

## Conduct

Continued from Page A1

• 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 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 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.

In addition, Zamudio determined Mobley committed the following violations of the Grant County Sheriff's Office code of conduct:

• **Section 2.1: Conformance to law:** Mobley was arrested for driving under the influence on Feb. 8, 2020, in Unity by the Oregon State Police. Her blood alcohol content reportedly measured 0.27%, more than three times the legal limit. She pleaded guilty and entered a diversion agreement.

• **Section 2.3: Unbecoming conduct:** This policy violation also is related to Mobley's drunk driving arrest, which reflected poorly on the Sheriff's Office.

• **Section 2.10: Abuse of position:** Mobley improperly used the intercom system at the Grant County Jail to have conversations "of a personal nature" with Mortimore.

• **Section 2.13: Prohibited associations:** Mobley's personal relationship with Mortimore, a convicted felon who was on supervised probation, violated this policy.

• **Section 2.16: Neglect of duty:** Investigators determined Mobley violated this provision in a number of ways, including her violations of the prohibited association, abuse of position and PREA policies listed above.

• **Section 13: Conduct unbecoming an officer:** Mobley's DUI arrest and conviction was a failure to abide by the law that reflected badly on the Sheriff's Office.

• **Section 15: Ethics:** Mobley's DUI arrest, her relationship with a jail inmate who was a convicted felon on supervised probation, her use of the jail intercom system and jail phone system to communicate with him, and the fact that she continued to communicate with him after his release from custody were all violations of the ethics policy, according to the report.

## 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 marijuana-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 pos-

sible wrongdoing within the Grant County Sheriff's Office.

In August of 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."

Palmer won his suit, but Olson is appealing that decision.

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."

## Seniors

Continued from Page A1

And he noted that other in-person activities that have been curtailed for two years by COVID-19 precautions are also starting to come back. One example: funerals.

"We're able to have (funerals) again for people," Labhart said. "So it's kind of nice to be able to celebrate people's lives."

Labhart said the community lost quite a few seniors over the last two years to the pandemic. Some, he said, did not attend all of the senior center activities, but others did.

"Now they feel comfortable enough at the senior center to say, 'Hey, I know you can't celebrate my wife or husband's life, but when we open back up again, I'd sure like to hold a service at the senior center,'" Labhart said.

He said later on this year the senior center will begin holding those services.

While the state has eased indoor mask requirements, Grant County Health Administrator Kimberly Lindsay said senior citizens and those with compromised immune systems should still be mindful of their risks.

As the county moves into a different phase of COVID-19, Lindsay said, it is important to consider that the virus can have more severe impacts on vulnerable populations. Thus, she added, people in those categories need to take precautions others may not have to take.

"Those that are in high-risk categories may choose to wear a mask or may choose to not go to certain places out of necessity," she said. "And society needs to be OK with that."



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