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

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**Interview Date:** 06/02/2016  
**IPR #:** 2016-B-0014  
**IPR File Name:** 16b0014-alpert  
**Complainant:** Portland Police Bureau

**Interviewed:** Josh Alpert

**BERRY:** This is IPR Investigator ERIC BERRY. Today's date is Thursday, June 2<sup>nd</sup>, 2016. Time is approximately 2:05 p.m. I'm present at the IPR conference room for an interview on 2016-B-0014. Also present are IPR Investigator DEIRDRE PEREZ and Portland Mayor Charlie Hale's Chief of Staff, JOSHUA ALPERT. Mr. ALPERT, are you aware that I'm recording our conversation?

**ALPERT:** Yes.

**BERRY:** Excellent. Thank you very much. I've got that title correct, correct, Chief of Staff?

**ALPERT:** Yes.

**BERRY:** Excellent. All right. So there's sure a lot I don't understand about how a mayor's office works. Can you – will you just kind of briefly describe what a chief of staff does?

**ALPERT:** Yes. In my role as chief of staff is slightly different than I think typically what a chief of staff does. Typically and in some way or another, I oversee the office itself. I also have direct reports from a few Bureau directors that are in our portfolio.

**BERRY:** Okay.

**ALPERT:** And I also advise the mayor on strategy policy, make recommendations to him. Where it differs, I think generally from other chiefs of staff in the past is I have also taken onto my plate the issues of homelessness and that has pushed off other typical duties of a chief of staff.

**BERRY:** Well, particularly in how the mayor is responding to the homelessness crisis, I can imagine you're quite busy.

**ALPERT:** It's a – it is a full-time and then some job.

**BERRY:** I believe that. All right. Do you have a sense of how often it is that you wind up having direct communication with the mayor?

**ALPERT:** Every day.

**BERRY:** Every day. I figured but you don't like to assume these things.

**ALPERT:** Almost. It is, you know, here and there that we miss each other.

**BERRY:** And do you have any – as chief of staff, do you have any responsibilities that are directly related to PPB?

**ALPERT:** No.

**BERRY:** No? Okay. All right. And how often would you say you interact with DEANNA WESSON-MITCHELL?

**ALPERT:** Several times a week.

**BERRY:** Okay.

**ALPERT:** If not more. Obviously, ebbs and flows depending on what's going on.

**BERRY:** And are those interactions, are they typically addressing PPB-related issues?

**ALPERT:** Yes.

**CONFIDENTIAL TAPED STATEMENT**

**IPR #2016-B-0014**  
**PPB/Josh Alpert**

**June 2, 2016**  
**Page 2 of 14**

50 **BERRY:** Yeah.

51 **ALPERT:** Also bargaining. I don't know how directly related you consider that to be but that's also  
52 something –

53 **BERRY:** Oh my gosh. I didn't think about that. That's a whole other can of worms that you are dealing  
54 with.

55 **ALPERT:** Whole other can of worms. Yeah. And on that side of it, I do get more involved than I do on the  
56 day-to-day of the Bureau itself.

57 **BERRY:** Makes sense. So for again, and we're definitely outsiders in this, can you kind of compare,  
58 contrast your PPB-related responsibilities versus Ms. WESSON-MITCHELL's?

59 **ALPERT:** Sure. DEANNA is our policy liaison to the Bureau and because of that, has day-to-day  
60 responsibilities of ensuring that the mayor's agenda is being carried out through the Bureau and that's pretty  
61 much a soup-to-nuts full-time everyday job. My responsibilities are in overseeing DEANNA, both as an  
62 employee and as our police liaison and I have an unwritten, unspoken duty of attending when there is a  
63 police-involved shooting – I try and get there if I can – with the mayor and with DEANNA, of course. I am  
64 often in higher-level police policy discussions with command staff and the mayor. I don't regularly attend  
65 their check-ins that he has with the chief and command staff. DEANNA does. I also have my own  
66 relationship with the Police Bureau when it comes to the issues of homelessness, so I meet pretty  
67 frequently with command staff on those issues directly.

68 **BERRY:** Well, they are really – they're pretty intimately involved in how the city responds to  
69 homelessness.

70 **ALPERT:** They are our front line.

71 **BERRY:** All right. So other than Ms. WESSON-MITCHELL and yourself, are there other mayor's staff  
72 that take part in Police Bureau-related issues?

73 **ALPERT:** NICOLE GRANT is DEANNA's policy assistant.

74 **BERRY:** Okay.

75 **ALPERT:** And we have several people in our office that we call our Homeless Initiatives Team that has  
76 regular contact with the Police Bureau, mostly though at the officer level; every now and then, at an  
77 assistant chief level. I mean that's, you know, very specific to homelessness. TERA PIERCE, my deputy,  
78 occasionally and obviously now more as we're transitioning and she's moving into my role.

79 **BERRY:** Oh, she's taking over?

80 **ALPERT:** She is. So she's getting obviously more up to speed on it now.

81 **BERRY:** And just to help me understand this, DEANNA, is she one of your direct reports?

82 **ALPERT:** The way TERA and I have split responsibility, she reports directly to TERA.

83 **BERRY:** Okay.

84 **ALPERT:** And then I oversee TERA so – but we're a fairly informal office when it comes to reporting.

85 **BERRY:** Yeah. You're allowed to talk to each other outside of the chain of command?

86 **ALPERT:** Absolutely.

87 **BERRY:** Excellent. So who in the Bureau would you say that you had kind of regular –

88 **ALPERT:** Oh, I'm sorry, ERIC. SARA HOTTMAN, our communications director really has a relationship  
89 with PETE SIMPSON.

90 **BERRY:** Okay. Well, it makes sense.

91 **ALPERT:** Yeah.

92 **BERRY:** And do you have a sense of who you kind of have frequent contact with at the Bureau?

93 **ALPERT:** Sure. I would say more than anyone, it would be Assistant Chief Day.

**CONFIDENTIAL TAPED STATEMENT**

**IPR #2016-B-0014**  
**PPB/Josh Alpert**

**June 2, 2016**  
**Page 3 of 14**

94 **BERRY:** Now, he's operations, isn't he?  
95 **ALPERT:** He is operations.  
96 **BERRY:** Yeah.  
97 **ALPERT:** And it's more of a friendship than a business relationship.  
98 **BERRY:** Yeah.  
99 **ALPERT:** He and I and several of the command staff all attended the White Men as Full Diversity  
100 Partners training several years back –  
101 **BERRY:** Oh, sure. Yeah, yeah.  
102 **ALPERT** – and so developed a relationship through that. I meet with Assistant Chief Modica from time to  
103 time, particularly around issues of diversion and justice reform. Very rarely had I met one-on-one with  
104 Chief O'DEA. In fact, I'm not sure I have ever met one-on-one with the Chief. I have now had several  
105 phone calls with Chief HENDERSON –  
106 **BERRY:** Oh, yeah.  
107 **ALPERT:** – but prior to all of this, I hadn't really ever. Commander WESTBROOK has been in my office  
108 quite a bit; although, over the past six months or so, that's been a lot less.  
109 **BERRY:** A lot less.  
110 **ALPERT:** It's really around the crafting of our homeless policies and issues, she was –  
111 **BERRY:** Central Precinct winds up being a very busy precinct particularly at that issue.  
112 **ALPERT:** Mm-hm.  
113 **BERRY:** So kind of broadly – stepping away from this administrative investigation, do you ever take a  
114 role in keeping the mayor updated or advised on pending police administrative investigations?  
115 **ALPERT:** No.  
116 **BERRY:** No? Okay. Let's us skip some questions. Can you think of – well, and I know that you've been  
117 with the mayor for a while. Can you think of a time where you've ever updated him or advised him on any  
118 investigation involving a Police Bureau member – excuse me, a criminal investigation involving a Police  
119 Bureau member?  
120 **ALPERT:** No.  
121 **BERRY:** It's kind of a singular situation we're dealing with. All right.  
122 **ALPERT:** I will say that my predecessor, GALE SHIPLEY, was much more involved in the workings of  
123 the Police Bureau.  
124 **BERRY:** Mm-hm.  
125 **ALPERT:** A lot of it was on Department of Justice work. I got homelessness as my kind of big – she had  
126 DOJ issues. She was much more engrained in the Police Bureau than I have been as chief.  
127 **BERRY:** And do you think that – is that kind of a function of when she was the chief of staff versus when  
128 you're the chief of staff?  
129 **ALPERT:** I think so and interest.  
130 **BERRY:** And interest?  
131 **ALPERT:** Yeah.  
132 **BERRY:** Yeah.  
133 **ALPERT:** She was particularly interested in all that. She knew it was a big part of the mayor's agenda of  
134 bringing change within the Bureau and as his initial chief, really kind of took that –  
135 **BERRY:** – she felt strongly about that?  
136 **ALPERT:** – and she hired DEANNA as our liaison and they had a relationship to really kind of split duties  
137 and figure out who's on first, obviously, as you know that the Bureau requires attention.

**CONFIDENTIAL TAPED STATEMENT**

**IPR #2016-B-0014**  
**PPB/Josh Alpert**

**June 2, 2016**  
**Page 4 of 14**

138 **BERRY:** Right.

139 **ALPERT:** And it's not a one-person job, largely, but we do what we can do.

140 **BERRY:** That's true. I appreciate you providing that background. It helps us to kind of better understand

141 possible people to talk to and just how things work. That's the always the better. So moving from that to

142 kind of the incident itself, can you tell me when you yourself first became aware of the shooting incident?

143 **ALPERT:** Yeah. And the date escapes me but it was the morning that the chief called the mayor.

144 **BERRY:** Okay. That same morning?

145 **ALPERT:** It was a Monday in April, was it – in May. I don't even know what month we're in now, June.

146 So I guess it was last month on a Monday. He and I were having breakfast together with a few other folks

147 and on the drive – he drove me back from breakfast to the office and said well, I got a call this morning

148 from the chief. I'm going to wait till we're back in the office because I want to bring SARA, our

149 communications director, into that conversation. I don't think it's anything but, you know, we should talk

150 about that. So we got back to the office. I had thought it was something – you know, I was thinking

151 immediately oh, maybe he got into a DUI over the weekend. It felt kind of like that, so we pulled SARA in.

152 He recounted the conversation he had with the chief and – which I can go through – and my initial reaction

153 was wow, that's terrible, glad to hear that the friend was okay, I imagine the chief is traumatized by this,

154 hope it all works out and left the office and went about my day. The mayor, what he told us – and,

155 obviously, I'm going to be paraphrasing this and I've been trying to go through to remember exactly what it

156 was.

157 **BERRY:** Right. Right. I won't hold you to exact quotes.

158 **ALPERT:** But it was essentially, the chief was out in Eastern Oregon for the weekend with friends. He

159 accidentally shot a friend of his. The friend is okay and the chief is a mess, taking it very hard and he – the

160 chief told me – the mayor that he let command staff know, let DEREK know and that obviously Harney

161 County was doing an investigation. That was the extent.

162 **BERRY:** Okay. So – and I think you were real clear there. I just want to make sure I understood.

163 **ALPERT:** Sure.

164 **BERRY:** You're paraphrasing the mayor's description of what the chief told him. Chief said he was out in

165 Eastern Oregon, accidentally shot a friend, friend's okay, chief is taking it pretty hard, chief told the mayor

166 that he let his command staff know, DEREK – Captain RODRIGUES at IA.

167 **ALPERT:** Correct.

168 **BERRY:** And that Harney County would be doing the investigation?

169 **ALPERT:** That they were doing an investigation.

170 **BERRY:** Okay.

171 **ALPERT:** I think – I'm fairly certain the mayor told me and SARA that there was confusion over what had

172 happened and that they eventually realized that it was the chief whose gun had gone off.

173 **BERRY:** Okay.

174 **ALPERT:** I want to say 93% certain that that's what he told me but obviously now, I'm trying to go back

175 and piece it together.

176 **BERRY:** Right.

177 **ALPERT:** I can't 100% sure that he said that.

178 **BERRY:** So some confusion about identifying O'DEA as the chief or –

179 **ALPERT:** Not as the chief. As whose gun had gone off.

180 **BERRY:** Oh, okay. Forgive me. So –

**CONFIDENTIAL TAPED STATEMENT**

**IPR #2016-B-0014**  
**PPB/Josh Alpert**

**June 2, 2016**  
**Page 5 of 14**

181 **ALPERT:** There was confusion over whether it was a self-inflicted gunshot wound and that they  
182 recognized that it was the chief who had done it.

183 **BERRY:** Okay. So some kind of initial confusion about what happened?

184 **ALPERT:** Correct.

185 **BERRY:** Eventually, it was determined that the chief shot –

186 **ALPERT:** Correct.

187 **BERRY:** Okay. Well, and in terms of who was there, it sounds like just yourself and SARA and the mayor  
188 in that initial meeting?

189 **ALPERT:** Yes.

190 **BERRY:** Okay. Other than yourself and SARA, do you know who else was informed of the incident in the  
191 mayor's office?

192 **ALPERT:** Nobody that I know of.

193 **BERRY:** Okay. All right. After this conversation or during this conversation, did the mayor ever direct you  
194 to do anything related to this?

195 **ALPERT:** No.

196 **BERRY:** No? Okay.

197 **ALPERT:** Well, not up until he and I had the conversation after the stories were in the media about what  
198 our next steps were.

199 **BERRY:** Okay. So after things kind of were publicized, then you had more – all right. We can get into that  
200 later. That you're aware of, did the mayor direct anyone else in the mayor's office to take action related to  
201 this?

202 **ALPERT:** Not that I'm aware of.

203 **BERRY:** Okay. I'm going to risk a speculative question. In your capacity as the chief of staff, if the mayor  
204 had issued a direction for mayor staff to do something, do you think that you would know about it?

205 **ALPERT:** Depends.

206 **BERRY:** Depends, yeah. Something –

207 **ALPERT:** It depends how ministerial that person felt it was being directed.

208 **BERRY:** Yeah.

209 **ALPERT:** I'm trying to recall a situation where a staff member came to me saying the mayor asked me to  
210 do this, should I do this and I don't think that's ever happened.

211 **BERRY:** Okay.

212 **ALPERT:** We're pretty open.

213 **BERRY:** Pretty open office.

214 **ALPERT:** This obviously notwithstanding, a fairly communicative office. I can't think of a time where that  
215 happened and, you know, the mayor doesn't believe in our office in having a whole lot of chain of  
216 command so he talks to all of our staffers about multiple things. Rarely do they come back to me unless I  
217 need to know about it.

218 **BERRY:** Yeah. Was Ms. WESSON-MITCHELL, was she ever informed of the incident?

219 **ALPERT:** She was – I know you've spoken to her so you have her testimony, but what I know is that she  
220 did not find – she said she did not find out until it was in the media.

221 **BERRY:** Okay.

222 **ALPERT:** Regretfully.

223 **BERRY:** So not initially informed?

224 **ALPERT:** No.

**CONFIDENTIAL TAPED STATEMENT**

**IPR #2016-B-0014**  
**PPB/Josh Alpert**

**June 2, 2016**  
**Page 6 of 14**

225 **BERRY:** Do you have any idea why she wouldn't have been told about something like this?  
226 **ALPERT:** I can tell you why I didn't tell her.  
227 **BERRY:** Yeah.  
228 **ALPERT:** The incident itself that morning when it was relayed to me, there were a few things that went  
229 through my head. I had a vision of hunting. I've never hunted in my life. Of the chief in the woods  
230 somewhere shooting at an animal and mistakenly hitting someone in Eastern Oregon on vacation. And  
231 when I thought through that, like I said, my first thoughts were about the chief and his friend and hoping  
232 that everyone did well and that there was a process that now was going to be going through and that we  
233 knew Harney County would be investigating and the fact that he told the mayor, that he told command staff  
234 and DEREK RODRIGUES, I assumed that was the end of my part in this story. Obviously in hindsight  
235 what I should have done was gone to tell our police liaison who could have then helped advise whether that  
236 was correct or not but at the time knowing that there were people who were in the Police Bureau who  
237 understood the procedures of the Police Bureau, I just thought okay, well, we'll deal with this when we now  
238 have to deal with this at some point and figured that DEANNA would know because the Police Bureau –  
239 there are very few secrets in the Police Bureau.  
240 **BERRY:** That's fair to say.  
241 **ALPERT:** And that in the normal course of her job day-to-day, she would obviously be informed about  
242 this, so I didn't do that.  
243 **BERRY:** Okay. What was your understanding of how the city was going to respond to this shooting  
244 incident?  
245 **ALPERT:** The city – small “c” or big “c?”  
246 **BERRY:** Big C. City as a whole.  
247 **ALPERT:** Well, the city at large, not the city as government.  
248 **BERRY:** The city government.  
249 **ALPERT:** The city government. And by that, do you mean IPR and police or just –  
250 **BERRY:** Yes.  
251 **ALPERT:** I don't know. I do not know the procedures within the Police Bureau.  
252 **BERRY:** Okay.  
253 **ALPERT:** I – what I knew was that the people that were told about this were the people in my mind who  
254 would make sure that the right things were happening.  
255 **BERRY:** Okay. As part of that, did you have any kind of expectation that the city would conduct an  
256 administrative investigation, the things that we do?  
257 **ALPERT:** Yes.  
258 **BERRY:** Yes? Okay. And I don't want to put words in your mouth, is that expectation based on your  
259 understanding of who had been notified about the incident?  
260 **ALPERT:** Yes.  
261 **BERRY:** Captain RODRIGUES and the command staff?  
262 **ALPERT:** Captain RODRIGUES and command staff.  
263 **BERRY:** Okay. In your conversation with the mayor about this incident, can you remember, did anyone  
264 talk about notifying Internal Affairs directly of this incident?  
265 **ALPERT:** No.  
266 **BERRY:** No? Okay. And same question, can you remember, did anyone talk about notifying IPR about the  
267 incident?  
268 **ALPERT:** No.

**CONFIDENTIAL TAPED STATEMENT**

**IPR #2016-B-0014**  
**PPB/Josh Alpert**

**June 2, 2016**  
**Page 7 of 14**

269 **BERRY:** Okay.

270 **ALPERT:** When the mayor told us and said that the chief said here are the people that he notified, I took  
271 that to mean those people were then notified and processes would start. I don't know what those processes  
272 are.

273 **BERRY:** Yeah. And believe it or not, we're making real good time through this so I appreciate it. Did you  
274 have any kind of expectation that this thing was going to become public?

275 **ALPERT:** Yes.

276 **BERRY:** Yeah. And was there any plan on the part of the – was the mayor's office going to make this  
277 public or would it respond once –

278 **ALPERT:** We did not discuss that until it did become public. I know based on my relationship with the  
279 mayor, that he is a person who believes in justice. He's been telling the press to wait for all the facts to  
280 come in before he does or says anything.

281 **BERRY:** Okay.

282 **ALPERT:** That is often at odds with what the public feels is appropriate. That's my anecdotal unsolicited  
283 comment.

284 **BERRY:** All right. Well, okay. This will be tricky to ask this, maybe not. So you had initial discussion.  
285 SARA was there. The mayor described what the chief told him. There's some period of time and then  
286 eventually the incident becomes public. Did you have any kind of contact with the mayor about this issue  
287 or anyone else in the office about the shooting incident in that time?

288 **ALPERT:** No. No.

289 **BERRY:** Okay. Like I said, I have to ask that.

290 **ALPERT:** I mean truly as you can imagine for everyone in our office and I think me in particular, it is a  
291 constant whirlwind of activity on a billion subjects so it's –

292 **BERRY:** I can only imagine. I can only imagine. I feel like we're busy enough down here with just the one  
293 issue but if you've got all the issues in the world to deal with, it's pretty busy.

294 **ALPERT:** It's not so much that it's about me, yes, it's busy and we're all busy. It's the amount – my filter  
295 gets full very quickly and so I – particularly on things like homelessness, that there's urgency around that is  
296 within the work that I do every day, you know, it pulls me in very quickly.

297 **BERRY:** I believe that. All right. Well, can you kind of briefly describe what happened after the incident  
298 became public?

299 **ALPERT:** Yes. I believe, if memory serves me, that it really came out on a Friday.

300 **BERRY:** Yeah. That sounds right to me.

301 **ALPERT:** I think that's right. And the mayor was leaving town, I think, that Monday morning or perhaps  
302 Sunday. My memory is a little foggy on the timeline for that. But I know that following Monday – and, you  
303 know, I knew the story was coming. I think DEANNA had said hey, this story is out here. I think she may  
304 have known by then because it was either right after or right before she knew there was a story coming. We  
305 all went our separate ways for the weekend. There wasn't really much communication, if any, about it.  
306 Monday, the mayor was gone on either in route to – I think he was in route to D.C. on Monday and we kind  
307 of went about our business during the day and this was not an issue in our office that I can recall. That  
308 evening, I got a call when I was back at home from BRAD SCHMIDT at the Oregonian or a text maybe –  
309 or no, it was a phone call, I think – asking if we were going to be putting the chief on leave. I said – I can't  
310 remember exactly what the words were but it was something to that effect. And at that point, I went and  
311 read the stories. I hadn't read anything and called the mayor and said hey, we need to have this  
312 conversation. I think based on what we are now hearing, this is what we had heard. That was when the  
313 Harney County Sheriff was out in the news and that was the first time, honestly, that I had really thought

**CONFIDENTIAL TAPED STATEMENT**

**IPR #2016-B-0014**  
**PPB/Josh Alpert**

**June 2, 2016**  
**Page 8 of 14**

314 since that morning about this incident and thought oh, well this is not something that I was expecting to  
315 hear in any way, shape or form. I should probably call the mayor. I couldn't reach him and I called Chief  
316 O'DEA and I said chief, I would like an accounting – he and I hadn't spoken about this. I saw him in the  
317 hallway and just said hey, I hope your friend's okay and hope you're doing okay and I said I'd like an  
318 accounting of what actually happened here so that I can make sure that we're doing the right thing, and he  
319 said I'm not allowed to speak to this. He said I believe my command staff can and I don't believe they have  
320 a gag order on them and I have told them everything that happened and he directed – he didn't direct. He  
321 pointed me to Chief HENDERSON so I called Chief HENDERSON. She told me that she thought this  
322 wasn't squaring at all and that she had concerns. That's when I then called the mayor and reached him and  
323 said I think we need to put the chief on leave. There's no way – and the only filter I was looking through  
324 was whether he was – had the capacity to run the Bureau. I wasn't concerned about the investigation or any  
325 of the allegations. It was, is he emotionally able to run this Bureau and it was clear to me after hearing his  
326 voice and talking with Chief HENDERSON that he was not so I told that to the mayor. He said – he agreed  
327 and asked – no, he agreed and said okay, well, let's work out a plan on what we do so I went to work to  
328 figure out how that happens. He called me back maybe 20 minutes, half an hour later.

329 **BERRY:** The chief did or the mayor did?

330 **ALPERT:** The mayor did.

331 **BERRY:** Okay. Thank you.

332 **ALPERT:** In between, I called DEANNA and said here's what the mayor said. I think this is right. I think  
333 we need to work on the plan. Can you let me know what procedures we're supposed to do to put a chief of  
334 police on administrative leave? The mayor called back and said he had talked to the chief and the chief had  
335 convinced him not to put him on leave and I said okay, well, I want to sleep on that, Mayor. I'm not sure  
336 that that's appropriate. The next morning, I woke up and I called the mayor and said there's no – we have to  
337 do that. It's appropriate and the only lens that matters is whether he can do his job right now and clearly, he  
338 can't and he said yeah, you're right. I got to that conclusion myself after sleeping on it. He often does that,  
339 sleeps on it which is good. And he directed me to talk to TRACY REEVE as quickly as possible and the  
340 question was before we take the step of putting the chief on leave, is it worthwhile and legal to have the  
341 chief waive his privilege and be able to talk to the mayor directly with TRACY present to find out whether  
342 there were facts that we did not know. So TRACY and MARK AMBERG came down to meet with me  
343 and, again, the mayor was in D.C. They – I explained the situation, they did a little research and came back  
344 down and said well, there are ways to do that, they're tricky and TRACY in her brilliant way said the  
345 question that you should ask yourself is learning any of those facts, would that change your decision. I said  
346 it wouldn't change my decision at all. I don't believe the chief right now is capable of running the Bureau  
347 today so she said yeah, I would probably think that too. So I called the mayor and said look, you know, yes  
348 there are ways but it's not worth our while to do that. Instead, here's what we need to do and here's the  
349 process and he said yeah, it's right, do it. We talked about who would be interim or acting chief and that  
350 was pretty much that. At that point, I then went to work to make all of that happen. I'm sorry, I missed a  
351 step. The chief called me that morning right when I got into the offices. I was trying to reach TRACY and  
352 he was despondent which further verified in my mind that he was not capable of coming to work that day,  
353 and he said he had cleared his schedule for the day and he had a couple of meetings with DOJ who were in  
354 town and again, I felt validated that no, if you're already clearing your schedule, then we need to make this  
355 move now. He – and that was the gist of that conversation. So moving forward, I then went through the  
356 steps with MARK AMBERG to figure out, you know, what – how do I place someone on leave. I've never  
357 done that.

358 **BERRY:** Yeah. Kind of the administrative – yeah.

**CONFIDENTIAL TAPED STATEMENT**

**IPR #2016-B-0014**  
**PPB/Josh Alpert**

**June 2, 2016**  
**Page 9 of 14**

359 **ALPERT:** Yeah. The administrative stuff. I brought in ANNA KANWIT and just asked, you know, are  
360 there other HR things and – it then turned out that the chief had his interview moved up with IPR and he  
361 called to let me know that and I said okay, well, why don't you – and I said chief, I think we are going to  
362 take the step now of putting you on leave. He said I understand that and, you know, I get that and I said  
363 why don't you come to my office when you're done with your interview, which he did and we gave him this  
364 letter. At that point, we kind of talked through – I wanted his advice on who should be the acting chief and  
365 he confirmed he also thought it should be Chief HENDERSON, so we called her and had her come over  
366 and transfer power there and that was that.

367 **BERRY:** That sounds like a pretty tough day.

368 **ALPERT:** It was a very hard day.

369 **BERRY:** Yeah.

370 **ALPERT:** Very difficult. But I also felt that it was – every step we did that day, I felt was the right step. It  
371 was necessary and, you know, a lot of stuff and this job's hard so –

372 **BERRY:** Well, let's see. You talked earlier about at some point, Ms. WESSON-MITCHELL becoming  
373 aware of the incident. Do you have any knowledge about when or how she learned of it?

374 **ALPERT:** I seem to recall she said she found out about it in the news, but I'm not a hundred percent sure  
375 I'm remembering that correctly.

376 **BERRY:** Yeah.

377 **ALPERT:** And she and I have had multiple conversations about why that was wrong and she is correct.  
378 That was absolutely wrong.

379 **BERRY:** Do you have any idea when PETE SIMPSON learned about the incident?

380 **ALPERT:** No.

381 **BERRY:** No? All right. Well, we're coming real close to wrapping it up. Do you yourself, do you have any  
382 kind of working relationship with Internal Affairs or Professional Standards?

383 **ALPERT:** I don't.

384 **BERRY:** No? Not something that comes up?

385 **ALPERT:** No. On your tape, you can't see my head nodding no.

386 **BERRY:** And have you yourself had any direct contact with anyone at IA regarding this incident?

387 **ALPERT:** No.

388 **BERRY:** No.

389 **ALPERT:** In fact, I am not sure I've ever spoken to IA about anything.

390 **BERRY:** Okay. Has the mayor ever given any description of how the administrative investigation is going  
391 or if it's going?

392 **ALPERT:** No. He sent an email to CONSTANTIN a couple days ago.

393 **BERRY:** I think – yeah. About suggestions for what to ask people?

394 **ALPERT:** Yeah. That's correct and we had discussed that with DEANNA after she had had conversations  
395 with CONSTANTIN and we did that. Really, I mean, it was at face value that we also felt that as more  
396 information was coming out and it was information we didn't have either about the internal workings of  
397 what happened, that we also want to know what happened. If we were relying upon the process to work and  
398 the people we had thought were the right people to know and yet the process didn't work if that's the  
399 conclusion, we'd like to know why that it is also, so we wanted him to make sure to let CONSTANTIN and  
400 IPR know that yes, we should be finding that out and if you're not already expanding to that, then please  
401 do.

402 **BERRY:** All right.

**CONFIDENTIAL TAPED STATEMENT**

**IPR #2016-B-0014**  
**PPB/Josh Alpert**

**June 2, 2016**  
**Page 10 of 14**

403 **ALPERT:** He then asked – CONSTANTIN replied and said, you know, as police commissioner, I'm  
404 allowed to brief you on those – on the investigation and he and I discussed that and I recommended that he  
405 not take those briefings mostly because I was trying to stop the same thing from happening again and  
406 obviously with the media saying well, you've known for a month. I didn't want to keep repeating that. If he  
407 had learned something in the investigation now and doesn't say anything to anybody about it which I think  
408 is appropriate, down the road the press saying well, you learned X, Y or Z three months ago, why are we  
409 just now finding and I just thought if you're going to learn anything through CONSTANTIN briefing you,  
410 I'm assuming, knowing you, that you're not going to take any action based on that so why even know it at  
411 this point. Get everything in context when it is done and make your decision.

412 **BERRY:** Read the report when it's done and come to the conclusion. So this is – you may not be able to  
413 answer this. Do you have any idea – are you able to describe when you learned that there actually was an  
414 administrative investigation?

415 **ALPERT:** It's all so confusing.

416 **BERRY:** It's true.

417 **ALPERT:** And by administrative investigation, do you mean the IPR investigation –

418 **BERRY:** Yeah.

419 **ALPERT:** – because I get – I still get confused over Internal Affairs and IPR and –

420 **BERRY:** It is very confusing and even if you look at the org chart, it's hard to understand how it works. By  
421 administrative investigation in this context, I'm referring to any investigation by IPR or IA regarding the  
422 circumstances of what the chief did.

423 **ALPERT:** Yeah. Well again, I mean, I thought that had all been happening from whenever the chief called  
424 the mayor and in fact had already started because I believe he had said he had already told Captain  
425 RODRIGUES. I'm trying to remember if I knew – there was a moment and I can't remember when, within  
426 the chain but it was, you know, obviously after the press found out that Captain RODRIGUES had not  
427 started an internal investigation and so that was probably, I'm guessing, that Monday.

428 **BERRY:** That Monday. So kind of once it went public and there are media stories about it, you learned  
429 that IA hadn't launched a –

430 **ALPERT:** Yeah.

431 **BERRY:** Okay. All right. Now, you talked about earlier not being terribly familiar with the applicable  
432 directive, police directive. Do you have a sense of what the policies, directives or expectations are about  
433 how the Bureau is supposed to respond to a member being the subject of a criminal investigation?

434 **ALPERT:** No.

435 **BERRY:** No? All right.

436 **ALPERT:** I assume and I should – I've learned I should not be assuming anything when it comes to this,  
437 but I had an assumption that there are these processes that the chief ultimately directs that those processes  
438 occur. What we didn't think through was whether or not there was a procedure for what happens when it is  
439 the chief and, you know, I – this is again unsolicited and anecdotal and I will say it even though my law  
440 school training tells me I should not, but I think it's important that in our form of government, the mayor  
441 chooses to be the police commissioner, that does not necessarily equate him to being up to speed on all the  
442 procedures and directives of how the Police Bureau actually functions, and I think that's true in most of the  
443 bureaus and the relationships they have with the commissioners, and certainly that it is a problem. I think I  
444 want to say – well, I am going to say, that I think this is correct. I think I'm remembering this correctly, that  
445 Chief HENDERSON said that there actually weren't written protocols about what happens and that there  
446 are now, after this has now happened.

447 **BERRY:** HENDERSON said that there were protocols in place?

**CONFIDENTIAL TAPED STATEMENT**

**IPR #2016-B-0014**  
**PPB/Josh Alpert**

**June 2, 2016**  
**Page 11 of 14**

448 **ALPERT:** That there were not.  
449 **BERRY:** Were not. Oh, for a chief level.  
450 **ALPERT:** Correct.  
451 **BERRY:** Yeah. Yeah. All right.  
452 **ALPERT:** But again, we didn't – I didn't know that. I didn't know that there weren't protocols. I assumed  
453 that there surely would be protocols for when something like this happens.  
454 **BERRY:** Yeah. Now, you talked about having some telephone conversations with the Assistant Chief or  
455 acting Chief HENDERSON. Have you had contact with any other assistant chiefs about this?  
456 **ALPERT:** It is hard to stop them from contacting us. I alluded this morning in our policy team meeting in  
457 our office that it really has become Game of Thrones. There's a lot of positioning. We know this about the  
458 Bureau that they do this and so I have had multiple text messages from one of the assistant chiefs and a  
459 voicemail and then a meeting that just showed up on my calendar from one particular assistant chief  
460 offering to be helpful and trying to talk through what happens next. Acting Chief HENDERSON has also  
461 tried to do that and I've stopped that from happening because it's inappropriate and not particularly helpful  
462 to anybody.  
463 **BERRY:** Okay. So it sounds like you've had some contact. If you're feeling that some of that is kind of  
464 related to positioning for –  
465 **ALPERT:** I feel like almost all of it it's related to positioning.  
466 **BERRY:** All of it. Yeah. All right. Had any contact with PETE SIMPSON about it?  
467 **ALPERT:** No.  
468 **BERRY:** No. You described some contact you had with BRAD SCHMIDT. Can you think of any other  
469 media contact you had about this?  
470 **ALPERT:** Yeah. DIRK Vander something.  
471 **BERRY:** Oh, the Mercury guy? VanderHart?  
472 **ALPERT:** VanderHart.  
473 **BERRY:** They've got two now.  
474 **ALPERT:** Yeah. It's DIRK VanderHart.  
475 **BERRY:** Okay.  
476 **ALPERT:** And it was an off-the-record conversation as I was giving him the interview on my departure  
477 and he started asking me questions and I said, well I'm not going to talk on the record about any of this. He  
478 asked – it was a very brief conversation and he asked if we were going to fire the chief and I said we are  
479 waiting for all the information to come in.  
480 **BERRY:** Waiting for that investigation.  
481 **ALPERT:** I think I also said – yeah. I did say to him that these are the kinds of flaws I have found while  
482 working in city hall this go around because I've done this once before where the commission formed, the  
483 government starts to show some weakness. If we are supposed to – if we're – think how I want to phrase  
484 this. If we can't take our bureau directors and their staff at their word and are supposed to then familiarize  
485 ourself with every protocol in the bureaus, we as staff and particularly elected officials should know that  
486 and do that and yet in reality, we don't – they don't generally because we trust in our work force.  
487 **BERRY:** That's interesting. Well, and this is – you might not be able to answer this. Maybe no one can  
488 answer it. Having the impression that – or that you've indicated earlier, that the mayor's office was maybe  
489 not aware there wasn't an administrative investigation on Portland's part.  
490 **ALPERT:** Mm-hm.

**CONFIDENTIAL TAPED STATEMENT**

**IPR #2016-B-0014**  
**PPB/Josh Alpert**

**June 2, 2016**  
**Page 12 of 14**

491 **BERRY:** At some point, this matter becomes public. The mayor's office had made statements about  
492 waiting for the results of the administrative investigation. I'm trying to understand how it is when or how  
493 the mayor's office became aware that there was actually an administrative investigation open.

494 **ALPERT:** I don't know that I can recount anything other than fuzzy memories of TERA, my deputy, and  
495 DEANNA and I and I'm assuming it was that Monday, trying to figure out what actually was happening  
496 within the Bureau –

497 **BERRY:** Yeah.

498 **ALPERT:** – because I certainly had been assuming that this was already all happening. I knew what I read  
499 in the paper about Harney County and didn't know any of that either until I read about that but on the  
500 internal side, my – rightly or wrongly, my lack of understanding about how the Police Bureau functions in  
501 that level, I just, again, assumed all of that had been happening so to find out – I think we had found out  
502 that Monday and I think DEANNA herself was confused because she was just getting up to speed and it  
503 wasn't adding up to her that we were all standing there in her office going wait, what, what do you mean  
504 there was never an internal investigation opened up. That's not what we were – I don't believe – and I'm  
505 fairly certain of this, I don't believe the mayor ever told me that the chief told him there was an  
506 investigation opened up. He had said that Harney County was investigating and that he had told Captain  
507 RODRIGUES.

508 **BERRY:** Well, thank you for clarifying that. That's important to know. So you don't believe that the chief  
509 ever himself indicated that PPB was investigating it?

510 **ALPERT:** No. And again, this is now third-hand.

511 **BERRY:** Right.

512 **ALPERT:** Well, secondhand, I guess. And if memory serves me, it was who he had told and that there was  
513 an investigation in Harney County. Yeah. I'm fairly certain that's correct and so to find out that there hadn't  
514 been an investigation was shocking because I had surely thought when you tell the head of IA what  
515 happened, that they open an investigation so it was shocking.

516 **BERRY:** Well, Mr. ALPERT, you've come in here and you've made yourself available. You've put up with  
517 a lot of nosey questions. You've explained functioning of what a chief of staff does for the mayor. I really  
518 appreciate your availability. Is there anything else you want to add to our conversation or that stands out in  
519 your memory or you feel like is important related to this matter?

520 **ALPERT:** I don't think so. No. I mean, if it's appropriate, I'm happy to tell you lessons learned from my  
521 point of view in this.

522 **BERRY:** Yeah.

523 **ALPERT:** One, certainly making sure that we're not making assumptions on things of this matter is  
524 important and clearly informing – I mean, if I had to do this again, obviously, I would've gone and told  
525 DEANNA and not taken it for granted that she would find out through her role with the Police Bureau and  
526 would've alerted TRACY REEVE and my failure to do that is – you know, I take fairly hard. I should've  
527 done that. At the time, like I had said though, it seemed to be a matter that was being handled and it was  
528 unfortunate and did not expect to see what's happened now. I figured it would come out publicly, it would  
529 be ugly and that the right process would've all been in place and would've been happening and at some  
530 point, the mayor would decide what he wanted to do with all of that. Obviously, we didn't get to that point  
531 and I take ownership of that as well as anyone else who should be because, you know, assumptions are  
532 dangerous.

533 **BERRY:** Well, that's the truth. I suppose assumptions in any kind of field are dangerous.

534 **ALPERT:** Sure.

535 **BERRY:** DEIRDRE, is there anything you want to –

**CONFIDENTIAL TAPED STATEMENT**

**IPR #2016-B-0014**  
**PPB/Josh Alpert**

**June 2, 2016**  
**Page 13 of 14**

536 **PEREZ:** I just have a few questions.  
537 **ALPERT:** Sure.  
538 **PEREZ:** So throughout your conversations with the chief and the mayor through the entirety of the  
539 investigation and the incident, was there ever any mention of the chief using any kind of alcohol throughout  
540 the shooting?  
541 **ALPERT:** Not to me.  
542 **PEREZ:** Okay. And when you and SARA were first notified in April –  
543 **ALPERT:** Sorry, DEIRDRE.  
544 **PEREZ:** Yeah.  
545 **ALPERT:** The mayor told me last week that the chief called him to say he had not been drinking.  
546 **PEREZ:** Okay.  
547 **ALPERT:** Sorry. That's important.  
548 **PEREZ:** Did he say when the chief called him?  
549 **ALPERT:** Think what day this was. It was a week ago Friday, this past Friday.  
550 **PEREZ:** Okay.  
551 **ALPERT:** So it would be two weeks from tomorrow?  
552 **PEREZ:** Yeah.  
553 **ALPERT:** I don't know what day it is. Two weeks ago.  
554 **PEREZ:** We can figure that out later.  
555 **ALPERT:** Yeah. And it was – the mayor was out that day. He called me – I called him about something  
556 else and he said oh hey, I just had a call from Chief O'DEA and Chief O'DEA said – and I know you're  
557 talking to the mayor so I don't want to put words in his mouth, but I believe he said I am trying hard not to  
558 read the newspaper or the media despite having TV crews in my driveway but I did see this and as my boss,  
559 I need you to know that I had not been drinking that day.  
560 **PEREZ:** Okay.  
561 **ALPERT:** And I told nobody.  
562 **PEREZ:** And after the mayor had initially notified you and SARA, was there any conversation about  
563 drafting a press release?  
564 **ALPERT:** No.  
565 **PEREZ:** Was there an expectation that the media would contact the mayor's office about this incident?  
566 **ALPERT:** I assumed at some point, yes, and that our comment would be as it has been, that we are not  
567 going to be discussing this until all the investigations are completed. And, you know, that's a much bigger  
568 philosophical conversation on whether that's right or wrong. I do agree with the mayor on that and I know  
569 reality doesn't always equate to what's right or wrong but, you know, as a lawyer, I do believe in waiting  
570 and trying to keep things out of the media in particular on things that aren't fully investigated yet. And, you  
571 know, we did have conversations last week – the week before, I guess, with TRACY and her team over  
572 why pieces of the investigation were coming out in the press, particularly through Harney County and  
573 whether that was standard, actionable, what the situation was and TRACY said there's nothing that  
574 prevents that. It is highly unusual because there is an exemption that can be used in public records for  
575 investigations, so we've had those kinds of conversations.  
576 **PEREZ:** Okay. And when the statement to the media was drafted about we want to wait until all the  
577 investigations are completed, there was the assumption that there was going to be an internal investigation  
578 by PPB?

**CONFIDENTIAL TAPED STATEMENT**

**IPR #2016-B-0014**  
**PPB/Josh Alpert**

**June 2, 2016**  
**Page 14 of 14**

579 **ALPERT:** I didn't draft the statement. I think SARA and DEANNA did together. The timing of that, I  
580 don't quite remember. I don't remember if that came out before we learned that there actually wasn't an  
581 investigation or not. I'm assuming that came – well, I don't want to make an assumption. I don't remember.

582 **PEREZ:** And after DEANNA was notified, I believe it was on a Friday after the press had contacted your  
583 office, were you part of a meeting on that Friday to strategize?

584 **ALPERT:** No.

585 **PEREZ:** Okay. And so my last couple of questions just have to deal with a part in your interview when  
586 you mentioned that the chief was not emotionally able to lead. Can you give me more information on why  
587 you felt that way?

588 **ALPERT:** The first instance when I talked to him that Monday night, he – it was clear from the weight of  
589 the media it was having an effect on him and I could just tell in his voice and I immediately felt that – I  
590 mean, it was a visceral reaction putting myself in those shoes of saying god, I would not be able to focus on  
591 anything and it just devolved from there in terms of the tenor of the conversations and there were only a  
592 handful, but it was pretty evident to me at that point.

593 **PEREZ:** Okay.

594 **ALPERT:** I hadn't really had contact with the chief in between. I mean, he and I rarely have contact so I  
595 wasn't thinking about the incident itself at all and hadn't seen him, so I couldn't judge leading up to that  
596 whether it had been weighing on him enough. I knew he was carrying on with his regular duties.

597 **PEREZ:** And that same night when the mayor contacted you and said that the chief convinced him not to  
598 put him on leave, did he give you any information as to how the chief convinced him?

599 **ALPERT:** I'm sure he did, but I can't remember what it was.

600 **PEREZ:** Okay.

601 **ALPERT:** Now, the mayor is an incredibly loyal person which is a blessing and a curse. We've seen that  
602 play out a few times here, but he does fundamentally believe in everyone having their right to be proven  
603 guilty and assumed innocent. I mean, he fundamentally believes in all of that. He fundamentally believes  
604 that.

605 **PEREZ:** Okay. That's all I have, ERIC.

606 **BERRY:** Excellent. Thank you so much for meeting with us.

607 **ALPERT:** Sure.

608 **BERRY:** Go ahead and stop the tape. Time is approximately, call it two minutes to three.

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611 Transcribed 06/17/2016 @ 12:00 p.m. Michele Pollreisz

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