

MENTAL HEALTH ASSOCIATION OF PORTLAND

Prosecution of Lethal Force in Oregon

No Oregon state prosecutor or county district attorney has fully prosecuted a law enforcement officer for misuse of lethal force since 1970.

Members of the Mental Health Association of Portland emphasize this fact to highlight the lack of accountability for law enforcement embedded in Oregon law, prosecutorial practices, administrative oversight, and the resulting damage to public perception and support for law enforcement.

Impunity poisons public administration. It opens a door to corruption and public discontent. An immediate antidote requires transparency by police and accountability to civilian oversight, assertive labor negotiations by cities, and limited immunity from criminal prosecution. Political and public administrators at every level of government should treat these priorities with urgency.

District attorneys do hold officers accountable for other crimes. Officers lose their jobs and careers following felony convictions. But that doesn't happen for the misuse of lethal force. Until recent years district attorneys often waived grand juries for lethal force incidents. Today, county grand juries are perfunctory; their conclusion in Oregon is always the same, no charges against the involved officer.

The Mental Health Association of Portland advocates for people with mental illness and addiction. Based on our internal review of lethal force incidents in the Portland metro area since 1970, the vast majority of those killed were in an acute state of mental illness or addiction. Many—perhaps most—deaths resulted from appropriate uses of force. However, some of the most disturbing deaths involved individuals likely unable to control their thoughts and emotions at the time they were killed. In many of these cases, if someone not in uniform had used the same level of force, prosecutors would have filed charges for homicide or manslaughter. Our assessment is not independent, impartial research. We have asked more qualified researchers to build a more robust record. That no one has responded reflects both the complexity of the task and the intuitive nature of our conclusion.

No public system tracks the number of force incidents by city, county, or state. No agency reports who force was used against, the outcomes, or judicial results of those events. Individual police departments do not share this information. In recent years, advocates for police accountability have compiled lists of lethal force incidents based on media reports. Our review of these lists shows that with minor additional efforts—such as a phone call to a county coroner—many more incidents could be uncovered. None of these lists document the clinical condition of the person killed.

We count 182 deaths caused by police in the Portland metro area since 1970. These deaths include shootings, strangulation, chest compression, beatings, and the use of conducted energy

Written to be shared with Oregon journalists, April 2016. Updated April 2024.

weapons like Tasers. We include confrontations where the person spontaneously suicided. We did not include deaths caused by vehicles or suicides by police officers, because neither are reliably reported.

In 2014 and 2015, volunteers led research to develop that list of deaths caused by police. They used a complex search pattern to examine the Eugene Register-Guard, Salem Statesman-Journal, Medford Tribune, Oregonian, AP Wire, and other national periodicals. They reviewed state historical archives and corresponded with county district attorneys to locate fully prosecuted cases. They corresponded with state pathologists and county coroners. They also talked with surviving family members.

News coverage changed significantly at two points. Before about 1972, lethal force incidents received little to no media attention in Oregon or elsewhere. We conclude that journalists at the time were both professionally and personally discouraged from publishing articles critical of police. In 2003 the authoritative advocacy of the Albina Ministerial Alliance—a coalition of Black ministries—shifted the Portland media landscape. The Alliance supported the family of [Kendra James](#), killed by PPB officer Scott McCollister. Multnomah County District Attorney Mike Schrunk declined to hold a public inquest or a grand jury and McCollister remains employed by the PPB. Since 2003, Oregon newspapers—especially Portland-based alternative publications and The Oregonian—have steadily improved their coverage of force incidents. We assume there were many deaths caused by police which went unreported prior to 2003, especially in rural and frontier communities without engaged journalists.

Police chiefs and sheriffs may have taken disciplinary action following misuse of force. Officers may have lost their licenses through the Department of Public Safety Standards and Training, or through prior licensing bodies. Some license revocations may have occurred for other than stated reasons, while the true cause was a misuse of force. Officers may have been removed from street duty and reassigned to desk jobs temporarily or permanently. Some faced demotion or were denied promotion after such incidents. Others left the profession asserting disability claims, some claims lasting for years or until retirement. Chiefs and sheriffs may have used unrelated incidents to terminate officers, with misuse of force remaining an unstated factor. Due to employee privacy protections, this area of accountability remains opaque.

State prosecutors or county district attorneys may have considered prosecuting officers for misuse of lethal force but did not have sufficient evidence or witnesses to convince a grand jury. However, no public record documents any such discussions.

The aforementioned 1970 prosecution involved a cold-blooded, premeditated murder that might have inspired a police procedural. In this case, [Portland Police Bureau officer Steven Sims](#) was charged with murder, found guilty of manslaughter, and sentenced to five years which he served in an undisclosed location outside of Oregon.

In 2011, prosecutors charged PPB officer Dane Reister after he shot and wounded a man in a mental illness crisis. The city fired him. Reister pleaded not guilty to third- and fourth-degree assault. He died by suicide in 2015 before trial began.

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Several barriers prevent district attorneys from successfully prosecuting officers for misuse of force. Until recently fellow officers, colleagues of the accused, typically conducted investigations - a clear conflict of interest. In 2007, Senate Bill 111 required Oregon counties to adopt plans for investigating police shootings. This led to the implementation of multi-county task forces several years later, but those investigators still work within the law enforcement community and lack impartiality. District attorneys rely on close relationships with police departments and their labor unions for both collaboration and political support, undermining both independence and impartiality. Since 2024, the [Washington State Office of Independent Investigations](#) has offered an alternative model. It independently and impartially investigates police-involved deaths and has already secured at least one conviction while establishing a national best practice. Oregon has no equivalent framework for impartial investigations or prosecutions. Though district attorneys could request lethal force cases be moved to another county, there is no record of such a request.

Federal law also imposes a steep hurdle. In [Pierson v. Ray](#) (1967), the U.S. Supreme Court established [qualified immunity](#), which shields police officers from trial for misconduct, including misuse of lethal force. Plaintiffs must first prove that the officer's conduct violated the law and that the officer should have known the conduct was illegal based on clearly established precedent. This standard creates what [Justice Sonia Sotomayor called](#) "an absolute shield" against accountability for excessive force.

Finally, misuse of force against people in mental illness or addiction crises by law enforcement cannot be separated from Oregon's crumbling mental illness system. Public services for these individuals have for decades been far below any reasonable standard, leaving tens of thousands in jails, prisons, institutions, or homeless and on the streets. Law enforcement remains the primary last line of intervention, and this entirely political decision leads to predictable and preventable deaths.