

## The Oregonian

# Federal justice officials blast Portland mayor for not holding former Police Chief Larry O'Dea accountable

*By Maxine Bernstein*

*October 19, 2016*

The U.S. Department of Justice has cited the Portland police commissioner's failure to seek an immediate investigation of former Chief Larry O'Dea's off-duty shooting as an example of the city's and Police Bureau's continuing struggle to hold officers accountable for misconduct.

The critique is part of the Justice Department's latest review of how Portland police are carrying out a wide range of reforms stemming from a settlement agreement with the city after a 2012 federal investigation found police used excessive force against people with mental illness.

"Tragically, conduct by the former PPB Chief illustrated PPB's accountability failures," the federal report said.

Four days after he shot a friend in the back during an April 21 off-duty camping trip, O'Dea told Mayor Charlie Hales, who serves as police commissioner, and his command staff of assistant chiefs.

"None of these individuals — not the Police Commissioner, nor the then Assistant Chief in charge of investigations, nor the then internal affairs Captain — initiated an administrative investigation as required by the Settlement Agreement," the federal report said. "The then Chief told his subordinates that his weapons discharge would be handled as a private, personal matter. He undercut the usual accountability systems and placed his subordinates in an untenable situation."

O'Dea, who retired in late June, remains under criminal investigation by the Oregon Department of Justice for the shooting. O'Dea and the mayor both kept the shooting under wraps until reporters asked about it a month later.

Hales blamed "trial by media," when he announced O'Dea's retirement in June.

It's undisputed that no one in the Police Bureau or the city, including the Mayor's Office, informed the Independent Police Review Division, which learned of O'Dea's shooting through the press, the report noted.

"The Police Commissioner's and former Chief's failure to act obstructed a 'fair and expeditious resolution' of the alleged misconduct and failed to hold officers accountable pursuant to a disciplinary system that is fair and consistent," federal Justice officials wrote.

Instead, the report noted, a city official texted to O'Dea, "Don't worry chief we got your back."

"While we do not reach a conclusion on what the outcome of the administrative investigation should be, the undisputed facts give rise to the need to determine compliance," with Police Bureau directives on truthfulness, notification of a supervisor when an officer is under criminal investigation and use of alcohol, the federal report said.

The federal report, filed in U.S. District Court, highlighted the Police Bureau's directive, which requires bureau members to "immediately notify an on-duty supervisor" when "they become aware they are a suspect in a law enforcement investigation."

It also cited city policy, which states that when there is an allegation of possible misconduct by a Portland police officer holding the rank of captain or higher, the Independent Police Review Division conducts the administrative investigation.

Federal justice officials called on current Chief Michael Marshman to work to improve police accountability.

"PPB's new leadership must rebuild trust from the community and PPB Officers after the prior Chief undercut the Independent Police Review ("IPR") and PPB accountability systems," Assistant U.S. Attorney Adrian Brown wrote in a court filing to U.S. District Judge Michael H. Simon, which was also signed by lawyers in the federal Justice Department's civil rights and trial division.

Simon is scheduled to hold a status hearing on the city's settlement agreement in his courtroom at 1 p.m. on Oct. 25.

O'Dea shot a friend, Robert Dempsey, in the lower left back during his April camping trip in eastern Oregon's Harney County. He and his friends, including two other retired Portland police tactical officers, were shooting ground squirrels, according to a Harney County deputy sheriff's report.

At first, O'Dea told a sheriff's deputy that it appeared Dempsey had shot himself while trying to return his pistol to a shoulder holster. O'Dea also told the deputy that he didn't have his rifle in his hands at the time of the shooting. He didn't identify himself as Portland's police chief.

Later, O'Dea called Dempsey to apologize for shooting him. Dempsey, after his release from the hospital, told the deputy that O'Dea had problems with his .22-caliber rifle misfiring and jamming all day. He said O'Dea had told him that when he returned to his seat and picked up the rifle, it went off, striking Dempsey, who was in a lawn chair next to him, according to the deputy's report.

Four days after the shooting, O'Dea told the mayor and his command staff that he accidentally had shot his friend.

In late May, Harney County Sheriff Dave Ward told The Oregonian/OregonLive that O'Dea hadn't yet told the sheriff's office that he was responsible for the shooting, and was surprised to learn the chief had shared that with his boss.

O'Dea's lawyer Derek Ashton has said he's confident O'Dea won't face criminal charges. O'Dea didn't knowingly shoot his friend and was unaware at first that the shot came from his rifle, Ashton said. O'Dea also disputes the deputy's report that he was impaired by alcohol at the time.

"I'll continue to wait on passing judgment until I have all the facts," Hales told reporters when announcing O'Dea's retirement. "I'm sad to lose his service, and we should all be sad to lose his service."

# The Portland Tribune

## Cash raised to harbor homeless

*By Jim Redden*

*October 19, 2016*

Despite delays in opening the temporary homeless shelter at Terminal 1, developer Homer Williams says he has raised most of the money needed to operate it for six months.

Williams and others working on the shelter are still reviewing a sublease with the Portland Housing Bureau that authorizes use of the warehouse on a 14-acre parcel in Northwest Portland. It covers such things as the amount of the warehouse to be leased, what modifications can be made, and monthly payments.

Williams says he will not open the shelter until he has raised at least \$500,000 to operate it for six months. Last week he announced that he has raised nearly \$300,000 from 14 contributors, including himself, business partner Dike Dame, the Howard S. Wright Construction company, developers Clyde Holland and Al Solheim, St. Luke Lutheran Church and others.

Williams also says he has secured around \$250,000 in commitments for donated supplies, materials and services from 21 people, businesses and social service agencies, ranging from the Right 2 Dream Too homeless camp in Old Town to Ankrom Moisan Architects and Walsh Construction Co..

Williams has proposed a two-phase project at the site. The first phase is a six-month shelter in the warehouse that eventually could house up to 400 people. The second is a permanent center that would offer food, housing, counseling, medical care, social service and job training to 1,000 or more people at a time. Called the Oregon Harbor of Hope, it would be modeled after the Haven for Hope in San Antonio, Texas. Mayor-elect Ted Wheeler and Commissioner Steve Novick toured it on Oct. 15 and said they were impressed.

On Aug. 10, the City Council authorized a lease for the temporary shelter between the Housing Bureau and the Bureau of Environmental Services, which owns the property. It will make a decision on the permanent shelter later. Williams has promised to raise tens of millions of dollars to build and operate it.

In the meantime, a coalition of businesses active in the Portland Harbor and others are preparing to challenge both phases of the project before the state Land Use Board of Appeals, because the property is zoned industrial. Lawyers for the coalition challenged the completeness of the City Council's record of its decision at LUBA, extending the deadline to file their challenge until that issue is resolved.

# Plan would rezone two-thirds of single-family neighborhoods for more density

*By Jim Redden*

*October 18, 2016*

Portland would rezone nearly two-thirds of its existing single-family neighborhoods to increase residential density, under a proposal to be considered the Planning and Sustainability Commission next Tuesday.

The proposed Housing Opportunity Overlay Zone covers most of the city except the David Douglas School District in East Portland, because the district doesn't have enough capacity for the additional students such new housing would generate.

The proposal is intended to fulfill a new policy approved by the City Council to encourage relatively smaller, less expensive housing units within a quarter-mile of designated urban centers, transportation corridors with frequent transit, high-capacity transit (MAX) stations, and within neighborhoods around the downtown core. The so-called missing middle housing will include duplexes, triplexes, four-plexes, small apartments and accessory dwelling units.

The policy directive was included in the update of the comprehensive land-use plan approved by the council early this year. It is a state-required document governing how the city will grow during the next 20 years. The plan anticipates the city will add 123,000 new housing units by 2035, with about 20 percent of the growth in neighborhoods zoned for single-family homes.

The proposal was developed by the Bureau of Planning and Sustainability as part of its work on the Residential Infill Project. It will be considered by the project's advisory committee at 7 p.m., Tuesday, Oct. 18, in Suite 2500A of the 1900 Building, 1900 S.W. Fourth Ave.

The proposal was controversial even before it was finalized. It was supported by land use watchdogs and developers as a way to increase more affordable housing without expanding the urban growth boundary designed to preserve farm and forest land. But it was opposed by some neighborhood organizations and activists who complained it would harm the character of existing neighborhoods without guaranteeing most Portlanders can afford the new homes.

The proposal also calls for limiting the scale of all new homes to ensure they fit into existing neighborhoods better. Limits would be placed on the size and location of new homes on their lots, although some exceptions could be granted by city planners.

The Planning and Sustainability Commission will consider the proposal at 4 p.m. on Oct. 25 in Suite 2500A of the 1900 Building, 1900 S.W. Fourth Ave. The council is scheduled to consider it on Nov. 9 and 16.

For more information and to read the proposal, visit [www.portlandoregon.gov/bps/article/594922?](http://www.portlandoregon.gov/bps/article/594922?)