

The Oregonian

New Details Reveal How Ex-Portland Police Chief Misled Command Staff, Mayor about Off-Duty Shooting

*By Maxine Bernstein
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Portland police supervisors and then-Mayor Charlie Hales ignored protocol that called for an immediate internal investigation last year when Chief Larry O'Dea shot a friend on a camping trip, marking "an organizational failure of the highest order," the city's police watchdog found.

O'Dea misled his three assistant chiefs and Hales about the case, the independent review concluded.

O'Dea, who later faced a criminal indictment and retired under fire, first told them about the off-duty shooting four days after it occurred in a 7 a.m. phone call to the mayor and an 8 a.m. meeting with his assistants.

The chief said then that he had already told the police internal affairs captain and the Sheriff's Office in Harney County, where the shooting happened, about his role.

But he actually hadn't done either yet, according to reports released Monday by Constantin Severe, director of the city's Independent Police Review.

The extensive transcripts and new details in the full reports released Monday chronicle the web of misdirection and manipulation from the mayor's office to the chief. They also revealed that rank-and-file officers were angered by what appeared to be a disturbing "double standard" at play, noting that officers must notify their supervisor immediately if they're under criminal investigation, not four days later. An assistant chief and the police spokesman said they felt betrayed by O'Dea.

Severe noted that the mayor didn't understand police protocol, nor did his chief of staff, and that the only one in his office who had such knowledge, his public safety policy director, was kept in the dark.

Severe launched his own review of how the Police Bureau and mayor handled the April 21, 2016, shooting after learning about it for the first time from media accounts a month after the fact. His division, under the city Auditor's Office, investigates complaints of alleged misconduct by police supervisors of the rank of captain and higher.

The investigation found O'Dea brought discredit to the city, delayed reporting his April 2016 off-duty shooting of a friend and then lied to Independent Police Review investigators about the incident while he was still chief.

O'Dea shot his friend, Robert Dempsey, while he and friends were camping and shooting at ground 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.

O'Dea retired in late June 2016 as he was under criminal investigation. A grand jury indicted him on a negligent wounding charge. But a Harney County judge agreed to a civil compromise that allowed dismissal of the charge.

On the Monday after returning from his vacation, O'Dea told the assistant chiefs and the mayor that he had accidentally shot his friend, but that his friend would be OK. O'Dea was never clear about who would investigate his shooting but told each of his assistant chiefs to keep word of his shooting quiet.

"The only thing I remember talking about was needing to keep the information secure, so you know, until the deputy's able to follow up and finish his investigation," O'Dea recalled telling his assistants.

When O'Dea talked to the internal affairs head, Capt. Derek Rodrigues, about the shooting later that same Monday, he brought up the shooting as an aside at the end of a regularly scheduled meeting.

Rodrigues said O'Dea didn't share much information about the shooting with him, other than saying it was an accident and he felt horrible about it. It came up briefly during a personal discussion when O'Dea also asked Rodrigues about his wife's serious illness and offered Rodrigues to take as much time off as he needed.

"For me it was, you know, he was letting out, he was just kind of venting, just kind of ... I mean, he was sincere, and he was very, very sad that he injured his friend," Rodrigues told the investigator. "I just was trying to encourage him that, hey, you know, over time, you know, things will be okay."

Rodrigues said O'Dea never mentioned that the Harney County Sheriff's Office was investigating.

"There is nothing that in me resonated, 'Hey, I've got to contact' the Independent Review Division" Rodrigues said.

While O'Dea admitted to his colleagues that he was responsible for the shooting, he hadn't informed Harney County deputies that he was at fault. When a deputy initially responded to the shooting call, O'Dea suggested that his friend accidentally shot himself with his own pistol.

The chief also didn't share any information about the shooting with the Police Bureau's public information officer at the time, Sgt. Pete Simpson.

Simpson found out about it when a reporter asked about an off-duty shooting involving a high-ranking officer on May 20, 2016. He said he went to O'Dea and asked if he was aware of anything.

O'Dea's face turned an ashen color – "like the blood drained from his face and he said, 'Shut the door,'" Simpson told investigators.

As Simpson worked to write up a news release, O'Dea advised him not to use the word "hunting" in it.

When O'Dea told the mayor and his chief of staff that the media had learned of his shooting, Hales' chief of staff Joshua Alpert sent O'Dea a message, "Oh no chief! We've got your back."

Hales wrote to Alpert that his primary concern was "supporting a good person."

"Larry (O'Dea) has earned my, and Portland's support and encouragement in a difficult time," Hales wrote, according to the investigative documents.

Hales told investigators that he didn't see a need to put O'Dea on paid leave until Harney County was done looking into O'Dea's "regrettable accident." Hales expected the sheriff's investigation to be confidential.

When the Oregonian/OregonLive published a story that May quoting Harney County Sheriff Dave Ward saying O'Dea hadn't admitted to the Sheriff's Office that he had shot his friend, then-Assistant Chief Donna Henderson urged the mayor's office to place O'Dea on leave.

Hales said The Oregonian's report, quoting the sheriff, contained conflicting information from what O'Dea had originally shared and he placed the chief on leave.

In his interview with the review division, O'Dea said the trip marked his 28th year going on an annual camping trip with friends. He advised against calling it a "hunting trip" and said it was more of an "exploring trip."

He said he was shooting a Winchester Lever Action Model 9422, but was having problems with it during the day. It wasn't extracting a round or a casing out of the chamber, he said.

He said he had coffee with a splash of Irish Crème that morning but hadn't had any beer that day, and got up from his lawn chair to get a beer can from his truck. He said he picked up his beer can – may have just "popped it" open -- and put down his gun and heard a loud noise, according to an interview transcript.

He said he surmised that his friend, Dempsey, had accidentally shot himself, noting that Dempsey had been drinking. "He had been drinking some, but I wouldn't say that he was drunk," O'Dea told the investigator.

Dempsey recalled that O'Dea, in coming to his aid and lifting up Dempsey's shirt, instructed others on the trip to look for a self-inflicted wound.

Dempsey, who said he was dealing with the most intense pain he's ever felt, recalled yelling, "I didn't f'ing shoot myself." Dempsey told an investigator that he felt "pissed" when he heard O'Dea suggest that scenario.

When O'Dea learned a month after the shooting that reporters had started asking questions, O'Dea sent text messages to the mayor, his chief of staff and the mayor's public safety liaison.

"Had to get out sometime. We're ready," the mayor texted back. Hales apparently was confident the matter would blow over, adding. "Today's newspaper. Tomorrow's fish wrap."

In the aftermath, Severe has recommended police policy changes to guard against future mishandling of a chief's misconduct, including requiring the internal affairs captain to inform the review division whenever an officer could face an internal investigation and ensure that the internal affairs captain and assistant chief of investigations jointly monitor any outside criminal investigation of a Portland officer.

The bureau found allegations against the three assistant chiefs unfounded, yet Rodrigues will face a two-day suspension for failing to report the shooting to the division as required.

Rodrigues, now captain of the family services division, will appeal the discipline to the city's civil service board, his lawyer said. His lawyer was out of the country when the bureau scheduled a mitigation hearing for Rodrigues to argue his case. His lawyer Mark Makler said O'Dea "skewed information" about the shooting so no one had the full story, including Rodrigues.

Rachel Mortimer, assistant director of the city's Independent Police Review, wrote that she supported the discipline finding for Rodrigues but said she was concerned all the fault was being placed unfairly on Rodrigues' shoulders. "He should have spotted this as a case requiring notification, but he was not served well by the way he was notified or the structure of the current system," she wrote.

Rodrigues' lawyer agreed.

"Everyone – the assistant chiefs, the mayor – got a pass on this except for Derek," said Makler. "Derek is left holding the bag."

The Portland Tribune

City Hall Watch: Challenges Delay Start Date for Comp Plan Update

By Jim Redden

November 2, 2017

Plus, gang violence continues to drop and work begins on Mount Tabor reservoirs.

The Bureau of Planning and Sustainability announced Wednesday that it will ask the City Council to extend the implementation date of the Comprehensive Plan 2035 update from Jan. 1 to May 23, 2018. The delay is requested because the update is being challenged before the state Department of Land Conservation and Development and could further be appealed to the Land Conservation and Development Commission that oversees it.

The most significant challenges have been filed by Southwest Portland residents who charge the public involvement process was inadequate, especially for the so-called missing-middle housing policy intended to increase density in single-family neighborhoods. Although the ordinance authorizing the extension has yet to be filed, it is expected to be considered by the council on Nov. 15.

"Several other city plans rest on the foundation of the new Comprehensive Plan, including the Central City 2035 Plan and the Residential Infill Project. These related projects cannot be adopted until the new plan is in effect," BPS said in its announcement.

Gang violence continues to drop

Gang violence is continuing to run below the level of the past two years.

Through October of this year, the Gang Enforcement Team investigated 95 incidents. At the same time last year, the number was 129. In 2016, the year of the highest number of officially designated investigations, the number was 158.

That doesn't mean the police can relax, however. Although GET officers only investigated 11 incidents this October, they were assigned 23 in November 2016, the highest number of any month last year.

Work begins on Mount Tabor reservoirs

The Portland Water Bureau closed the walkway around Reservoir 1 at Mount Tabor Park last week to begin long-promised repair and restoration work on its historic features.

The three open reservoirs in the park were decommissioned to comply with U.S. Environmental Protection Agency rules to prevent the spread of potentially harmful organisms. As part of an agreement reached with the Mount Tabor Neighborhood Association, the City Council promised to restore reservoirs to their original appearances.

Work is expected to be completed in late spring 2018. It will include features at reservoir 1, 5 and 6 and the Weir Building.

OPB

You Can Now Read Portland's Investigation Into Former Police Chief Larry O'Dea

By Amelia Templeton

November 6, 2017

The city's Independent Police Review has released its full investigation into former Portland Police Chief Larry O'Dea. It amounts to more than 250 pages of documents and memos.

O'Dea lost his job after he accidentally shot a friend during a hunting trip in 2016.

Investigators found that O'Dea discredited the city by attempting to hide his role in the hunting accident. They also found he was not truthful during the investigation.

They noted that the former chief created the impression of a double standard by hiding the fact that he was under investigation, when the public is generally notified of rank-and-file officers being involved in off-duty incidents.

Over the summer, the city released a few heavily redacted documents from the investigation into O'Dea, but this is the first time the full documents are available.

A judge dismissed criminal charges against O'Dea earlier this year.

Five additional police bureau employees were also under scrutiny for failing to take action after O'Dea told them about the accidental shooting.

Assistant Chief Mathew Wagenknecht, who reviewed the investigation, ultimately faulted Captain Derek Rodrigues, the captain in charge of the Professional Standards Division, for failing to place O'Dea under investigation or to notify the city's Independent Police Review division about the off-duty incident.

Rodrigues felt that when O'Dea told him about the incident, it was a personal conversation and was not something he needed to report.

"He said, you know, it was an accident. He felt bad," Rodrigues told investigators.

"There is nothing in me that resonated, "Hey, I've got to contact IPR. I've got to contact somebody. There's nothing for me that caused me any concern," he said in released transcripts.

But Wagenknecht found that Rodrigues, as the person in charge of the Professional Standards Division, was clearly obligated to open an investigation into O'Dea, regardless of the nature of their conversation.

Assistant Chief Michael Crebs, Assistant Chief Robert Day, Assistant Chief Donna Henderson and Assistant Chief Kevin Modica were also under scrutiny for failing to take action after O'Dea told them during a meeting about his role in the hunting accident.

Wagenknecht cleared the four former assistant chiefs of any misconduct because all four believed that Rodrigues had been notified and that an internal affairs investigation was being conducted.

All four assistant chiefs were reassigned or demoted after the incident. Henderson and Modica chose to retire.