



ROD UNDERHILL, District Attorney for Multnomah County

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March 22, 2018

Lars Larson
Alpha Media
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Mark Amberg
Chief Deputy City Attorney
Portland City Attorney's Office
1221 S.W. Fourth Avenue, Suite 430
Portland, Oregon 97204

Re: Petition of Lars Larson seeking the identity of a youth arrested by the Portland Police Bureau

Dear Mr. Larson and Mr. Amberg:

In his public records petition, dated March 19, 2018, petitioner Lars Larson asks this office to order the Portland Police Bureau (PPB) to release the name of a student arrested for possessing a firearm at Franklin High School.¹ The student is a juvenile and, because of this, PPB refused to release his identity when requested by petitioner. Petitioner now asks that we order PPB to provide him with that information. In response, PPB asserts that it is prohibited by law from releasing the youth's name.

For the reasons discussed below, we agree with PPB and deny the petition.²

DISCUSSION

A. Juvenile Court Offender Information – ORS 419A.255

ORS 419A.255 provides in relevant part:

(6) Notwithstanding any other provision of law, and subject to subsection (8) of this section, the following are not confidential and not exempt from disclosure: (a) The name and date of birth of the youth or youth offender [...]

¹ Subsequent to filing this petition, petitioner made an identical records request of the Multnomah County Juvenile Department. The Juvenile Department denied his request, petitioner appealed, and we resolve that dispute in a separate order also issued this date. See, *Petition of Larson*, MCDA PRO 18-11 (March 22, 2018)

² PPB also notes that it is not clear that petitioner actually made a public records request under ORS Chapter 192 as opposed to simply posing a question to PPB's Public Information Officer, which the PIO declined to answer. However, in the interest of a speedy resolution of this appeal, and without prejudice to raising a jurisdictional argument in any future proceedings, PPB is not asking to explore ramifications of that distinction before this office.

(7) Notwithstanding any other provision of law, and subject to subsection (8) of this section, when a youth has been taken into custody under ORS 419C.080, the following information shall be disclosed unless, and only for so long as, there is a clear need to delay disclosure in the course of a specific investigation, including the need to protect the complaining party or the victim: (a) The youth's name and age and whether the youth is employed or in school [...]

(8) Except as provided in ORS 419A.300 and unless otherwise directed by the court, only the juvenile court, the county juvenile department and the Oregon Youth Authority may disclose the information under subsections (6) and (7) of this section if the information is subject to disclosure.

The Juvenile Code provides that, despite the otherwise strict confidentiality rules surrounding juvenile court proceedings, basic information about a juvenile delinquency proceeding is subject to public disclosure. As relevant here, that information includes "the youth's name and age." ORS 419A.255(7).

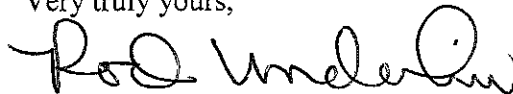
However, ORS 419A.255(8) clearly provides that only the Juvenile Court, the Juvenile Department, the Oregon Youth Authority, or another agency authorized by the juvenile court may release information pursuant to ORS 419A.255(6) or (7). The only way the Portland Police Bureau would be permitted to release the identity of an arrested youth would be if authorized by the Juvenile Court, which petitioner has not suggested has occurred in this case.

Petitioner additionally cites ORS 192.345(3) (formerly 192.501(3)), which states that "the record of an arrest or the report of a crime shall be disclosed unless and only for so long as there is a clear need to delay disclosure in the course of a specific investigation." This language mirrors that found in ORS 419A.255(7), except that it lacks the limitations on which agencies may release the information. Petitioner argues that this means that PPB must provide him what he seeks. We disagree. To the extent there is a conflict between ORS 419A.255 and ORS 192.345(3), ORS 419A.255 controls because 1) it is the more specific of the two statutes (i.e. it addresses only juveniles as opposed to all arrestees) and 2) it was more recently enacted.

ORDER

Accordingly, the petition is denied.

Very truly yours,



ROD UNDERHILL

District Attorney

Multnomah County, Oregon