



MICHAEL D. SCHRUNK, District Attorney for Multnomah County
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March 17, 2009

Gregory R. Roberson
Attorney at Law
Hoffman Hart Wagner
Attorneys at Law
Twentieth Floor
1000 SW Broadway
Portland, OR 97205

Re: Public Records Petition 09-01

Dear Mr. Roberson:

I am in receipt of your public records petition seeking the disclosure of Portland Police Bureau report No. 08-49924. PPB Program Specialist Christopher Paille responded to your petition in a letter dated March 12, 2009. He provided a copy of the police report in question.

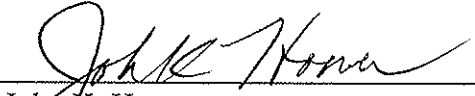
The Police Bureau continues to claim exemption under ORS 419B.010 to ORS 419B.050, a report of child abuse. The report was initially referred to DHS intake and is now in the possession of Heather Niemie, custodian of closed records for DHS. I contacted Ms. Niemie who advised me that any consideration of disclosure of all or part of the report by DHS would require her consultation with the Attorney General's Office.

In your petition letter, reference is made to a report related to the actions of a Mr. and Mrs. Clark at your client's place of business. A review of the two-page report makes only passing reference to that disturbance. Rather, the report does concern allegations which, if true, could be construed to be reportable as child abuse.

It may be that some of the report could be disclosed by DHS. That is a matter for Ms. Niemie and her counsel. With respect to the Portland Police Bureau, the exemption is absolutely necessary. This office is not in a position to order the disclosure of reports designated as "child abuse reports." The petition must be denied.

Very truly yours,

MICHAEL D. SCHRUNK
District Attorney
Multnomah County, Oregon

By: 

John K. Hoover
Deputy District Attorney

cc: Christopher Paille