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Investigation documented 3rd Portland officer who leaked false Hardesty hit-and-run report

By **Jonathan Levinson** (OPB)Dec. 30, 2021 8:47 a.m. **Updated:** Dec. 30, 2021 10:45 a.m.

A months-long internal affairs investigation into a Portland Police Bureau leak found officers Brian Hunzeker, Kerri Ottoman and Ken Le were responsible for disclosing false information implicating Commissioner Jo Ann Hardesty in a hit-and-run, according to an October disposition letter sent to Hardesty and obtained Thursday by OPB.

Related: [Read the full letter here](#)

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Despite months of speculation, the letter, which both Hardesty and the city did not want released, provides the first public confirmation of the facts behind the leak.

The letter is a summary of the internal affairs investigation's findings into seven allegations against the officers involved. The investigation examined whether the leaks were racially motivated and whether they were retaliation for Hardesty's outspoken criticism of police.

According to the letter, the investigation found that Hunzeker, who was president of the union representing rank and file officers at the time, leaked the false allegations to a member of the media and provided that person with a screenshot of a dispatch report stating Hardesty had been involved in a March traffic accident. The leaked information, which was published in the Oregonian/OregonLive, was incorrect. Ottoman leaked the same information to Gabriel Johnson, the director of the conservative Coalition to Save Portland PAC. The investigation also found that Le leaked the information to a friend at

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Portland City Commissioner Jo Ann Hardesty listens to testimony over a proposed ordinance on April 4, 2019.

Kaylee Domzalski / OPB

“Officer Hunzeker acknowledged sharing information about an ongoing criminal investigation to a member of the media in a phone conversation he initiated, then later by providing a screenshot of the CAD call to the reporter, which he admitted was a violation of this directive,” North Precinct Commander Kristina Jones wrote in the investigation.

Ottoman told investigators she shared the information with Johnson because she was venting to a friend.

The investigation confirmed Hunzeker’s actions were in retaliation for Hardesty speaking negatively about the police bureau, but did not find that any of the leaks were racially motivated.

Although the investigation is complete, the recommended discipline against the involved officers is not yet public.

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Hardesty received a copy of the letter as a private citizen who had filed a complaint with the city of Portland. In October, she declined to release the letter through her personal attorney, who told OPB he didn't think it was in his client's interest. Portland's city attorney also declined to release the letter, saying it was exempt from a public records request. OPB appealed that decision, and Multnomah County District Attorney Mike Schmidt agreed Wednesday that releasing the letter was in the public interest.

"This matter has been pending for 10 months during which period it has been subject to intense scrutiny and speculation across most major local media outlets," Schmidt's order states. "We conclude that the public interest requires immediate release of the summary factual information contained in the disposition letters."

Pending lawsuit

[Hardesty filed a lawsuit](#) against Hunzeker, Ottoman, the Portland Police Association and the city of Portland on Dec. 13. Despite already being in possession of [the letter released Thursday](#), the complaint provided scant evidence to substantiate her allegations against Hunzeker and Ottoman.

Her lawsuit seeks \$3 million from the Portland Police Association and \$1 million each from Hunzeker and Ottoman. The lawsuit also seeks \$1 from the city of Portland and a declaration that it violated Hardesty's right to be free from "race-based distinctions, discrimination or restrictions."

Hardesty's lawsuit alleges officers showed up at her home at 1 a.m. and loudly banged on her door. A tort claim filed in August alleges the intent was to do a "perp walk" with Hardesty as a show of force against an outspoken bureau critic.

"Even though the information provided was objectively unreasonable, highly suspicious, and likely racially motivated, unknown employees including, on information and belief, PPB Officer Brian Hunzeker, wrongfully leaked the information to other City employees and to the press," the claim reads. "The leaks were made for the intent of discrediting Ms. Hardesty because of her race and in retaliation for decades of opposing race discrimination by the PPB against her fellow citizens."

The allegations stem from a 911 call in which a caller [falsely identified Hardesty](#) as the

was quickly exonerated, but not before the accusation was leaked and reported on conservative media outlets and in the Oregonian/OregonLive.

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The bureau's internal affairs division conducted a months-long investigation into the leak. The city also hired the OIR Group, a Los Angeles-based firm specializing in policing, to conduct an outside investigation.

Those investigations concluded in October. Portland's Police Review Board met in October to review those investigations and to determine what discipline Hunzeker and other involved officers should face.

The voting members of the board consist of three police bureau members, the director of the Independent Police Review and a community member.

At the time of the leak, Hunzeker was the newly elected president of the Portland Police Association, the union representing rank and file officers. He took over leadership of the union about two weeks before voters approved a new police oversight board by a wide margin. The board, championed by Hardesty and fiercely opposed by the union, promised to be an independent, civilian-run group with the authority to discipline and fire officers.

The political fight over the new board strained an already fraught relationship between the union and Hardesty, a long-time critic of the bureau who has advocated for more rigorous accountability and policing alternatives.

The leak also came amidst police union contract negotiations, a push in Salem to pass legislation easing the transition to the voter-approved oversight board, and as city officials were debating cuts to the police bureau budget.

Less than two weeks after the hit-and-run and ensuing leak, [Hunzeker stepped down](#) as police union president, bringing his five-month tenure to an unexpected and unexplained close.

The union's announcement said only that Hunzeker had made "a serious, isolated mistake related to the Police Bureau's investigation into the alleged hit-and-run by Commissioner Hardesty."

The union offered no specifics but declared that Hunzeker "has held himself to account

The mysterious resignation led to months of speculation. After briefly returning to patrol duty, Hunzeker was placed on paid administrative leave in June.

Future discipline

Details of Hunzeker's leave and the investigation have been a tightly guarded secret for the past 10 months, a common occurrence in police misconduct investigations. People familiar with police discipline and union contract requirements said that secrecy is necessary to ensure the investigation isn't overturned by an arbitrator, should the union decide to challenge the results.

The leak also prompted an investigation into two 911 dispatchers at the city's Bureau of Emergency Communication. That investigation found the dispatchers were not involved in the leak but did gossip about the incident to coworkers in violation of bureau policies. The two dispatchers were suspended. A third dispatcher received coaching for an unspecified minor offense.

Disciplining the police union president — who is a sworn officer but serves full-time as union president for the duration of their term — is rare and has proven difficult in the past due to what the city's human resources director dubbed a “special relationship” in 2014.

At the time, then-Police Association President Daryl Turner was accused of intimidating an Independent Police Review investigator and filing complaints against the group to hinder their investigations.

City Auditor Mary Hull Caballero, who oversees the IPR, [told the Oregonian/OregonLive](#) that the behavior was meant to chill and obstruct independent investigations into the police.

The allegations against Turner ultimately weren't investigated because of his “special relationship” with the city.

The U.S. Department of Justice took issue with that ambiguity in its 2015 settlement agreement status report.

“Rather than assume that a ‘special relationship’ merits the lack of an investigation, the

allegations of intimidation undermines the public confidence in the PPB and thereby unfairly clouds public perceptions of all officers.”

If Hunzeker is ultimately disciplined, the ambiguous relationship between the police union president and the city may come into sharper focus.

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Portland Commissioner Jo Ann Hardesty files \$5 million lawsuit over false report

Portland City Commissioner Jo Ann Hardesty has filed a \$5 million lawsuit against a police officer, the police union, and the former union head. Hardesty alleges members of the police bureau and union leaked information that falsely implicated her in a hit-and-run.

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