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

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Interviewed: Tera Pierce

BERRY: This is IPR Investigator ERIC BERRY. Today's date is Tuesday, June 7th, 2016. Time is approximately 3:05 p.m. I'm at a conference room at IPR offices for an interview on 2016-B-0014. Also present in the room are mayoral staff, TERA PIERCE and IPR Investigator DEIRDRE PEREZ. And Ms. PIERCE, are you aware I'm recording our conversation?

PIERCE: Yes.

BERRY: Excellent. Thank you very much. So there's a whole heck of a lot I don't know about how a mayor's office works. I'll start – I want to make sure I understand. Are you the Deputy Chief of Staff?

PIERCE: Yes.

BERRY: Is that right?

PIERCE: Um hmm.

BERRY: Okay. Will you kind of briefly describe what it is that a Deputy Chief of Staff does? What are you responsible for?

PIERCE: I'm more of the internal operations of the office, so anything from insuring that the mayor is briefed and has all the things that he needs to go to any internal/external meetings. I don't prepare those. I just oversee the people who do them and make sure they're doing their job. Same with the schedule, so I oversee our scheduler, make sure that she has what she needs, is doing what she needs to be doing for the mayor and kind of that piece. I also act as – I mean, I – yeah, I just think of myself more as the internal person so I'm generally who folks go to if they have a question, concern, need to air something out, need to think through something, generally consulted and talk to folks around communications. A whole swath of stuff.

BERRY: Oh, yeah. Do you have a sense of how often you speak directly to the mayor?

PIERCE: Depends on the day.

BERRY: Depends on the day. I figured.

PIERCE: Yeah.

BERRY: All right. Are we talking – so just make sure I understand, some days maybe not contact, other days very frequent contact?

PIERCE: Yeah.

BERRY: Okay.

PIERCE: Depends on the issues, depending on the day, if he's in the office, if he's out of the office. I'm not his – you know, WILLIAM is his person who kind of drives him around and does that kind of stuff.

BERRY: Yeah.

PIERCE: That's not the kind of contact that he and I have. If we're working on something during the budget, I was with him a lot. You know, it just depends on the –

BERRY: I know. It sounds like budget is a real busy time for everybody.

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50 **PIERCE:** Oh, brutal.

51 **BERRY:** People have told us a little bit about that.

52 **PIERCE:** It's insane.

53 **BERRY:** It sounds like it. It really does.

54 **PIERCE:** Yeah. It's insane. It's kind of all-consuming.

55 **BERRY:** Boy. Do you have any direct responsibilities related to PPB?

56 **PIERCE:** No.

57 **BERRY:** No?

58 **PIERCE:** Hm-mm

59 **BERRY:** Let's just skip some questions. As Deputy Chief of Staff, do you have contact with DEANNA

60 WESSON-MITCHELL?

61 **PIERCE:** Mm-hm. Yeah.

62 **BERRY:** What kind of contact do you have with her?

63 **PIERCE:** Generally, she and I – I serve as a lot of different roles. Some of it is just listening to people

64 process what either they're thinking of doing on an issue, think through who do we need to reach out to,

65 who – how do we – you know, when and how do we communicate, you know. So she and I – depending –

66 again, depending on the issue, she and I probably – you know, we have regular contact. I – my office is

67 kind of mid through the hallway, so I just yell people's names as they're passing by.

68 **BERRY:** Um hmm. People go back and forth.

69 **PIERCE:** And then they come in and sit and then we kind of go through things so DEANNA has to walk

70 by my office all the time.

71 **BERRY:** And that you're aware of, who would you say that other mayoral staff are that address PPB-

72 related issues?

73 **PIERCE:** Well, NICOLE GRANT, so she's DEANNA's policy assistant.

74 **BERRY:** Yeah.

75 **PIERCE:** On a policy standpoint, that's pretty much the two folks unless there's overlapping between

76 something that somebody else is working on and needs, you know, PPB so homelessness team will have

77 some interaction with PPB but it's generally regarding, you know, camp cleanup or something like that.

78 **BERRY:** The specific issue?

79 **PIERCE:** Yeah. And then – I mean, you know, depending on the issue, communications is in contact with

80 DEANNA around PPB, JOSH and then SUSAN for scheduling.

81 **BERRY:** Oh, yeah. And are there folks over at PPB that you have regular contact with?

82 **PIERCE:** Me?

83 **BERRY:** Yeah.

84 **PIERCE:** No.

85 **BERRY:** No.

86 **PIERCE:** So far, I've been able to stay internal at our office.

87 **BERRY:** Can you think of a time – you know, I should've asked earlier, how long have you been with the

88 mayor?

89 **PIERCE:** July 2014.

90 **BERRY:** Okay.

91 **PIERCE:** Coming up on two years.

92 **BERRY:** Oh, my gosh.

93 **PIERCE:** Um hmm.

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94 **BERRY:** Does it seem like it's gone by real fast?
95 **PIERCE:** Both.
96 **BERRY:** Both. Fast and slow?
97 **PIERCE:** Mm-hm.
98 **BERRY:** Yeah. I can see that. It's the same down here.
99 **PIERCE:** Yeah. Yeah. That's just the nature of our work, right?
100 **BERRY:** Yeah. So since you've been there, July 2014, can you think of a time – have you ever advised or
101 updated the mayor on a criminal investigation involving a PPB member?
102 **PIERCE:** Alone? Probably not.
103 **BERRY:** Okay. With others?
104 **PIERCE:** Probably with DEANNA, sure. I mean, generally, it would work where DEANNA finds out
105 about something, she comes to me if I'm on the route, right?
106 **BERRY:** Right.
107 **PIERCE:** And goes oh – so this just happened and then we would generally go to the next step which
108 would probably be whoever was in communications and be like hey, heads up, this happened, you might be
109 getting some calls on it, and then either to JOSH or the mayor, again, depending on the day and the issue.
110 **BERRY:** Right.
111 **PIERCE:** It's a pretty good flow.
112 **BERRY:** Accurate path for –
113 **PIERCE:** Yeah. Just kind of going on from DEANNA's office down the hall.
114 **BERRY:** Well, I appreciate you talking about that. It helps us to understand how things work up there.
115 **PIERCE:** Mm-hm.
116 **BERRY:** Do you remember when you first learned of the O'DEA shooting incident?
117 **PIERCE:** Mm-hm.
118 **BERRY:** And when was that?
119 **PIERCE:** It was – I think it was that Friday.
120 **BERRY:** That Friday?
121 **PIERCE:** It must have been the Friday that Willamette Week came out.
122 **BERRY:** Okay. I think May 20th?
123 **PIERCE:** Yeah. That's what I was looking on my calendar to make sure I was saying the right date. Yeah.
124 **BERRY:** Yeah. All right.
125 **PIERCE:** It was when everybody else found about it.
126 **BERRY:** And will you kind of describe the circumstances how you found out? Did you read the article or
127 were you – other people when you found out or –
128 **PIERCE:** So I was walking by the kitchen and there was a large – there was a couple folks standing
129 around talking about it and I walked in and said what's going on and they said basically this happened and I
130 went oh, shit, that sucks.
131 **BERRY:** All right. What – so a couple of folks. Do you remember who? I got to ask.
132 **PIERCE:** DEANNA, SARA – who else was in there. No. I feel like there was two other people and I can't
133 – they were in the same boat I was so, what?
134 **BERRY:** Just finding out?
135 **PIERCE:** Yes.
136 **BERRY:** And do you remember how the incident was described to you in that first contact?

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137 **PIERCE:** I think – and it's hard because everything's kind of a little bit cloudy now with everything
138 coming out and all the information, right, that's been coming at me, but I believe it was similar to I
139 remember what happened with Cheney, that happened with the chief. Something that simple, right.
140 **BERRY:** Yeah.
141 **PIERCE:** And then it was, you know, me trying to remember if Cheney – where Cheney shot his friend.
142 **BERRY:** What happened there, yeah.
143 **PIERCE:** It wasn't fully detailed and then there was —you know, I think I went back to my desk to
144 actually read the article, if I remember correctly.
145 **BERRY:** Find out all the details.
146 **PIERCE:** Or what was out there, yeah.
147 **BERRY:** Do you have any idea who in the mayor's office knew about this incident before that day?
148 **PIERCE:** I know what I've been told and it makes sense because nobody else knew so I believe the recount
149 of it being the mayor, JOSH and SARA.
150 **BERRY:** Okay.
151 **PIERCE:** I think if anybody else had known, it would've been obvious.
152 **BERRY:** And who was it that told you it was the mayor, JOSH and SARA?
153 **PIERCE:** I feel like it must have come out that – in the kitchen of like who knew and what happened.
154 **BERRY:** Okay. So in that first kitchen contact?
155 **PIERCE:** I think – it must have. Again, it's all kind of – the days bleed together.
156 **BERRY:** I know how that goes.
157 **PIERCE:** But that would be my best guess.
158 **BERRY:** All right.
159 **PIERCE:** Oh, can we pause for a second?
160 **BERRY:** Yeah. Absolutely. Time is approximately 3:15, pausing. IPR ERIC BERRY, still on 2016-B-
161 0014. Time is approximately 3:17, resuming the interview. Okay. Were you directed to take any action
162 regarding this incident once you learned about it?
163 **PIERCE:** Hm-mm
164 **BERRY:** Yeah. Any idea if other people were directed to take action?
165 **PIERCE:** I'm just trying to remember what was going on. It just all seems kind of – not right away, no.
166 **BERRY:** All right.
167 **PIERCE:** I think everybody was just kind of absorbing the information and trying to get more.
168 **BERRY:** Yeah. So what was your understanding of what the city was going to do or how the city would
169 respond to this incident once it broke?
170 **PIERCE:** Once we figured it out?
171 **BERRY:** Yeah.
172 **PIERCE:** Or once we knew?
173 **BERRY:** Once you found out about it.
174 **PIERCE:** I think – if I remember – was the mayor here on May 20th? I think he was. Right?
175 **BERRY:** What's that?
176 **PIERCE:** I'm trying to remember what that day looked like, so May 20th – what did we do? I don't have
177 anything on here. There was just a lot of discussions of kind of what this meant, what we needed to do. I
178 think it wasn't until Monday, I want to say, that we started – that at least I was included in more of the
179 conversations of – with MARK AMBERG and the city attorney's office and with – who else did we talk
180 to? And TRACY. You know, just trying to figure out okay, what are we doing, what needs to be done, you

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181 know, talking to DEANNA, clearly. It was really just a matter of trying to wrap – for me, it was about
182 wrapping my brain around it and for other folks, it was kind of the same thing because even – and I won't
183 talk for JOSH and SARA but even though they had known, there was still the assumption that things were
184 in play, right, so it was –

185 **BERRY:** Yeah.

186 **PIERCE:** I think for all of us, there was a lot of new information coming at us. For some of us, it was
187 finding out about the incident but others, it was well, didn't everything – wasn't all the wheels in motion
188 that were supposed to be in motion so.

189 **BERRY:** And will you expand on that a little bit? When you say – well, you talked about other people
190 having expectation that wheels were in motion. What do you mean by that?

191 **PIERCE:** Well, I think, you know, we don't know police – I mean the Police Bureau is a very strange
192 animal, and I am definitely not an inclined person to understand kind of the military and that – the way that
193 the structure – the intense kind of structure of a police bureau, right, and I know that they have those and
194 usually I'll ask DEANNA like so when this happens –

195 **BERRY:** Explain this.

196 **PIERCE:** Yeah. Tell me what this means or if I wanted to do something like this, how would that go and
197 she'll either say no, that's an awful idea, they'll take it as this, you know.

198 **BERRY:** Yeah.

199 **PIERCE:** So she speaks police. I don't. Generally, JOSH and SARA don't and so our – we generally
200 operate – I think it's fair to say we generally operate under the assumption that since they do have such
201 structured rules and policies, that those just get followed. It doesn't mean that we know all of them because
202 that would be crazy, but we know that there's expectations and those expectations generally are followed.
203 You know, I'm in charge of – we have a new kind of policy when I started to have anything that the mayor
204 is supposed to sign comes to my desk first, then I bring it to the policy director, they sign off on it, read it,
205 make sure he should – make a recommendation of whether or not he should sign it, then I take it to him, he
206 reads it, then decides, right, and so I do that with all police stuff to DEANNA. And it's just very evident in
207 all of those pieces that there's just some really specific actions that happen when – you know, and she'll
208 explain some of it to me of yeah, this guy did this and then that happened and so it's very orderly and
209 structured.

210 **BERRY:** Yeah.

211 **PIERCE:** So there's this assumption that that's how things work over there and so I think it's fair to say
212 that we – again, I don't want to get in their brain but generally assume okay, well, if it happened in the
213 Police Bureau, there's checklists, right?

214 **BERRY:** Well, now, I know one of the things the mayor has to sign off on as proposed discipline for an
215 officer so – and that would be a packet of material that he receives post-PRB meeting.

216 **PIERCE:** Yeah.

217 **BERRY:** Was that the kind of – you talked about having a –

218 **PIERCE:** That's the stuff I would get, yeah.

219 **BERRY:** Yeah. So you'd review that (inaudible) –

220 **PIERCE:** I don't. I would just see it says Police Bureau and then I give it to DEANNA.

221 **BERRY:** DEANNA.

222 **PIERCE:** DEANNA reviews it because she understands it –

223 **BERRY:** Yeah.

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224 **PIERCE:** – and would make a determination of like yeah, this guy did X and should – this is a reasonable
225 discipline or – you know, and she kinds of sums it up for the mayor so that he can take a look at it and go
226 okay, and then he can make a determination.

227 **BERRY:** Yeah. Well, and to get a little more specific, you talked about an expectation in a military or
228 quasi-military organization like the Bureau with a lot of rules, a lot of policies. Is it fair to assume or
229 understand that you thought that there would be an administrative investigation over there?

230 **PIERCE:** Whatever it's called, yeah.

231 **BERRY:** Yeah, a review, an inquiry.

232 **PIERCE:** Again, like that would be my assumption that would've – yes. After I found out – again, it's hard
233 because I found out late but we still – I want to say because it wasn't until later that we realized that, that
234 hadn't happened so there's still that assumption of like okay, well, they're doing their investigation. That's
235 what law enforcement agencies do.

236 **BERRY:** And did you take any part in drafting a press release related to this?

237 **PIERCE:** No.

238 **BERRY:** No?

239 **PIERCE:** No. That's not generally – I don't think I've ever –

240 **BERRY:** Had to do that?

241 **PIERCE:** I'll edit stuff and I'll take a look at it but I don't remember – did we do a press release on this?
242 Did we?

243 **PEREZ:** Once the chief was placed on leave, there was a press release.

244 **PIERCE:** Oh, yeah. I mean, maybe I probably saw it.

245 **BERRY:** Yeah.

246 **PIERCE:** Were you part of any strategy meetings in how to deal with the media throughout this incident?

247 **PIERCE:** From when I knew?

248 **PEREZ:** Yeah. From when you knew – from when it became public, were you part of any meetings or
249 strategy – discussions on strategy on how to deal with the press?

250 **PIERCE:** I feel like press has been less of the topic. It's been more of okay – I mean, yes. I've been in all –
251 most of the strategy meetings – not most, some.

252 **PEREZ:** Okay.

253 **PIERCE:** And press has been a topic but it's been more okay, what would we have done, because we got
254 accused, right, of not leaking it to the press and so it was let's talk about this, is that something we would've
255 done on any other piece and I would still come to the same conclusion, no. That's not a mayor's office press
256 release, right. I think the expectation would've been that the Bureau had done it and we would've made a
257 response to it but we don't generally throw out that the – you know, this happened to this officer. I can't
258 imagine – I can't remember a time that that happened, so it's just not where we generally come from. So
259 moving forward, it was how much can he say and we were advised and we agreed that this is under
260 investigation and we shouldn't be talking about it, so our press strategy was pretty simple, right. It's –
261 sometimes it's nice when it's under investigation, you already have a press strategy. We're under
262 investigation. We can't talk about this. I actually prefer that but – so yeah. I think that's pretty much what
263 the conversation has been.

264 **PEREZ:** Okay.

265 **BERRY:** All right. I feel like I asked you earlier, forgive me if I have. Have you been directed to take any
266 specific tasks related to this incident with O'DEA?

267 **PIERCE:** No. I mean, not – what would a specific task look like?

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268 **BERRY:** Draft a release, call somebody, talk to so-and-so?
269 **PIERCE:** No. I don't think so.
270 **BERRY:** Okay. All right.
271 **PIERCE:** No. I mean, it's less order and more we got to get this done, have you talked to TRACY, have
272 we figured out what we need to be doing, have we – you know, I was in the room with the chief and JOSH
273 and DONNA HENDERSON when we put him on leave. You know, we asked MARK for language so that
274 we made sure we didn't mess it up, right.
275 **BERRY:** Yeah.
276 **PIERCE:** That kind of stuff.
277 **BERRY:** All right. So hearing you talk and hearing other people talk, it sounds like DEANNA found out
278 about this from the Willamette Week, same as the rest of us; is that right?
279 **PIERCE:** Mm-hm. That's my understanding.
280 **BERRY:** Do you have any idea why she wasn't told about it?
281 **PIERCE:** No. I mean, we keep – I keep running it through my head. The only thing can say which is I
282 don't know if it's any better, but it was a shit storm of a week.
283 **BERRY:** It's right in the middle of budget, wasn't it?
284 **PIERCE:** It was right in the middle of budget. Like when I start walking back when it happened, it's like I
285 keep using this analogy but it really is the perfect storm. It's like there were so many things and he just got
286 back and we needed him back so badly.
287 **BERRY:** He was traveling, wasn't he?
288 **PIERCE:** He was in Europe for a week –
289 **BERRY:** Overseas, yeah.
290 **PIERCE:** – with Secretary Foxx, so he was completely immersed in that and we were completely
291 immersed in the budget and you guys remember, we were trying to raise taxes which was really popular.
292 **BERRY:** I don't remember.
293 **PIERCE:** And, yeah. And we were doing a police bargaining and we were – what else was going on that
294 week? There was just so many things and so we finally had him back to be like here's everything we need
295 your answers on, right, and I remember we were just really like okay, we're going to take these two hours of
296 stuff and we need to talk about the budget. Then we're going to meet with the – like it was just so solidly
297 booked of he's back and we just need him and did you – you know, this is what JOSH and I thought, what
298 do you think or are you – so I really do believe that this was an instance, at least from my own perspective,
299 of a perfect storm of getting some bad news and then you literally walk into the conference room, there's
300 the whole team and we don't know about it so it's sit down, deep breath and then we're all like aaahhh for
301 two hours and then whatever the next meeting was and the next and the next and the next and so – and that
302 was a week of that and our concentration was on what's our media strategy about the tax, who do we need
303 to talk to, who does the mayor – I think that was the day that we were trying to – you know, he was talking
304 to Venture Portland. Like we were trying to get people onboard for the tax, we were trying to get
305 community members lined up for our press conferences we were – it was a lot going on, right, and we were
306 all anxiously – pretty anxious about putting this tax out there in the first place, so that was a hundred
307 percent our focus and I can see it happening. On a normal day, that wouldn't normally happen, right. That
308 would've been more of a download, I think. Maybe I'm wrong, but on a day – on a week like that after
309 being gone, that's when it makes sense. Any other time, it doesn't make sense to me, but I actually can
310 understand that.
311 **BERRY:** And have you had any contact with any of the assistant chiefs about this incident?

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312 **PIERCE:** Just – not about it, really. DONNA was in – you know, I was in the room with DONNA when –
313 and then we had a meeting with her, I think two days or a day later. Just JOSH, the mayor and I for kind of
314 what we needed to see from the Bureau, what we were hoping she would work on and –
315 **BERRY:** Oh, once she was appointed acting chief?
316 **PIERCE:** Yeah. This was once she was acting chief.
317 **BERRY:** Okay.
318 **PIERCE:** Kind of some expectations.
319 **BERRY:** Did you – prior to that, did you have any kind of contact with DONNA prior to the chief being
320 placed on administrative leave?
321 **PIERCE:** Me, personally? No. I don't think so.
322 **BERRY:** Okay. Were you aware of any contact from her?
323 **PIERCE:** Huh?
324 **BERRY:** Were you aware of any contact from her?
325 **PIERCE:** No.
326 **BERRY:** No? Okay.
327 **PIERCE:** I really don't interact with the Police Bureau very often. There's so many more layers of our
328 office that do that we don't need all of us in there.
329 **BERRY:** Yeah. All right. Have you have any contact with PETE SIMPSON, the public spokesman?
330 **PIERCE:** No.
331 **BERRY:** No. All right. Did you have much contact with the media about this?
332 **PIERCE:** No.
333 **BERRY:** Yeah. All right. So during the investigation, something we noted is that the mayor's office made
334 some statements about an ongoing administrative investigation. It's not clear to us that there actually was an
335 administrative investigation going on.
336 **PIERCE:** Right.
337 **BERRY:** No statements were made. I'm trying to understand who made those statements or how it was
338 determined that there was an administrative investigation.
339 **PIERCE:** I think it was an assumption.
340 **BERRY:** Just assumed that – you talked about –
341 **PIERCE:** If X happens then Y happens and therefore –
342 **BERRY:** Okay. And I remember you talking earlier about –
343 **PIERCE:** Right.
344 **BERRY:** – all the policies and procedures and stuff that the Bureau has.
345 **PIERCE:** Yeah. I mean, it really was just okay, well, so then this must be happening.
346 **BERRY:** Okay.
347 **PIERCE:** Yeah. It wasn't until later that we realized that that wasn't accurate –
348 **BERRY:** Yeah.
349 **PIERCE:** – or that that wasn't happening. I guess that makes it inaccurate but it was less of us trying to say
350 a falsehood, right. It was more of like our genuine expectation was that that was happening.
351 **BERRY:** Well, Ms. PIERCE, you've put up with us asking a bunch of nosey questions about everything.
352 **PIERCE:** Um hmm.
353 **BERRY:** Is there anything you want to add to our conversation or you feel is important we should know
354 about this, anything that sticks out in your mind?
355 **PIERCE:** No. That's just really unfortunate.

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356 **BERRY:** Yeah.

357 **PIERCE:** There was a lot of bad – wrong turns that led to unintended consequences that I'm hopeful will
358 come out wasn't intended to be wrong turns but – it sucks.

359 **BERRY:** DEIRDRE, is there anything you want to ask? No. All right. We can get you off tape. Time is
360 approximately, call it 3:34 and we're quitting recording.

361

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363 Transcribed 06/15/2016 @ 1:00 p.m. Michele Pollreisz