



## MORE THAN 100 CASES TO BE OVERTURNED IN WASCO COUNTY DUE TO A DISHONEST POLICE OFFICER

January 25, 2023

EMBARGOED UNTIL 0600 THURSDAY, JANUARY 26, 2023

PORTLAND, Ore. – The District Attorney of Wasco County Matt Ellis has begun asking the court to overturn more than 100 felony, misdemeanor, and violation convictions and contempt findings following an independent review of cases involving discredited former police officer Jeffrey Kienlen. Ellis asked The FA:IR Law Project, a program of the Oregon Justice Resource Center, to conduct an independent review of cases that may have been tainted by Kienlen's involvement. Kienlen worked on hundreds of cases in The Dalles before a disciplinary action for his dishonesty was publicly revealed two years ago.

In 2011, former District Attorney Eric Nisley learned that the Chief of Police had demoted Kienlen from sergeant to officer and reprimanded him for dishonesty. This information would have been directly relevant in any case where Kienlen's testimony is being relied on to prove a defendant's guilt in a criminal case. Prosecutors are obliged by law to turn over evidence to the defense that may be helpful, but Nisley never revealed the existence of the letter demoting Kienlen and addressing his dishonesty. It only came to light when it was discovered in a desk drawer by current District Attorney Matt Ellis when he took office in January 2021. The withholding of favorable evidence from the defense is not only illegal and a violation of professional conduct rules but also a leading cause of wrongful convictions.

Ellis brought in The FA:IR Law Project to determine the extent to which the prosecution relied on Kienlen's involvement in each case and the integrity of those convictions. FLP looked into 251 cases and recommended dismissal of the cases or expungement of convictions in 169 of them. The Wasco County DA's Office agreed with FLP's recommendations in all but ten cases.

"Past failures of leadership in the Wasco County District Attorney's Office have meant Kienlen's misbehavior was ignored, covered up and enabled," said Matt Ellis, District Attorney for Wasco County. "The people of Wasco County elected me to restore their faith in the justice system. Clearing convictions made unreliable by Kienlen's involvement is a start. My office is committed to work with law enforcement and our community partners to ensure we prevent this type of situation from recurring."

FLP's review revealed more problems with Jeffrey Kienlen's conduct as a police officer than dishonesty. The investigation showed a pattern of aggressive behavior and unreliable investigative work. Often, other officers were present to witness Kienlen's misbehavior.

"We started our review by asking the question as to whether Kienlen's involvement meant convictions were unsound and we should recommend dismissal or expungement," said Brittney Plessner, Co-Director of The FA:IR Law Project. "What we found as we dug deeper caused us to broaden the scope of our report. How was Kienlen able to continue as a police officer for so long despite his clear, documented wrongdoing? This is an institutional problem, not one rogue officer. Other City of the Dalles Police Department leadership and employees as well as the Wasco County District Attorney's Office knew about the behaviors described in our report."

FLP's report documenting its investigation of Kienlen includes accounts from and about people harmed by him over the years. Their stories feature descriptions of disproportionate aggression by Kienlen, hostility toward people he engaged with, and a disregard for City of the Dalles Police Department policies, including policies on use of force, encounters with people in mental health crisis, unholstering firearms, and using Tasers. Escalation of interactions with people in the community into violent encounters was noted. As a result of the broader findings of the FLP investigation, the group's report includes recommendations for reform for police, prosecutors, and state legislators to protect the public.

ENDS/

Notes to Editors: The FA:IR Law Project is a program of the Oregon Justice Resource Center that works to address systemic failures and create a more fair, just, and humane criminal legal system. Specifically, the FA:IR Law Project seeks to: reverse, vacate, and prevent wrongful and unjust convictions and sentences and mitigate and prevent excessive sentences.