohol on everyone's breath. I question that –

495 **BERRY:** Yeah.

CONFIDENTIAL TAPED STATEMENT

IPR #2016-B-0014
PPB/Mayor Charlie Hales

June 3, 2016
Page 12 of 17

496 **HALES:** – but nevertheless, it was reported and so once there was that gap between what LARRY had told
497 me and what was being reported in the press, then his ability to be credible as chief was undermined, justly
498 or unjustly. You know, in this business, you either have to have moral authority to lead, not just formal
499 authority and his moral authority to lead the Bureau was undermined by accounts that claimed that he lied
500 or misrepresented what happened at that incident. Again, I'm awaiting for the reports to find out whether
501 that's the case or not but it was already alleged in the news media that this – that there was this variance and
502 that puts him in an untenable position meeting the moral authority to lead the Bureau. You know, no, he
503 hasn't committed a crime or he hasn't been accused of committing a crime but that's not good enough. You
504 also have to have the moral authority to lead the organi- the Bureau and that's true in any bureau but
505 particularly the Police Bureau and so that meant that he needed to go on leave until this was resolved.

506 **BERRY:** Yeah. So you talked about and I understood you to say, once there are kind of varying accounts
507 of what happened and the media, you felt his credibility was undermined or ability to do the job while this
508 matter was being investigated.

509 **HALES:** Mm-hm.

510 **BERRY:** Other than taking a step to place him on admin leave, did this matter becoming public change
511 your approach or response in other ways?

512 **HALES:** I don't think so. I mean, I'm still awaiting receipt of the state's report and yours.

513 **BERRY:** Right.

514 **HALES:** LARRY is the Chief of Police but he's on leave. There's an acting Chief of Police, DONNA
515 HENDERSON, who's running the Bureau so the work goes on. He's on leave. I'm waiting for what a boss
516 needs to make a decision about an employee, so I wouldn't say anything – I mean, if that answers your
517 question.

518 **BERRY:** Yeah.

519 **HALES:** That's – none of that has changed.

520 **BERRY:** And do you remember when in this process DEANNA was notified?

521 **HALES:** Not precisely when DEANNA was –

522 **BERRY:** Kind of at some point?

523 **HALES:** Yeah.

524 **BERRY:** I know, it's pretty fast evolving.

525 **HALES:** Yeah. And again, if I could go back and do everything over again, I probably would've informed
526 DEANNA the first day rather than have her be informed later. So, you know, I would downgrade my
527 performance on that basis in this incident. However, I would – you know, the other side of that argument is,
528 some other people who are at-will employees are commissioner staff and it is absolutely my decision about
529 what their scope of responsibility is and I can change that day to day, so I can decide that DEANNA only
530 cares about police uniforms tomorrow morning because I don't think I have confidence in her to do
531 anything else. I'm being extreme here, but my point is – that is not at all the case.

532 **BERRY:** Yeah.

533 **HALES:** I have great confidence in DEANNA. But it is absolutely my discretion about what my staff does
534 because these are not civil service positions. They are at-will positions as well. Some of them are overtly
535 political and so my Chief of Staff really needs to be informed in all things. Whether other staff is informed
536 or not is at my discretion. They have no – in other words, they have no formal responsibility. They only
537 have responsibilities as assigned.

538 **BERRY:** Responsibilities as assigned by –

539 **HALES:** By me.

540 **BERRY:** – by yourself. Yeah.

CONFIDENTIAL TAPED STATEMENT

IPR #2016-B-0014
PPB/Mayor Charlie Hales

June 3, 2016
Page 13 of 17

541 **HALES:** So – or by my Chief of Staff who has that delegated authority. So again, I'm overplaying that a
542 little bit but my point is, if I had to do it over again, I would've told DEANNA earlier because I have
543 confidence in her and she gives me good counsel and she also understands the discipline process better
544 than I do and would've probably avoided some of the turmoil that we've had in the process between IAD
545 and IPR if she had known, you know, where things stood and had the ability to go be checking on them, so
546 I think that was an error on my part to not have included her earlier but I was trying to make sure to – my
547 fundamental instinct was to protect the integrity of the investigation and, you know, I'm always quoting
548 Benjamin Franklin's quote which is that three people can keep a secret if two of them are dead.

549 **BERRY:** I've heard that before.

550 **HALES:** And, you know, we were already over that threshold so the more people – it's been my experience
551 in 30 years of public life, one way or another, that it's very, very hard to keep anything secret in this
552 building. We can measure usually in minutes, if not seconds, how long it takes from when we disclose
553 something on the second floor to when we get the call from a reporter. So knowing that this building is a
554 sieve and that the Police Bureau also is both a high school and a sieve, to put it a little harshly, that once
555 things are known to three or four people in the Police Bureau, they're known to a thousand and LARRY
556 had both the necessity and the requirement to inform certain people in the Police Bureau, DEREK
557 RODRIGUES most of all. But I did not want to, again, undermine the integrity of the investigation by
558 having gossip or, you know, leakage about what was being investigated.

559 **BERRY:** Yeah.

560 **HALES:** Ultimately, that obviously didn't work, but I was hoping that the investigation could proceed
561 confidentially to the point where it delivered completions.

562 **BERRY:** Well, and my last question about notifications, do you know when PETE SIMPSON was
563 informed of the incident?

564 **HALES:** No. I don't think I do know that.

565 **BERRY:** All right. Well, and you mentioned earlier, it sounds like you've spoken to DOJ or the Oregon
566 State Police about this?

567 **HALES:** I haven't.

568 **BERRY:** Oh okay. I misunderstood you earlier. I thought that you had. Okay.

569 **HALES:** No. I think maybe JOSH has but I'm not sure. I have not talked to DOJ or –

570 **BERRY:** All right.

571 **HALES:** Oh, I'm sorry. No wait. You're talking about the state DOJ?

572 **BERRY:** Oh, sorry, sorry. There's too many DOJ's. No. Thank you for clarifying.

573 **HALES:** Yeah. Ultimately, I will need to talk to the police DOJ about whatever I end up doing about the
574 chief because we're under an agreement with the Department of Justice. No. I was interviewed by a state
575 DOJ investigator after the investigation was handed off from Harney County to the state.

576 **BERRY:** Excellent. Thank you for clarifying that. Correcting my mistake. Have you had any contact with
577 anyone out at Harney County about this?

578 **HALES:** I have not.

579 **BERRY:** Okay.

580 **HALES:** I plan to at some point. Again, before I make my HR decision –

581 **BERRY:** Yeah.

582 **HALES:** – after I read the report. Well, I won't say I plan to. I might well because once I read the reports –
583 because all I know about Harney County's investigation is what's been reported by the news media that they
584 disclosed to the news media. I don't know what they haven't disclosed to the news media. I believe the

CONFIDENTIAL TAPED STATEMENT

IPR #2016-B-0014
PPB/Mayor Charlie Hales

June 3, 2016
Page 14 of 17

585 officer was wearing a body camera. I haven't seen any of the footage from that body camera. I might want
586 to request that. So again, they doled out some portions of their findings to the press, which I obviously
587 disagree with but they chose to do that. They didn't call me either. And actually if I were going to disclose
588 any such thing about a Harney County employee in my jurisdiction, I would pick up the phone and call the
589 Harney County Board and the sheriff if it was a sheriff's deputy but I didn't get that courtesy.

590 **BERRY:** How would you describe your working relationship with that side of the street, with IA and kind
591 of Professional Standards Division as a whole?

592 **HALES:** Remote.

593 **BERRY:** Remote.

594 **HALES:** I mean I know that Captain RODRIGUES runs that part of the Bureau. I get the – as I said, I get
595 lofted up to me in that particular form, the proposed discipline letters, but I have no day-to-day engagement
596 with that process nor do I think I should.

597 **BERRY:** Well, I appreciate you clarifying that. As I say, this is stuff that we're very ignorant of over here.

598 **HALES:** Yeah. I mean, I think a lot of people might look at a commissioner in charge and say oh, they
599 should – you know, they should be really immersed in the day-to-day operation of the Bureau. Well, if
600 you're doing a comprehensive plan for a city of 850,000 people, because that's what we'll be when this
601 comprehensive plan is implemented.

602 **BERRY:** Right.

603 **HALES:** If you're developing a \$4.5 billion budget, you know, and you're carrying out the other
604 responsibilities of this office, if you're getting down to that level of detail, you're neglecting other big
605 things.

606 **BERRY:** Chances are pretty good to overlook some harder issues.

607 **HALES:** In your 80-hour work week, you're neglecting other things. If I was involved in discipline cases
608 personally, it would be like being involved in permitting decisions on individual properties personally. You
609 know, that would be both inappropriate and bad time management for me to be involved in saying get that
610 guy's permit out the door faster or how's it coming on that discipline case, DEREK. Ugh, bad government
611 in both cases.

612 **BERRY:** Not an approach you want to take yourself.

613 **HALES:** Yeah. Yeah. Not ethical. Not good time management.

614 **BERRY:** Have you – as this incident has unfolded, have you had any direct contact with anyone at IA
615 about this incident?

616 **HALES:** No.

617 **BERRY:** No. All right. So we've talked a little bit – and you mentioned having three phone conversations
618 with the chief, two that first day and then one some other point.

619 **HALES:** Yeah.

620 **BERRY:** Do you remember at any point, did the chief ever describe or give you a status report on how his
621 investigation was going?

622 **HALES:** Just that it was.

623 **BERRY:** Okay.

624 **HALES:** No. I don't think he – he did not give me any kind of blow-by-blow or progress report on how
625 that was going and I wouldn't have expected that. Again, I knew he was being investigated by independent
626 third parties.

627 **BERRY:** Yeah.

628 **HALES:** And so I wouldn't have expected him to actually be able to report that to me.

CONFIDENTIAL TAPED STATEMENT

IPR #2016-B-0014
PPB/Mayor Charlie Hales

June 3, 2016
Page 15 of 17

629 **BERRY:** I think I can understand that. So I'm going to have to parse this carefully. Okay. Well, so you
630 described Chief O'DEA telling you an investigation was going to be initiated, a Portland investigation.
631 **HALES:** Yeah.
632 **BERRY:** Putting that to the side, when did you actually learn that IPR was investigating this?
633 **HALES:** When chronologically? Probably last week.
634 **BERRY:** Okay.
635 **HALES:** Maybe it was before that because I'm going to be confused about whether it was the state or IPR
636 but it might have been the week before last. Sorry.
637 **BERRY:** No. I know how that goes.
638 **HALES:** Yeah.
639 **BERRY:** Well, so this is kind of a feelings question. You were informed initially that an investigation was
640 started. It wasn't. It was delayed by some matter of weeks. How did you feel when you found out that we
641 hadn't actually been investigating this?
642 **HALES:** Very concerned.
643 **BERRY:** Okay.
644 **HALES:** Yeah. No. I have assumed from the beginning that the machinery was started and that all the
645 proper work was being done.
646 **PEREZ:** Did you have an expected timeline of the completion of the investigation?
647 **HALES:** In a word, no, and that again, my experience is that these processes take quite a while. You know,
648 I know we've been under pressure by DOJ to disprove –
649 **BERRY:** Be the –
650 **HALES:** – the timeline so I can say no. You know, I know that 120-day number so something in that
651 neighborhood.
652 **PEREZ:** Okay.
653 **HALES:** Yeah. Something like that would be normal that if it took 120 days, that would seem to me about
654 right. If it took a year, that would seem way too long and if it took a week, that would be crazy fast and
655 probably sloppy. So, you know, it's the Goldilocks test there that, you know, it seems to me that if it took
656 three or four months, that that was about right.
657 **BERRY:** As this thing has unfolded, have you had any contact with any assistant chiefs about the
658 investigation?
659 **HALES:** Not at all.
660 **BERRY:** Okay.
661 **HALES:** Have contact with assistant chiefs about lots of other things but not at all about the investigation
662 nor should I, in my opinion.
663 **BERRY:** All right.
664 **HALES:** Again my – perhaps my posture is too aloof like once this investigation is underway, I'm this
665 man's boss. I should let it go untampered with, if that's a word.
666 **BERRY:** Right.
667 **HALES:** I should not in any way tamper or try to influence the investigation. If one of the investigators
668 like you wants to interview me, I'm available and will tell you everything I know just as I did with the state
669 investigator and I would've done the same thing for Harney County if they called but they didn't. So, you
670 know – but I shouldn't be having conversations with Bureau members about the investigation and I haven't.
671 **BERRY:** Well, how knowledgeable would you say you are kind of about PPB directives and policies and
672 procedures?

CONFIDENTIAL TAPED STATEMENT

IPR #2016-B-0014
PPB/Mayor Charlie Hales

June 3, 2016
Page 16 of 17

673 **HALES:** At a high-level, general sense, yes. At a detailed level, no. For example, I know we have
674 recalibrated our rules about the use of the force. I know we have changed our training about how we deal
675 with mental health incidents and are focusing on de-escalation. I've witnessed some of that training out at
676 the training center.

677 **BERRY:** Yeah.

678 **HALES:** So I understand the general direction of those policies and the policy – and the development of
679 those policies but I have no knowledge of chapter and verse.

680 **BERRY:** Well, and kind of moving in a little more specifically. Do you have an understanding of what the
681 Bureau's expected response should be when a member is under criminal investigation?

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

685 **BERRY:** Okay. Do you have a sense of –

686 **HALES:** And a grand jury after that, after (inaudible), right.

687 **BERRY:** Yeah. And the rest of it.

688 **HALES:** Yeah. Yeah.

689 **BERRY:** Do you have a sense of how well they met that standard in this case?

690 **HALES:** Not yet.

691 **BERRY:** Not yet. Okay. All right. You talked about the benefit of hindsight and under – everything like
692 that. You may have notified Ms. WESSON-MITCHELL earlier. Can you think of anything else you might
693 have changed in your response or done differently?

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

699 **BERRY:** Right.

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

705 **BERRY:** If it stalls out someplace before that.

706 **HALES:** Yeah. Yeah. Right.

707 **BERRY:** Well, Mr. Mayor, you've put up with us asking all kinds of nosey questions.

708 **HALES:** Oh, no. That's fine.

709 **BERRY:** You've explained the inner workings of your office. I appreciate that. Is there anything else you
710 want to add to our conversation or –

711 **HALES:** Well, I think we've covered it all. Yeah.

712 **BERRY:** I do want to make sure Investigator PEREZ has a chance. Do you have a follow-up question?

713 **PEREZ:** I just have one. Have there ever been instances where you've personally disagreed with the chief's
714 recommendations for discipline?

715 **HALES:** With this chief? Perhaps not. I think there were times occasionally with the previous chief that I
716 disagreed with the recommendation. Yes, I think there were. I don't think there has been a case yet and

CONFIDENTIAL TAPED STATEMENT

IPR #2016-B-0014
PPB/Mayor Charlie Hales

June 3, 2016
Page 17 of 17

717 much of that – again, LARRY's done a great – done – and I hope continues to do a great job as a chief.
718 We'll see. If – again, if he gets to keep doing the job but it's more a matter – it's less a matter than I agree
719 with LARRY O'DEA a lot more than I agree with MIKE REESE. That's not the point. Now, we have a
720 discipline matrix and guidelines that have been put in place under the DOJ settlement that MIKE REESE
721 helped craft and that are now consistently, or at least much more consistently applied and so therefore,
722 there's less potential for that process to deliver a result that I scratch my head about, whereas typically, if
723 you do this – if you drink and drive, this is what will happen. You will get two weeks' suspension and be
724 required to go to, you know, alcohol treatment and, you know, be under a last chance agreement with the
725 Bureau. That's the deal, you know, in every case so there's less apparent – there's less discretion unless
726 variance in the results of those processes now with the discipline guide in place and the application of that
727 matrix so not so much, again, a difference of personality between MIKE REESE and LARRY O'DEA, but
728 now we have the tool that we didn't have before and we're using it.

729 **PEREZ:** And did you have any part in creating the discipline matrix?

730 **HALES:** Not so much creating it but certainly reviewing it once it was created. Yeah.

731 **BERRY:** Yeah. Quite a process to put that in place.

732 **HALES:** Yeah. And I think, by and large, it appears to be working. Again, given that we are actually
733 imposing discipline fairly often. It's not being grieved. You know, we've terminated, I think, 12 officers or
734 had resignations in lieu of termination.

735 **BERRY:** Yeah.

736 **HALES:** Twelve cases since I've been mayor so the myth that you can never fire a police officer is just
737 that. You can fire police officers if they egregiously screw up and we have.

738 **BERRY:** That's absolutely true.

739 **HALES:** Yeah.

740 **BERRY:** Well, Mayor HALES, thank you so much for your time.

741 **HALES:** Yeah. Thank you. If you need me –

742 **BERRY:** Big help in the investigation.

743 **HALES:** Yeah. Obviously if you need anything else from me as you finish this, let me know and then I'll
744 look forward to receiving your report.

745 **BERRY:** Thank you very much. Going off tape at 11:15.

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748 Transcribed 06/23/2016 @ 6:37 a.m. Michele Pollreis