

INVESTIGATIVE REPORT

Investigators: Matthew Forsgren, Virginia McCalmont

Subject: Chief Brian O'Hara

OVERVIEW

This Investigative Report (the "Report") addresses whether Minneapolis Chief of Police Brian O'Hara interfered with an investigation (the "Original Investigation") which was conducted by Forsgren Fisher McCalmont DeMarea Tysver LLP ("Forsgren Fisher" or "Investigators") at the direction of the City of Minneapolis ("City"). The investigative processes and findings of the Original Investigation are documented in two investigative reports delivered by Forsgren Fisher to the City on July 15, 2025 and August 15, 2025. After the issuance of these reports, Forsgren Fisher considered its investigation to be complete.

On December 15, 2025, Forsgren Fisher was contacted by a City employee ("Witness A") who was interviewed as part of the Original Investigation. Witness A stated that he had additional information to share with Investigators regarding the allegations that were the subject of the Original Investigation. The additional information was a recording of a phone call between Witness A and a City employee ("Employee 1") discussing aspects of the Original Investigation and the substance of the allegations against Chief O'Hara that gave rise to it. The recording raised concerns that Chief O'Hara may have interfered with the Original Investigation. The City promptly commissioned Forsgren Fisher to thoroughly and independently investigate the alleged interference with the Original Investigation. Forsgren Fisher also thoroughly investigated whether the newly received evidence changed any of the findings from the Original Investigation.

Forsgren Fisher finds that there is sufficient evidence to substantiate the allegations that Chief O'Hara interfered with the Original Investigation.¹ It is more likely than not that Chief O'Hara knowingly and intentionally deleted a contact card for a material witness in the Original Investigation from his City-issued cell phone. It is more likely than not that Chief O'Hara deleted the contact card in an attempt to shield that evidence of his connection to the witness from Investigators. It is also more likely than not that Chief

¹ Forsgren Fisher recognizes that a preponderance-of-the-evidence standard applies to findings in Minneapolis Police Department ("MPD") police-misconduct investigations. For clarity, when this report uses the term "substantiate," that determination is made by the preponderance-of-the-evidence standard. For something to be substantiated by a preponderance of the evidence means that the fact substantiated is more likely true than not true.

O'Hara disregarded explicit instructions not to discuss any aspect of the Original Investigation with anyone.

The evidence collected in this investigation does not change any other finding from the Original Investigation. There is still insufficient evidence to substantiate the allegations that Chief O'Hara had a sexually intimate relationship with any City employee. M.S. 13.43

[REDACTED]

As a result, Forsgren Fisher finds that the allegations of Chief O'Hara's involvement in sexually intimate relationships M.S. 13.43 are not substantiated.

INVESTIGATION

The Original Investigation's investigative steps are documented in earlier reports and not repeated here. This Report details only the investigative steps taken by Investigators after new information was provided to Forsgren Fisher by Witness A in December 2025. This Report's findings, however, draw on all the information gathered by Forsgren Fisher in both investigations.

On December 15, 2025, Witness A left a voicemail for Investigators indicating that he had information to share regarding an investigation in which he had been interviewed as a witness.

On December 16, 2025, Forsgren Fisher spoke with Witness A and learned that the new information was a recording of a phone call between Witness A and Employee 1. Forsgren Fisher asked to receive a copy of the recording and to interview Witness A that same day, but Witness A's schedule did not permit it.

On December 22, 2025, Witness A appeared and was interviewed by Investigators Matthew Forsgren and Virginia McCalmont of Forsgren Fisher. M.S. 13.43

[REDACTED]
During the interview, Witness A provided Investigators with a copy of the recording and related documentary evidence.

Forsgren Fisher prepared its investigative plan and was on the verge of scheduling additional investigative interviews when events related to Operation Metro Surge interrupted interview scheduling.

On March 17, 2026, Employee 1 appeared and was interviewed by Investigators Matthew Forsgren and Virginia McCalmont of Forsgren Fisher. M.S. 13.43

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On March 24, 2026, a City employee with whom Chief O'Hara was alleged to have had a sexually intimate relationship ("Employee 2") was interviewed by Investigators Matthew Forsgren and Virginia McCalmont of Forsgren Fisher. M.S. 13.43

On April 17, 2026, Chief O'Hara was interviewed by Investigators Matthew Forsgren and Virginia McCalmont of Forsgren Fisher. M.S. 13.43

On May 15, 2026, Commissioner Todd Barnette was interviewed by Investigators Matthew Forsgren and Virginia McCalmont of Forsgren Fisher. M.S. 13.43

M.S. 13.43

During the period of the investigation, Forsgren Fisher obtained and reviewed the following materials, the last of which was provided by the City on May 19, 2026:

- M.S. 13.43
- Two forensic images of Chief O'Hara's City-issued cell phone: one collected by Forsgren Fisher's vendor on May 1, 2025, and another subsequently collected by the Minnesota Bureau of Criminal Apprehension ("BCA")²
- A recording of a phone call between Witness A and Employee 1 on June 13, 2025, as well as related phone records
- A transcription of the recorded phone call
- M.S. 13.43

² The BCA imaging was performed at the request of Commissioner Barnette to assist this investigation, not because of any BCA investigation.

- M.S. 13.43 [REDACTED]
- M.S. 13.43 [REDACTED]
- M.S. 13.43 [REDACTED]

During the period of the Original Investigation, Forsgren Fisher obtained and reviewed the following materials, which were also considered in this investigation:

- Notes and transcriptions of interviews of other current and former City employees
- M.S. 13.43 [REDACTED]
- M.S. 13.43 [REDACTED]
- M.S. 13.43 [REDACTED]
- M.S. 13.43 [REDACTED]
- Information from the City’s IT department about a transfer to City-managed Apple accounts on March 20, 2025

FACTUAL BACKGROUND

The factual background section of this Report is organized by the following topic areas: [REDACTED] the recorded phone call; [REDACTED] the deletion of Employee 2’s contact card from Chief O’Hara’s City-issued cell phone M.S. 13.43 [REDACTED].

To determine the facts set forth in this Report, Forsgren Fisher conducted a thorough, independent, and unimpeded investigation. The following facts are drawn from Investigators’ consideration of all of the evidence collected in both investigations. The stated facts have been established by at least a preponderance of the available evidence. In some cases, the facts have been definitively established.

The recorded phone call

On December 16, 2025, Witness A informed Investigators Matthew Forsgren and Virginia McCalmont that he had recorded a phone call between himself and Employee 1 that concerned the subject matter of the Original Investigation. Witness A provided a copy of

this recording and related documentary materials to Forsgren Fisher on December 22, 2025. Forsgren Fisher subsequently had the recording transcribed [REDACTED] M.S. 13.43 [REDACTED].

The recording was played in full for Employee 1 during his interview on March 17, 2026. Employee 1 did not dispute that his voice is on the recording, nor did he dispute the recording's authenticity. No one else interviewed in this investigation challenged the authenticity of the recording, and Forsgren Fisher found no other reason to believe that the recording was fabricated or altered in any way. In other words, the recording is what Witness A represented it to be: a conversation between Witness A and Employee 1 related to the Original Investigation.

Based on screenshots provided by Witness A, the recording took place on June 13, 2025, which was two days after Chief O'Hara was interviewed by Forsgren Fisher in the Original Investigation. M.S. 13.43 [REDACTED]

At the beginning of the call, Employee 1 and Witness A discuss the fact that Chief O'Hara's phone was taken and that he was given a new one. Witness A then asks Employee 1 M.S. 13.43 [REDACTED]

Employee 2.⁴ M.S. 13.43 [REDACTED]

M.S. 13.43 [REDACTED]


Employee 1

responds "He sent her a text message," M.S. 13.43 [REDACTED]

M.S. 13.43 [REDACTED]

⁴ In the recording, Employee 2 is identified not by name, M.S. 13.43 [REDACTED]. But from context and the totality of the information collected by Forsgren Fisher in this investigation, it is evident that the person being discussed in the recording is Employee 2. In his March 17, 2026, interview, Employee 1 confirmed that Employee 2 is the City employee that he is discussing with Witness A in the recorded call.

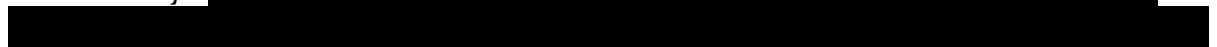
Investigators played the recording for Chief O’Hara in his interview on April 17, 2026. When asked for his reaction to the recording, Chief O’Hara speculated about how Employee 1 might have known that Chief O’Hara’s phone was taken as part of the Original Investigation without Chief O’Hara having communicated that to Employee 1. When asked if he had any other reaction to the recording, Chief O’Hara stated that he had not heard Employee 2’s name mentioned in the recording. M.S. 13.43



The deletion of Employee 2’s contact card from Chief O’Hara’s phone

Chief O’Hara was informed of the anonymous complaint that gave rise to the Original Investigation in a meeting with Mayor Jacob Frey and Commissioner Todd Barnette on May 1, 2025. In the meeting, Chief O’Hara was informed that the allegations included asserted sexually intimate relationships between Chief O’Hara and City employees. Chief O’Hara was not told the names or number of employees with whom he was alleged to have engaged in such relationships.

In his interview on May 12, 2025—during the Original Investigation—Commissioner Barnette recalled that the only time Chief O’Hara became upset during the May 1, 2025, meeting was when it was communicated to him that his phone needed to be imaged immediately.⁵ M.S. 13.43



Chief O’Hara permitted his City-issued phone to be imaged. Chief O’Hara maintains a separate personal phone. An image of Chief O’Hara’s personal phone was not obtained. All references in this report to Chief O’Hara’s phone refer to his City-issued work phone unless otherwise specified.

Chief O’Hara’s phone was imaged by Forsgren Fisher’s vendor onsite at City Hall on May 1, 2025, immediately after Chief O’Hara’s meeting with Mayor Frey and Commissioner Barnette. There were some issues with the phone’s security that needed to be resolved before the image could be completed, but an image was successfully collected by Forsgren Fisher’s vendor.

⁵ The City retained Forsgren Fisher to conduct this investigation before Chief O’Hara was notified of it. To minimize the risk of intentional or inadvertent destruction of evidence, Forsgren Fisher arranged to have a vendor waiting at City Hall to image Chief O’Hara’s phone immediately after Chief O’Hara was notified of the anonymous complaint and resulting investigation.

In his interview on May 15, 2026—during this investigation—Commissioner Barnette reported that he knew on May 1, 2025, that there had been issues overcoming the phone’s security features to image it. Commissioner Barnette reported that, on May 1, 2025, he informed Chief O’Hara that he would need the phone again, because the phone’s security features meant that the image had not been fully completed. Chief O’Hara and Commissioner Barnette agreed that the second image would be taken by BCA. Because Chief O’Hara was concerned that (1) he could not be without a phone for any extended period of time, and (2) knowledge of the fact that his phone was taken could lead to damaging rumors, Chief O’Hara and Commissioner Barnette agreed that when Commissioner Barnette took Chief O’Hara’s phone to the BCA to be imaged, Chief O’Hara would get a new one and tell City employees that he had lost his old phone.

After Forsgren Fisher’s vendor completed its image on May 1, 2025, Chief O’Hara’s phone was returned to him. He maintained possession of the phone at least overnight, and possibly for several days. Commissioner Barnette then collected Chief O’Hara’s cell phone and had the BCA image it. Forsgren Fisher was provided with the BCA’s image on May 7, 2025. Consistent with the plan worked out by Commissioner Barnette and Chief O’Hara, Commissioner Barnette retained Chief O’Hara’s phone after that, and Chief O’Hara got a new phone.

Forsgren Fisher compared the data in the images obtained by its vendor (“Image 1”) and the BCA (“Image 2”) as part of the Original Investigation. Both imaging efforts were successful, but Image 1 is of a narrower subset of the phone’s data than Image 2, because the BCA pulled in additional information from Teams and Outlook. Put differently, all the data in Image 1 should appear in Image 2, but Image 2 includes additional data that does not appear in Image 1. Among other things, there are many more “contacts” in Image 2 than in Image 1 because Image 2 includes contacts from Outlook.

During the Original Investigation, Forsgren Fisher noted that a contact card with Employee 2’s personal phone number appears in Image 1, but not in Image 2. There were no technical issues with the imaging processes that would explain this difference between the images. In Chief O’Hara’s June 11, 2025, interview, Forsgren Fisher explained to Chief O’Hara that Employee 2’s contact card appears in Image 1 but not in Image 2 and asked him questions about that discrepancy. Chief O’Hara denied having a recollection that Employee 2’s personal phone number was in his contacts. Chief O’Hara categorically denied deleting Employee 2’s contact card from his phone. Chief O’Hara also categorically denied ever text messaging with Employee 2 on either his work or personal phones. Based on the evidence then known, Forsgren Fisher was unable to make a finding related to the deletion of the contact card in the Original Investigation.

In her interview during the Original Investigation, Employee 2 was asked to identify all of her interactions with Chief O’Hara. Employee 2 did not disclose that she and Chief O’Hara had exchanged text messages. But when Employee 2 was interviewed on March 24, 2026, as part of this investigation, she stated that Chief O’Hara sent a text

message from his personal phone, to her personal phone, in 2024 that included a photo of Chief O'Hara, Employee 2, and other City employees taken at City Hall. Employee 2 said that she did not know how Chief O'Hara came to have her personal phone number. Employee 2 said that Chief O'Hara had also sent her a text message to connect her with another City employee **M.S. 13.43** at some point in 2024. That text message also went to her personal phone.⁶

In his April 17, 2026, interview, Chief O'Hara was asked again whether he had texted with Employee 2. Again, Chief O'Hara categorically denied ever having texted Employee 2. Chief O'Hara also specifically denied ever having texted a photo to Employee 2. But after further questioning in the April 17 interview, Chief O'Hara reversed course. He then stated that he had sent a text message to Employee 2 to connect her with another City employee **M.S. 13.43**. Chief O'Hara was then asked whether Employee 2's contact card is in his personal phone. With Investigators watching, Chief O'Hara checked his personal phone (although he did not show the screen to Investigators), and then stated that he had Employee 2's personal number saved in his contacts. When asked to explain why Chief O'Hara had Employee 2's personal number saved in his personal phone, he said that he believed there had been a photo taken of him, Employee 2, and other City employees, and that the photo must have been taken on his personal device. Chief O'Hara did not have an explanation for why he would have used his personal device for the photo and text message instead of his City-issued phone. After having been so questioned, Chief O'Hara stated that he now recalled having texted the photo to Employee 2.

In his April 17, 2026, interview, Chief O'Hara was also asked whether Employee 2's contact card is saved in his work phone. With Investigators watching, Chief O'Hara checked his work phone and stated that he does not have Employee 2's personal number in his City-issued phone.

In light of the disclosure that Chief O'Hara had in fact texted Employee 2 on at least one occasion (albeit from his personal phone), Forsgren Fisher determined to re-examine Image 1 and Image 2 for other differences that could be material to this investigation. Forsgren Fisher analyzed each of the approximately 600 contact cards that appear in Image 1. Aside from Employee 2's personal phone number, there is not another contact card that appears in Image 1, but not in Image 2. In other words, Employee 2's personal-number contact card is the only contact card that appears in the image taken immediately after Chief O'Hara was notified of the investigation, but not in the image taken by the BCA several days later. No text messages or other communications between Chief O'Hara and Employee 2 appear on either Image 1 or Image 2.

⁶ In both investigations, Employee 2 categorically denied having had a sexually intimate relationship with Chief O'Hara.

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[Redacted]

[Redacted]

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[Redacted]

[Redacted]

M.S. 13.43

[Redacted]

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[Redacted]

M.S. 13.43

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

M.S. 13.43



FINDINGS

Investigation interference by knowing and intentional deletion of phone data

Forsgren Fisher finds that Chief O'Hara knowingly and intentionally deleted Employee 2's contact card from his City-issued phone in the period between when Image 1 was taken by Forsgren Fisher's vendor on May 1, 2025, and when Image 2 was taken by the BCA on or around May 7, 2025. Moreover, Forsgren Fisher finds that Chief O'Hara deleted Employee 2's contact card in an effort to shield that evidence of connection between Chief O'Hara and Employee 2 from Investigators. Key facts informing this finding include the following:

Employee 2's contact card appears in Image 1 (taken on May 1, 2025) and does not appear in Image 2 (taken on or around May 7, 2025).

Employee 2's contact card is the only one of Chief O'Hara's approximately 600 contacts that disappears between Image 1 and Image 2; all of the other contacts that appear in Image 1 are also present in Image 2.

There was no technical issue with the collections that would explain why a single contact card would disappear from Chief O'Hara's phone between Image 1 and Image 2.

After reviewing his personal phone during his April 17, 2026, interview, Chief O'Hara confirmed that he has Employee 2's contact card in his personal phone.

Commissioner Barnette stated in his May 12, 2025, interview that the only time Chief O'Hara became upset during the May 1, 2025, meeting where he learned of the anonymous complaint and investigation was when Chief O'Hara learned that his phone would be imaged immediately.

Commissioner Barnette stated in his May 15, 2026, interview that he told Chief O'Hara on May 1, 2025, that his phone would need to be imaged a second time because the phone's security features interfered with the first imaging. Commissioner Barnette believes that Chief O'Hara would have had the impression that Image 1 was either nonexistent or incomplete. In other words, there is evidence that Chief O'Hara would have reason to believe that no one would know if he deleted Employee 2's contact card before the BCA imaged his phone the second time.

Chief O'Hara had the opportunity to delete Employee 2's contact card between the two images, because he regained possession of his phone after Image 1 was taken and maintained possession of the phone at least overnight, and possibly for several days.

It is noteworthy that, of the approximately 600 contact cards in Chief O'Hara's phone, Employee 2's contact card is the only one that disappears between Image 1 and Image 2. Employee 2 is one of the City employees with whom Chief O'Hara was alleged to have engaged in a sexually intimate relationship. When Image 1 and Image 2 were taken, Chief O'Hara should not have known which City employees he was alleged to have had sexually intimate relationships with. Everyone present at the May 1, 2025, meeting where Chief O'Hara learned of the anonymous complaint and investigation agree that the names and number of implicated employees were not provided to Chief O'Hara.

Although Chief O'Hara denied deleting Employee 2's contact card from his phone in both his June 11, 2025, and April 17, 2026, interviews, his denials were not credible in light of the objective evidence set forth above. There is no plausible alternative explanation for the disappearance of Employee 2's contact card from Chief O'Hara's phone other than that he knowingly and intentionally deleted it.

In sum, Forsgren Fisher finds that there is sufficient evidence to substantiate the allegation that Chief O'Hara interfered in the Original Investigation by knowingly and intentionally deleting relevant data off of his phone. It is more likely than not that Chief O'Hara deleted this data to shield evidence of his connection to a City employee with whom he was alleged to have had a sexually intimate relationship from Investigators.

Although Forsgren Fisher finds that there is sufficient evidence to substantiate the allegation that Chief O'Hara interfered in the Original Investigation by knowingly and intentionally deleting evidence, there is not sufficient evidence to substantiate the allegation that Chief O'Hara engaged in a sexually intimate relationship with any City employee, including Employee 2. All allegedly involved parties have repeatedly and consistently denied engaging in such relationships. **M.S. 13.43**

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M.S. 13.43

There is sufficient evidence to find that Chief O'Hara discussed this investigation with Employee 1 in contravention of explicit directions from Investigators not to discuss any aspect of the investigation with anyone. In the recorded phone call, it is clear that Employee 1 knows that Chief O'Hara's phone was taken as part of the investigation. Employee 1 should not have known that Chief O'Hara's phone was taken. Chief O'Hara and Commissioner Barnette agreed that Chief O'Hara would inform City employees that he needed a new phone because he lost his old one.

M.S. 13.43

here would be opportunities for Chief O'Hara to disclose details about the investigation to Employee 1.

The most likely explanation for Employee 1's knowledge about the Original Investigation is that Chief O'Hara provided that information to Employee 1. In every one of

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interviews in these investigations, Chief O'Hara **M.S. 13.43** were given strict admonitions not to discuss any aspect of the investigation with anyone.

CONCLUSION

Forsgren Fisher conducted a thorough, independent, and unimpeded investigation into the allegations that Chief O'Hara interfered in the Original Investigation. Forsgren Fisher also reevaluated the findings of the Original Investigation in light of the additional evidence that was collected in this investigation.

Forsgren Fisher has determined that there is sufficient evidence to substantiate the allegation that Chief O'Hara interfered in the Original Investigation by knowingly and intentionally deleting data on his City-issued cell phone. There is also sufficient evidence to substantiate the allegation that Chief O'Hara interfered in the Original Investigation by discussing it with at least one City employee in contravention of explicit instructions to maintain confidentiality for the sake of the investigation's integrity.

Forsgren Fisher has determined that there is not sufficient evidence to substantiate the allegations that Chief O'Hara had sexually intimate relationships with City employees **█**

M.S. 13.43 **█**

█. As a result, Forsgren Fisher finds that the allegations of sexually intimate relationships **M.S. 13.43** are not substantiated.

We confirm that the information we provided in this case is true to the best of our knowledge.

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Investigator: Matthew D. Forsgren

May 26, 2026

Date

Virginia R. McCalmont

Investigator: Virginia R. McCalmont

May 26, 2026

Date



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May 26, 2026

Re: Written Reprimand

Chief Brian O'Hara,

This letter is to inform you that I have decided to take the following disciplinary action: written reprimand. The reason for this written reprimand is that your conduct, as substantiated by a neutral investigation, constitutes serious misconduct, as described below.

An investigation into your behavior substantiated that you interfered with a prior investigation. The prior investigation included allegations that you had engaged in sexually intimate relationships with City employees ("original investigation"). The current investigation substantiated that you interfered with the original investigation by:

- Knowingly and intentionally deleting a contact card for a City employee from your City-issued cell phone during the original investigation, in an attempt to shield that evidence of your connection to the City employee from the investigators
- Disregarding explicit instructions not to discuss any aspect of the original investigation with anyone, by disclosing to another City employee that your City-issued cell phone had been taken from you for the investigation

Although the investigators have concluded that the underlying allegations from the original investigation remain not substantiated, your interference with the investigation risked the integrity of the investigation and constitutes a significant breach of trust.

MPD is working diligently to re-establish trust with the community, and the MPD Chief of Police is held to a high standard. As Chief of Police of this police department, trust matters immensely. It is not secondary to the job—it is the job. Your behavior, as substantiated by the investigation, demonstrates poor judgment, is inconsistent with the level of integrity this role requires, and has made it extraordinarily difficult for you to continue effectively in your role. Your behavior, as substantiated by the investigation, is unacceptable and merits this disciplinary action.

Mayor Jacob Frey