

Wasco Co DA adds Officer Jeff Kienlen to Tier 1 Brady List

Statement from Wasco Co DA Matthew Ellis

(THE DALLES, Ore.) – The Wasco County District Attorney’s Office announced today that Officer Jeff Kienlen, a police officer assigned to The Dalles Police Department, has been added to the office’s Tier 1 *Brady* list and will be immediately barred from testifying in any case prosecuted by the Wasco County District Attorney’s Office because of his intentional and malicious deceptive conduct.

This is the first time in recent history that a member from law enforcement in Wasco County has been prohibited from testifying as a State’s witness because of their conduct.

The decision to add Officer Kienlen comes following an investigation stemming from a Notice of Discipline letter issued February 17, 2011, which demoted him from Sergeant to Officer due to his violation of the City of The Dalles Police Policy for Truthfulness. The previous District Attorney never disclosed that letter to defense attorneys in Wasco County as clear discoverable evidence to determine its value as exculpatory evidence under *Brady v. Maryland*.

Prosecutors have a constitutional and statutory duty to disclose exculpatory information, including potential impeachment information to defense attorneys. Certain information in the possession of a district attorney’s office regarding the credibility of a state’s witness, such as a police officer, is discoverable under the *Brady* rule. The District Attorney’s Office continues its investigation into why the 2011 Notice of Discipline regarding Officer Kienlen was not included in the former District Attorney’s disclosure index.

The District Attorney’s Office continue its 10-year review of cases to determine if any action if warranted in response to Officer Kienlen’s intentional and malicious deceptive conduct. To date, eight misdemeanor cases have been dismissed. The District Attorney’s Office may return to the grand jury on other felony-level cases where Officer Kienlen may have been a primary or secondary witness.

Officer Kienlen was given the opportunity to present evidence with his attorney in response to the District Attorney’s *Brady* investigation. Because of Officer Kienlen’s prior conduct that was deemed untruthful and lacking integrity, which showed disregard for policies and standards of proper police practices, this office formally notified Officer Kienlen, through his attorney, of our decision to exclude him as a State’s witness on March 2, 2021.

The decision in this matter is final and may only be revoked by the District Attorney.

No additional information is available for release at this time.

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