

The Oregonian

Ex-Police Chief Larry O'Dea rapped in report for double standard

By Maxine Bernstein
08/18/2017

Former Portland Police Chief Larry O'Dea's assistant chiefs told investigators that O'Dea asked them not to discuss his off-duty shooting of a friend outside their meeting room after he disclosed it the morning of April 25, four days after it occurred on a camping trip in Harney County.

O'Dea also told his executive assistant about the shooting but asked that the information "stay between us," the assistant told investigators, according to findings issued by the city's Bureau of Human Resources Director Anna Kanwit.

The memo, heavily redacted, was released Friday in response to a public records request.

During his morning meeting with his command staff, O'Dea told the assistant chiefs that he had already alerted the mayor and captain of internal affairs about the shooting.

When the Police Bureau's public information officer, Sgt. Pete Simpson, got a call a month later from a reporter asking about O'Dea and a shooting, Simpson knew nothing about it.

Simpson was then directed by the chief to put out a statement acknowledging that O'Dea had been involved in a negligent discharge of his gun and explaining that the chief "chose to keep matter private as it was an off-duty incident while on vacation."

Simpson later told investigators that he was concerned about a double standard.

The same day that O'Dea told his assistant chiefs to keep quiet about his shooting, he had Simpson put out a media release on another officer arrested and accused of drunken driving while off duty.

"O'Dea's insistence the public be informed of an officer's off-duty alleged criminal conduct," while ensuring his own off-duty shooting of a friend "be kept confidential is also problematic and created the impression the chief believed his behavior was governed by a different set of standards," Kanwit wrote.

Kanwit found O'Dea brought discredit to the city for wounding a friend in a shooting while camping and not notifying the public about it until reporters asked about it.

On April 21, O'Dea shot his friend, Robert Dempsey, while hunting squirrels in the Catlow Valley area of Harney County. The hollow-point bullet hit Dempsey in the lower back and fragmented. Dempsey was released from the hospital the next day, the bullet still lodged in his body.

Four days later, O'Dea met with his assistant chiefs at 8 a.m. At that time, he told them he had informed the internal affairs captain about the shooting, according to the investigation.

In fact, O'Dea hadn't yet alerted Capt. Derek Rodrigues, the internal affairs captain, about the shooting. Rodrigues met with the chief three hours later, about 11 a.m., that day.

The city redacted several lines referencing Rodrigues' testimony. According to sources, O'Dea minimized his shooting to the assistant chiefs and the internal affairs captain, was tearful and never mentioned he had any contact with police officers stemming from the wounding of his friend.

O'Dea also never directed Rodrigues to inform the city's Independent Police Review Division to begin an administrative inquiry into the off-duty shooting – a step that should have been taken immediately.

Based on O'Dea's statements to then-Mayor Charlie Hales, his assistant chiefs and his executive assistant, they all presumed that an administrative review of O'Dea's investigation already was underway, according to the investigation.

Although the assistant chiefs said O'Dea had told them not to discuss his shooting outside of their meeting, Kanwit didn't sustain an allegation that O'Dea improperly directed or suggested that his assistant chiefs keep his shooting quiet. Some of the assistant chiefs took O'Dea's statements as a "directive," others thought he wanted them to keep the matter confidential, she wrote.

"This allegation is not sustained but only because of what appears to be a general lack of forthrightness on the part of O'Dea. It is difficult to determine if O'Dea's actions were a deliberate attempt to keep the incident as quiet as possible," Kanwit wrote.

O'Dea lied or left out information during his May 24 interview with investigators from the Independent Police Review Division, Kanwit found. O'Dea claimed he notified the mayor and his assistant chiefs the moment he realized he was the one responsible for having shot his friend, but that wasn't true, according to the investigation.

"The overall impression from the investigation is that O'Dea allowed certain assumptions to be made but that he took no action to ensure that important and critical information was shared," Kanwit wrote.

Mayor Ted Wheeler, who serves as police commissioner, supported Kanwit's findings and sent a letter last month to O'Dea, informing him that he'd be fired if he was still working as chief.

O'Dea retired while under criminal investigation at the end of June. A grand jury indicted him on a negligent wounding charge, but a Harney County judge agreed to a civil compromise that allowed the charge against O'Dea to be dismissed.

The Portland Tribune

Firefighters may make limited emergency room trips

By Jim Redden
08/20/2017

City Council to consider ordinance breaking with traditional arrangement with private ambulance companies on Wednesday

In a small but potentially important move, Portland Fire & Rescue is asking the City Council for permission to bill Medicaid if it transports people to hospital emergency rooms.

Although PF&R crews respond to 63,000 medical calls each year, patients have historically been transported to emergency rooms by private ambulance companies. The arrangement has been

questioned by some because PF&R crews and private ambulances respond to almost every medical call at about the same time.

City officials have discussed authorizing PF&R to do the transporting for several years. Interest has grown since the passage of the Affordable Care Act, which authorized Medicaid to pay for such trips when the patients do not have private insurance.

An ordinance to be discussed by the council on Wednesday would authorize PF&R to transport patients to emergency rooms "in unique and unusual circumstances." They are described as "high transport demand resulting from a major incident, excessive ambulance response delays caused by extreme weather, or a delayed ambulance response for a critical patient."

According to the ordinance, transport fees in Multnomah County are set by the Multnomah County Contract Compliance and Rate Regulation Committee. Current charges are \$1,008 plus \$23.17 per mile. An impact statement accompanying the ordinance estimates PF&R could collect approximately \$10,000 a year in additional revenue if the ordinance passes.

No additional PF&R employees would need to be hired, the impact statement says.

You can read the proposed ordinance and impact statement at www.portlandoregon.gov/auditor/article/651754.

The Portland Mercury

Former Chief Larry O'Dea Allowed Subordinates to Believe He Was Being Investigated For Shooting a Friend. He Wasn't.

By Dirk VanderHart
08/18/2017

In the days after he mistakenly shot a friend in the back, former Police Chief Larry O'Dea allowed those around him to believe criminal and internal investigations into the matter were playing out, even though they weren't.

That's a central conclusion of a findings memo [PDF] City Human Resources Director Anna Kanwit issued to Mayor Ted Wheeler in June, concluding O'Dea had thrice breached city rules after the April 21, 2016 shooting—violations that included lying to investigators, bringing reproach upon the city, and not giving proper notification about the incident.

The *Mercury* first reported the findings on Wednesday, but Kanwit's memo, obtained this afternoon via public records request, offers more detail. Though riddled with lawyers' redactions, the memo summarizes an investigation the city's Independent Police Review conducted into the incident.

An overarching conclusion of the document: "The overall impression from the investigation is that O'Dea allowed certain assumptions to be made but that he took no action to ensure that important and critical information was shared."

On April 21, 2016, O'Dea was camping with friends in Harney County. The group was shooting at ground squirrels when the former chief's rifle apparently misfired, striking a friend named

Robert Dempsey in the back. O'Dea told a responding sheriff's deputy that Dempsey might have shot himself while trying to re-holster a pistol, and has said he didn't actually realize he was the shooter until days later.

O'Dea alerted then-Mayor Charlie Hales, his assistant chiefs, and the police bureau's internal affairs captain to the matter on April 25, 2016. But Harney County deputies wouldn't find out about O'Dea's involvement until May 16. And an internal investigation didn't begin until May 23, after word of the shooting had leaked to the press.

Kanwit's memo says a big reason for that lag was O'Dea. It lays out interviews with four former assistant chiefs—Bob Day, Donna Henderson, Mike Crebs, and Kevin Modica—about what O'Dea told them of the shooting on April 25, 2016.

Crebs told investigators that upon hearing O'Dea's account, he assumed authorities in Harney County understood he'd been the one to shoot Dempsey. "During Crebs' second interview he expressed surprise that the deputy had not known O'Dea was the shooter," the memo reads.

Henderson, too, told investigators she assumed an investigation had begun, since O'Dea said he'd told the bureau's Professional Standards Division about the matter (which he had).

"O'Dea asked the ACs to keep the incident to themselves," the memo says, paraphrasing Henderson.

Day recounted O'Dea being more vague in the matter. "AC Day reported that O'Dea said he may have been responsible for the shooting after reflecting on the incident over the weekend," the memo says. "Day also noted that the assistant chiefs had a responsibility to act if they thought the chief had engaged in wrongdoing but Day believed the chief and [Professional Standards Capt. Derek] Rodrigues were taking the appropriate steps."

All four assistant chiefs recounted, in some form, O'Dea asking them to keep the matter quiet. And O'Dea agreed, telling investigators that "he also told the ACs the investigation was ongoing so they needed to keep the information secure," the memo says.

In fact, no investigation would begin for weeks. Harney County deputies only learned that O'Dea was the shooter when they were able to interview Dempsey about the matter in mid-May. And despite the fact that O'Dea reported the matter to Rodrigues on April 25, it took even longer for an internal investigation to begin. The Independent Police Review, which wound up investigating, wasn't told about the matter until after it became public knowledge on May 20, 2016, via a report in *Willamette Week*.

Both Kanwit and Wheeler found O'Dea had brought discredit the bureau via the shooting—particularly because it took so long to become public. They also found he didn't properly report the matter, though the details surrounding that allegation are heavily redacted in the findings memo. And perhaps most damningly, Kanwit and Wheeler found O'Dea had misled IPR investigators about the nature of his conversation with his assistant chiefs (again the precise details of his lies are hard to parse because of redactions).

A fourth allegation against O'Dea—that he improperly instructed his subordinates not to speak of the matter—wasn't sustained by Kanwit, though only because of a technicality.

"This allegation is not sustained but only because of what appears to be a general lack of forthrightness on the part of O'Dea, it is difficult to determine if O'Dea's actions were a deliberate attempt to keep the incident as quiet as possible," the memo reads.

One big remaining question in this incident: Why it took so long for an internal investigation to begin after O'Dea informed Rodrigues about the matter. Rodrigues' actions have also been investigated, though no findings have been made public.

As we noted Monday, O'Dea was found to have violated city policy in another case, where he failed to launch an investigation into a subordinate's complaints about inappropriate comments she received. As with the shooting investigation, O'Dea was found to have lied to investigators looking into that matter—a fireable offense.

"If you were still employed by the police bureau," Wheeler wrote to O'Dea in a letter last month, "I would terminate your employment."

The Daily Journal of Commerce

Central City plan heads for council hearings

By Chuck Slothower
08/18/2017

The city of Portland's Central City 2035 plan is approaching City Council consideration after years of work.

The overhaul of the city's planning framework for Portland's core encompasses proposed changes to zoning, building height limits and floor-to-area ratio, which prescribes how large buildings can be constructed on sites.

The plan comes from the city's Planning and Sustainability Commission and staff from the Bureau of Planning and Sustainability, Bureau of Transportation, and other agencies. It stems from the Central City Concept Plan in 2010, which led to a series of quadrant plans for portions of Portland's core.

The sweeping 2035 plan covers everything from river setbacks to glazed windows intended to reduce bird strikes. It's so large that it's not available from the city's website in a single document; instead, it's broken into several volumes.

The plan envisions a future Portland where 80 percent of residents get to their Central City jobs taking public transit, biking, walking or car-pooling. Docks on the Willamette River provide access to swimming. Paths line the river for pedestrians.

It calls for increased density in much of downtown, along the riverfront and surrounding the transit mall. It reduces allowable heights in certain historic districts, and in other areas to protect views.

City staffers are expecting voluminous public testimony at a Sept. 7 hearing. Other public hearings will follow before an anticipated City Council vote in January 2018. The timeline anticipates a March 1, 2018, effective date.

Some of the fiercest opposition to the plan has come from property owners of parcels where the maximum allowable building height has been reduced. In some instances, the reduction is

substantial. At Northwest Sixth Avenue and Burnside Street, where the Roseland Theater is located, the allowable height would drop from 460 feet to 250 feet, a 46 percent reduction.

David Leiken, who owns the Roseland Theater property, has threatened to sue the city if the building height reduction goes through. His property is across Burnside from U.S. Bancorp Tower, better known as Big Pink, which reaches 536 feet in height.

City staff acknowledged the plan creates sharp distinctions between neighborhoods as planners sought to preserve historic districts such as the Chinatown-Japantown area.

“There are some relatively drastic transitions between the historic district and outside the historic district,” said Brandon Spencer-Hartle, a senior city planner.

Commissioner Dan Saltzman praised the plan in an interview Tuesday. “Overall, I thought it was a pretty good plan,” he said.

Saltzman said he was pleased by the Central City 2035 plan’s streamlining of height bonuses. Nineteen criteria that gave developers bonus height in exchange for items such as eco-friendly roofs and bicycle lockers have been reduced to six. The remaining criteria primarily encourage affordable housing.

“That’s something I’ve been working long and hard – to get rid of bonuses we don’t need anymore,” Saltzman said.

Saltzman declined to speculate on any amendments he might offer, saying any amendments he would put forward would be in response to public testimony.

Commissioner Amanda Fritz during Tuesday’s work session indicated she may offer an amendment concerning maximum height at the Morrison Bridge. The Central City 2035 plan raises maximum allowable heights at bridgehead sites to encourage development on the difficult parcels.