



Rod Underhill, District Attorney

1021 SW Fourth Avenue, Room 600
Portland, OR 97204-1193
Phone: 503-988-3162 Fax: 503-988-3643
www.mcda.us

24 June 2014

Jon Friedman
232 NE 9th Avenue
Portland, OR 97232

RE: Public Records Request # 14-13

Dear Mr. Friedman:

This office is in receipt of your June 16, 2014 petition for the following Portland Police Bureau Reports: 13-76485, 14-5904 and 14-5905.

The records you seek are criminal investigatory materials pertaining to an open case set for trial in July of this year. Under Oregon Revised Statute 192.501(3) such reports are conditionally exempt from disclosure.

I spoke with Senior Deputy District Attorney John Casalino about this case. Mr. Casalino is familiar with the facts relating to the on-going investigation and prosecution. Mr. Casalino advised me that the disclosure of the reports you seek would interfere with law enforcement proceedings.

ORS 192.501(3) conditionally exempts "criminal investigatory material" from disclosure. The Public Records Law also requires a weighing of public interest in the release of these requests. It is difficult to surmise what public interest would outweigh the purpose of keeping these reports exempt from disclosure.

Additionally, I would expect that the Department of Human Services would deny your request for disclosure of records relating to this on-going matter. At this time the confidentiality of child abuse reports does prevent the Portland Police Bureau from disclosing investigative reports.

The confidentiality of child abuse reports is outlined in ORS 419B.035.

- (1) Notwithstanding the provisions of ORS 192.001 to 192.210 to 192.505 and 192.610 to 192.990 relating to confidentiality and accessibility for public inspection of public records and public documents, reports and records compiled under the provisions of ORS 419B.010 to 419B.050 are confidential and are not accessible for public inspection.

This office is not in a position to order the Portland Police Bureau to disclose even a redacted police report compiled as part of a child abuse investigation. The intent of the statute is to protect the privacy of victims. It is notable that 419B.035 trumps the public records law found in ORS 192.501 and ORS 192.502. Accordingly, your petition must be denied.

If you believe that 419B.035(i) allows disclosure of reports in this case you must make a request of the Department of Human Services.

Very truly yours,

ROD UNDERHILL
District Attorney
Multnomah County

By 
Stacy J. Heyworth
Senior Deputy D.A.