

# Conduct unbecoming

Newly released documents disclose discipline against ex-Grant County deputy for relationship with jail inmate

By **BENNETT HALL**  
Blue Mountain Eagle

**JOHN DAY** — Abigail Mobley, the former Grant County sheriff's deputy at the heart of the "sex talk" scandal, committed no fewer than eight violations of the department's code of conduct ranging from abuse of her position to conduct unbecoming an officer and neglect of duty, according to public records recently unsealed by a judge after the ex-deputy sued to keep them secret.

For those transgressions, Mobley was given a 30-day unpaid suspension starting on Nov. 26, 2020, the records reveal. On Dec. 26, the day after the suspension ended, Mobley resigned from the Grant County Sheriff's Office.

The disciplinary action was the culmination of a 21-month investigation into Mobley's inappropriate relationship with an inmate at the Grant County Jail, where she worked as a corrections deputy. During the probe, Mobley was on paid administrative leave from her job at a cost to Grant County taxpayers of well over \$100,000 in salary and benefits.

The documents containing this information were among a trove of public records requested by the Blue Mountain Eagle in October 2020 as part of a follow-up to a story on the "sex talk" scandal published the month before. After some delay, county officials were preparing to release the information, but on March 9, 2021, Mobley filed a motion in Grant County Circuit Court for an injunction to block the release of the records.

The case concluded on Feb. 3, 2022, when Judge Thomas B. Powers issued a judgment of dismissal in which he ruled that most, but not all, of the requested records should be released.

The documents that were released contain additional revelations about allegations of misconduct by Mobley and other Grant County Sheriff's Office employees during the tenure of Sheriff Glenn Palmer. Palmer left office at the end of 2020 after losing the election to current Sheriff Todd McKinley.

At the same time, however, some questions still remain unanswered.

## Scope of the investigation

In early 2019, after a number of allegations had been raised about possible misconduct by members of his staff, Palmer, following standard procedure for such situations, turned to an outside law enforcement agency to investigate the claims.

In March 2019, investigators from the Deschutes County Sheriff's Office met with Grant County District Attorney Jim Carpenter, acting in the role of county counsel, in Carpenter's Canyon City office.

In their report, which was among the documents ordered released by the judge, the investigators summarize the allegations they were asked to look into.

Most of the complaints revolved around Mobley and her husband, Undersheriff Zach Mobley, who remains second in command of the Grant County Sheriff's Office. The complaints included allegations that:

- Abigail Mobley had been having a relationship with Grant County Jail inmate Darren Mortimore, who was serving

four consecutive six-month sentences after pleading guilty to charges of strangulation, fourth-degree assault and menacing.

- Abigail Mobley had sexually harassed Deputy Brandon Hutchison by contacting him via Facetime and making inappropriate sexual comments.

- Zach Mobley, after being notified by a jail employee that Abigail Mobley had been overheard having a recorded phone conversation with Mortimore, retaliated against the employee by ordering him to take two days of vacation time. Furthermore, it was alleged that Mortimore had been transferred from the Grant County Jail to a facility in California, where he was wanted for a parole violation, before he had served his full sentence in order to get him away from Abigail Mobley.

- Zach Mobley, after being informed by Hutchison that Abigail Mobley had sexually harassed him, responded by asking "Did you get a bang out of it?" and took no action on the sexual harassment complaint.

- Zach Mobley transferred his wife out of her corrections deputy assignment in the jail and created a new position for her as a training coordinator in the Sheriff's Office.

On April 22, 2019, less than a month after launching its investigation, the Deschutes County Sheriff's Office notified Palmer it was suspending the inquiry because it had become a criminal matter. Investigators believed it was "probable" that Abigail Mobley had committed the crime of custodial sexual misconduct with Mortimore.

Eight days later, Carpenter referred possible criminal charges against Abigail Mobley to the Oregon Department of Justice for investigation.

Under the Oregon Revised Statutes, the crime of custodial sexual misconduct defines offenses against prisoners by those in authority over them. First-degree custodial sexual misconduct is a Class C felony. Second-degree custodial sexual misconduct, which seems the more likely charge in the circumstances, is a Class A misdemeanor punishable by up to a year in jail.

After an 11-month investigation, however, DOJ declined to prosecute. The state agency sent a letter to Carpenter stating that Abigail Mobley had engaged in multiple sexual conversations with Mortimore while he was in custody at the Grant County Jail, but there was "not a reasonable likelihood" the state could prove she had committed the crime of custodial sexual misconduct.

At that point, Palmer decided to resume an



Blue Mountain Eagle, File

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investigation into possible policy violations within his department. But Deschutes County no longer had personnel available for the job, so the probe was handed over to the Umatilla County Sheriff's Office.

For reasons that are not explained in the documents released by Judge Powers, Umatilla County did not look into any claims of misconduct by Zach Mobley but focused exclusively on the actions of Abigail Mobley.

On Oct. 7, 2020, the Umatilla County Sheriff's Office concluded its investigation with a nine-page report.

The agency determined that Abigail Mobley violated the Grant County Sheriff's Office policy in regard to the Prison Rape Elimination Act, or PREA, by sexually harassing Mortimore while he was an inmate in the Grant County Jail.

Sgt. Abel Zamudio, who led the investigation, wrote in his report that "Deputy Mobley made repeated verbal comments of a sexual nature to Inmate Mortimore" in recorded phone calls that Mortimore made to her from the jail.

She also acknowledged that the two had physical contact on one occasion, in the doorway to the dry storage area of the jail kitchen, according to the report.

"I asked what kind of physical contact was that," Zamudio wrote in the report. "Deputy Mobley said, 'He grabbed the back of my head and kissed me.'"

When asked if she made sexual comments to Mortimore during the phone calls, "Deputy Mobley stated that once she started talking to Mortimore on the phone she was drinking all the time and does not remember anything about the conversations, but she heard that she did talk sexually," the report states.

## Unanswered questions

For the most part, the newly released public records appear to bring the "sex talk" scandal to a close. Abigail Mobley's improper relationship with a jail

inmate under her authority has been thoroughly investigated, she was disciplined by former Sheriff Palmer for her policy violations and she is no longer with the department.

But a number of unresolved allegations about possible misconduct by employees of the Grant County Sheriff's Office during Palmer's tenure continue to hang over the department.

For instance, it has never been publicly disclosed whether the claims that Zach Mobley retaliated against a jail employee for reporting his wife's phone calls with Mortimore and failed to act on Hutchison's claim of sexual harassment were investigated and, if so, if he was ever disciplined.

Nor has there ever been a public explanation for Mortimore's transfer out of the Grant County Jail before his sentence was complete or the creation of a new position in the Sheriff's Office for Abigail Mobley.

In addition, when Palmer asked the Deschutes County Sheriff's Office in March 2019 to investigate allegations of possible misconduct by the Mobleys, he also asked them to look into a situation involving Tyler Smith, who was then a patrol deputy with the Sheriff's Office. Smith's girlfriend, Haley Olson, had been arrested on mar-

ijuana-related charges in Idaho (which were later dismissed). The Idaho State Police had extracted data from Olson's phone and had reportedly found "interesting information" about Smith and Olson. The report does not specify what sort of information that may have been.

The Deschutes County Sheriff's Office did not investigate Tyler Smith because the Grant County Sheriff's Office had not yet evaluated the data dump from Olson's phone to determine if Smith had committed any serious policy violations.

On Aug. 9, 2019, however, Smith was placed on administrative leave "for issues related to the performance of his duties as a sheriff's deputy."

A month later he was arrested on charges of attempted rape and other alleged crimes involving his estranged wife; he has pleaded not guilty to the charges against him and is awaiting trial.

On Dec. 17, 2019, Smith was fired from the Sheriff's Office for reasons that county officials have refused to divulge.

Since then, a flurry of lawsuits have been filed that make a multitude of claims and counterclaims about possible wrongdoing within the Grant County Sheriff's Office.

In August 2020, Haley Olson filed a federal lawsuit against Grant County, Palmer and Carpenter for civil rights violations related to the data dump from her phone following her Idaho arrest. The suit claims that Carpenter, at Palmer's request, accessed her phone records without a warrant and without suspicion of criminal activity and that the two then shared those phone records, which included nude and sexually explicit images of Olson, with others. Some of the nude photos, the suit claims, were taken when Olson was a minor.

Palmer countersued in Grant County Court on

Oct. 8, 2020, claiming that Olson had made false and defamatory statements that damaged his reputation. Palmer's suit, which seeks \$100,000 in damages, claims that Olson's allegations were "made with actual malice and timed to have maximum effect on the November 2020 election in which (Palmer) is a candidate."

On Dec. 21, 2020, Smith filed suit in U.S. District Court in Pendleton seeking monetary damages for wrongful discharge, whistleblower retaliation and violation of his constitutional rights. The suit names Grant County, Palmer, Carpenter, and the Mobleys.

Smith's lawsuit claims the Mobleys and Palmer orchestrated a plan to get him arrested and removed from the Sheriff's Office in retaliation for allegations against Abigail Mobley that he reported to the Oregon Department of Justice in July 2019. The allegations were that Abigail Mobley, while she was still employed as a deputy, had used illegal drugs and was having a sexual relationship with an inmate.

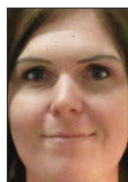
Meanwhile, a hearing in Smith's criminal trial was scheduled for Wednesday, April 13, on a motion to have the charges against him dismissed on the basis of his claims that the charges are false and were made as part of the alleged plot to get him fired.

That hearing was canceled and was to be rescheduled at a later date.

Asked for a comment, McKinley noted the events in question took place before he became sheriff and added that he hopes the department can now move on.

"I look forward to getting past this chapter of our history and writing a new one. That is why I chose to run for this office (in 2020)," McKinley said.

"We are working hard here to change the face of this office, and I believe we have made a good start in the last year."



Mobley



Palmer

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