



Mike Schmidt
Multnomah County District Attorney
Multnomah County Courthouse
1021 S.W. Fourth Avenue, Room 600
Portland, Oregon 97204

August 19, 2020

Dear Mr. Schmidt:

As I write this, you have held the position of the Multnomah County District Attorney for 19 days. This means that you were not in office for the first 65 days of lawlessness in Portland. So, you are not responsible for the damage and destruction to property or assaults upon law enforcement officers prior to you taking office. You are now responsible for addressing all that has occurred since August 1.

Within days after taking office you publicly announced that you would not prosecute the following crimes:

- Interference with a police officer
- Disorderly Conduct
- Criminal Trespass in the 1st and 2nd Degree
- Escape in the 3rd Degree
- Harassment, when classified as a Class B misdemeanor
- Riot

You also publicly reported your own reluctance to prosecute those who **resist arrest**. This invites violence against police officers.

This is made even worse by the incredible restrictions you have placed upon the prosecution for **attempting to assault a public safety officer** and for actually **assaulting a public safety officer**.

Your refusal, in advance, to enforce the law as to certain crimes does not reflect the appropriate standard as to prosecutorial discretion. Instead, you have chosen to establish yourself as a mini-legislature where you can determine in advance that certain laws passed by the Oregon Legislature and signed by the Governor do not deserve any consideration for enforcement. This is not prosecutorial discretion; this is complete surrender to lawlessness.

Historically, “prosecutorial discretion” means that a prosecutor needs to consider a variety of matters in deciding whether to proceed to prosecute a given charge. These factors include the availability of the courts, the availability of investigation and prosecution staff, the weight of the evidence available in a given case, the criminal record of the accused person, the nature of the crime, etc. But prosecutorial discretion typically does not include advance notice to law breakers that they can be assured that they will not be prosecuted for certain crimes. Such an approach encourages lawbreakers, and places law enforcement officers in harm’s way – more than usual. This is especially true because the crimes you refuse to prosecute have all occurred in the personal presence of law enforcement officers who have observed the criminal conduct and have taken the risk of stepping forward to enforce the law.

Your advance notice of no prosecution was outrageous enough that I have called upon the Governor to authorize the Attorney General to take your place in prosecuting these crimes. I still hope the Governor will follow such a course. In the meantime, I call upon you to withdraw your non-prosecution directive and to apologize to law enforcement officers who have been exposed to additional harm as a result of your inappropriate directive.

Sincerely,
Kevin L. Mannix
President, Common Sense for Oregon
Director, Oregon Anti-Crime Alliance