

News Release
For Immediate Release
March 14, 2023

Contact: Amy Anderson
503-806-7420
amy@aandersonstrategic.com

\$1.6 million Settlement and Apology from the Oregon State Police for the 2015 shooting death of Robert Box

Grants Pass, OR: After a nearly 8-year legal battle to seek justice for the wrongful shooting death of Robert Clinton Box of Grants Pass, a \$1.6 million settlement agreement has been reached for his estate. While the Oregon State Police offered no admission of fault in the agreement, OSP Superintendent Casey Coddling apologized on behalf of the State Police to widow Bernadette Box for the events that took the life of her husband. Throughout the legal process to hold OSP accountable, the main objective of the Box family was to clear Robert's name of any wrongdoing in the tragic and avoidable events that took his life.

Robert Box was fatally shot near the rear patio of his rural property by two Oregon state troopers on May 29, 2015 after a domestic disturbance was phoned in by a family member. State Troopers Gregor Smyth and Heather West responded to the call by unlawfully sneaking onto the property in the dark of night and calling Box out of his home without identifying themselves as police. When Box was in their sight, they saw he was carrying a handgun in his right front pocket and within two seconds, fired 11 shots, seven of which peppered his body.

Bernadette Box was on the phone with her husband at the time of the fatal shooting and heard his final moments in shock and confusion. An autopsy determined that Robert Box was bending forward at the waist and may have been on his knees at the time Smyth fired the final three shots that killed him.

A wrongful death suit was filed by the Box family in April 2016 and after years of defensive legal maneuvering by OSP, the Court of Appeals ruled in 2022 that when State Troopers Smyth and West snuck onto the Box property and shot Robert Box to death, they were trespassers.

The court found sufficient evidence for a reasonable jury to conclude that the troopers did not follow their training and made several tactical errors during their trespass. The court also found that plaintiff's evidence was sufficient to submit to the jury plaintiff's claim that the state negligently retained Trooper Smyth as a patrol officer with the knowledge that he had a dangerous performance deficiency that rendered him unfit to be a state trooper.

Trooper Smyth had a documented history of a performance deficiency known as "tunnel vision." Three months before the shooting of Robert Box, OSP Lt. William Fugate, then commander of the OSP SWAT team, fired Trooper Smyth from the SWAT team after receiving reports from a SWAT team sergeant and senior SWAT team members that Trooper Smyth's "decision making and overreaction have the potential to lead to someone being seriously injured, or killed, on a real-world operation."

After Smyth's termination from SWAT, Smyth's patrol supervisors continued to authorize Smyth to perform his ordinary duties as a patrol officer. They claimed to have no knowledge of the reasons Smyth was fired from the SWAT team and took no actions or precautions to address Smyth's performance deficiency. Smyth was also the subject of another highly publicized incident involving

allegations of use of excessive force in a racially charged June 2014 traffic stop of a Hispanic man in Medford. And, Smyth was the subject of a criminal investigation for his use of force during a traffic stop in September of 2015, shortly after returning from administrative leave following the Box shooting.

While the settlement concludes a long-fought, legal saga for the Box family, the permanent loss and pain from the experience continue to this day. Widow Bernie Box wrote a reply to the Oregon state police after receiving their letter of apology (excerpted):

“All I wanted from you was a letter of apology, admitting that you did wrong. You killed my husband. It took you 7 years and 9 months to admit that. He was a good man. The kind of man who would help anyone if they needed it. He was a hard worker who did right by his family. We were supposed to grow old together. We were supposed to enjoy our grandsons and our blended family that we worked so hard to maintain. Now his grandsons don’t have their papa anymore. Just memories. I truly hope you take all this to heart and learn from it. Training needs to be taken to heart. No other family should have to go through what my family has gone through.”

###

For further information, contact: David D. Park, Elliott & Park, P.C, office: 503-227-1690, cell/text: 503-706-5317, e-mail: dave@elliott-park.com

Or Grants Pass attorney Richard Adams, Rogue Law Firm PC, office: 541-476-2110, email: rda@roguelawfirm.com