



Multnomah County District Attorney's Office

Prosecution Decline Memo

October 29, 2026

Agency: Portland Police Bureau
Referring Officer: William Congdon
DPSST #: 51967
Incident #: 42 26-301198
Email declines to: **Agency email AND referring officer**
dadecline@police.portlandoregon.gov; William.Congdon@police.portlandoregon.gov

DA File # 051-1123815 **DDA:** Todd T Jackson

Case Status: Closed **Unit:** Administration

Defendant: Death 051-1123815 Investigation **DOB:** 01/01/1900

<u>Charge</u>	<u>Date of Crime</u>	<u>Reason</u>
Death Investigation	10/15/2026	Rejected: Legal Impediment

<u>Co-def File #s</u>	<u>Co-Defendant(s):</u>	<u>DOB</u>	<u>Case Status</u>
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Memo:

On October 15, 2026, Portland Police Officer Daniel Hall used deadly physical force against Eric Hurtado that resulted in Mr. Hurtado's death. The Multnomah County District Attorney's Office recognizes the profound impact these incidents have on families, communities, and the officers involved. Our deepest sympathies extend to all who have been affected by this tragic incident.

The Portland Police Bureau, assisted by the Multnomah County Sheriff's Office, conducted an investigation into the October 15, 2026 incident. Multnomah County District Attorney Nathan Vasquez and Chief Deputy District Attorney Todd Jackson responded to the scene to assist in and oversee the investigation. Upon submission to the District Attorney's Office, Chief Deputy District Attorney Todd Jackson conducted a review of the investigation. The District Attorney's Office recognizes that an individual's mental health condition may affect behavior, perception, and decision-making. This memorandum does not diminish the significance of those impacts. However, the scope of this review is limited to determining whether Officer Hall's use of force, based on the circumstances confronting him in the moment, gives rise to criminal liability under Oregon law. Based on a review of the facts and circumstances surrounding Officer Hall's use of force against Mr. Hurtado, Chief Deputy District Attorney Todd Jackson concluded the use of force was justified under Oregon law and therefore not criminal.

This incident was captured on body worn camera (BWC) footage, surveillance video, and independent eye-witness accounts from both civilians and officers. As such, in the discretion of the Multnomah County District Attorney, this investigation will not be presented to the grand jury as there are no material facts in dispute related to the incident. Multnomah County District Attorney Policy 5.10 (Investigation of Law Enforcement-Involved Deaths/Serious Physical Injury) allows this discretion when grand jury review is unwarranted.

The following is a summary of the relevant facts and applicable law:

At approximately 4:20 p.m. on October 15, 2026, witnesses observed an individual, later identified as Eric Hurtado, acting erratically outside of the St. Honore Bakery located at SW Washington St & SW Broadway in downtown Portland. Approximately four minutes later, Mr. Hurtado was observed kicking a security vehicle parked along the roadway as he walked south on SW Broadway toward SW Alder St. At approximately 4:26 p.m., Mr. Hurtado entered the Oregon Wines on Broadway store where he began screaming and threw his wallet and cell phone. Approximately two minutes later, Mr. Hurtado entered the Dossier Hotel located on the corner of SW Park Ave & SW Alder St. When the front desk clerk contacted Mr. Hurtado, he picked up an ornamental desk clock and swung it in the direction of the clerk. Mr. Hurtado then exited the Dossier Hotel to the street. By approximately 4:30 p.m., Mr. Hurtado was on the street outside the Dossier Hotel where he had an interaction with a security guard during which he attempted to stab the security guard in the chest and arm area, but the knife blade was not extended. At 4:33 p.m., the first 911 call was made from the Dossier Hotel regarding Mr. Hurtado's behavior. The caller reported that he had assaulted two people and was holding a box cutter. This report was

prior to anyone actually being stabbed by Mr. Hurtado.

Mr. Hurtado proceeded back toward the St. Honore Bakery and at approximately 4:36 p.m. he entered the kitchen area and stabbed an employee repeatedly with the box cutter. The employee was transported to the hospital as a trauma patient where he received treatment for a lacerated left ear, lacerated left neck to the muscle level, lacerated upper left arm, lacerated left wrist, and small fracture to the left humerus bone before being discharged. By 4:39 p.m., Officer Hall and his partner Officer Matthew Contois had located Mr. Hurtado walking on SW Broadway toward the Vintage Hotel. According to Officer Hall's statement, he was aware that Mr. Hurtado had assaulted two people and was armed with a box cutter when he located Mr. Hurtado. Surveillance video from the Vintage Hotel showed Mr. Hurtado as he approached the sidewalk in front of the hotel. Mr. Hurtado's pants were down and his genitals were exposed to the street. He had the box cutter in his hand and was waving it at passing traffic. Officer Hall stopped his patrol vehicle on SW Broadway in front of the Vintage Hotel where Mr. Hurtado was standing. According to Officer Hall's statement, as he got out of the patrol vehicle and began to approach Mr. Hurtado, he saw four people, later identified as Vintage Hotel employees, in the alcove outside the door to the hotel. He saw an object in Mr. Hurtado's hand that he believed, based on the circumstances and information in the call, was a sharp-edged weapon. Officer Hall saw Mr. Hurtado suddenly appear to stab one of the individuals in the alcove. This individual was later confirmed to have been stabbed twice in the forehead and was transported to the hospital as a trauma patient. His wounds were treated and he was discharged. Officer Hall quickly closed the distance, and fired two rounds at Mr. Hurtado to stop the attack. Officer Hall saw Mr. Hurtado fall to the ground. Officer Hall stopped firing as soon as he saw Mr. Hurtado fall. The individual Mr. Hurtado stabbed in the head also fell to the ground next to Mr. Hurtado. While Mr. Hurtado was on the ground, Officer Hall saw him attempt to stab the individual on the ground next to him again in the back. The individual's back was not injured in this second attack as the razor blade likely had fallen out of the box cutter by that point. Officer Hall pulled the individual out of the way and ordered Mr. Hurtado to stop or he would be shot again. Officer Hall then got the knife away from Mr. Hurtado and other officers moved up to secure him and began rendering medical aid.

An ambulance was already on scene at SW Broadway & SW Washington St and those paramedics went to the stabbing victim at the St. Honore Bakery. A paramedic crew from the Portland Fire Bureau arrived at the Vintage Hotel at approximately 4:43 p.m. – four minutes after the shooting – and took over rendering aid to Mr. Hurtado. Mr. Hurtado was transported to the hospital where despite life saving efforts, he was pronounced deceased. Dr. Phillip Bennett of the Oregon State Police Medical Examiner's office conducted an autopsy on Mr. Hurtado and concluded that Mr. Hurtado had a single gunshot wound that entered his right chest, struck his lungs and heart, and then lodged in his left back where the bullet was recovered. Dr. Bennett concluded these injuries caused Mr. Hurtado's death. He found no other injuries of note on Mr. Hurtado's body. Dr. Bennett conducted a preliminary drug screen and found Methamphetamine, Buprenorphine, and THC in Mr. Hurtado's blood.

Detectives recovered the box cutter from the ground in the alcove where it lay following the incident and saw that it did not have the razor blade inserted. They located the razor blade on the ground in the alcove near where the stabbing victim had been. They also located a bullet strike in the wall behind where Mr. Hurtado had been standing when Officer Hall fired, and two spent cartridge cases on the ground.

According to BWC footage, Officer Hall got out of his patrol vehicle at 4:39:11. The shots were fired at 4:39:15. The entire incident occurred in approximately four seconds.

The following is an overview of Oregon criminal law that is applicable to Officer Hall's use of force against Mr. Hurtado:

Under Oregon Revised Statute (ORS) 161.195, conduct which would otherwise constitute an offense is justifiable and not criminal when it is authorized by law. ORS 161.209 establishes that a person is justified in using physical force upon another person for self-defense or to defend a third person from what the person reasonably believes to be the use or imminent use of unlawful physical force, and the person may use a degree of force which the person reasonably believes to be necessary for the purpose.

In conjunction with the requirements of ORS 161.209, ORS 161.219 limits the use of deadly physical force in defense to a situation in which a person reasonably believes another person is committing or attempting to commit a felony involving the use or threatened imminent use of physical force against a person, or is using or about to use unlawful deadly physical force against a person.

For police officers, ORS 161.242 states that a peace officer may use deadly physical force upon another person only when it is objectively reasonable, under the totality of circumstances known to the peace officer, to believe that the person poses an imminent threat of death or serious physical injury to a person and the use of deadly physical force is necessary to defend the person from the imminent threat of death or serious physical injury.

ORS 161.242 goes on to state that prior to using deadly physical force upon another person, if the peace officer has a reasonable opportunity to do so, the peace officer shall consider alternatives such as verbal de-escalation, waiting, using other available resources and techniques if reasonable, safe and feasible, or using a lesser degree of force; and give a verbal warning to the person that deadly physical force may be used and provide the person with a reasonable opportunity to comply.

In this instance, Officer Hall came into the call with the understanding that two individuals had been attacked by Mr. Hurtado, and that Mr. Hurtado was armed with a box cutter. When he located Mr. Hurtado, he saw that Mr. Hurtado had an object in his hand that he believed from the circumstances was a knife. Before Officer Hall could meaningfully contact Mr. Hurtado, Mr. Hurtado suddenly and without warning attacked an innocent citizen, stabbing him twice in the head right in front of the officer. Confronted with this active and deadly threat to innocent people, Officer Hall took immediate action to prevent further harm by firing on him. He had no reasonable opportunity to issue commands or utilize de-escalation techniques. Mr. Hurtado's conduct required direct and instant intervention to protect the people in the alcove and stop the attack. There was no other reasonable course of action available to Officer Hall to address the situation.

The facts and evidence in this investigation definitively establish that Portland Police Officer Daniel Hall's use of deadly force against Eric Hurtado on October 15, 2026 was justified under Oregon criminal law and therefore not criminal.

DDA Todd Jackson
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