



Nathan Vasquez, Multnomah County District Attorney

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June 18, 2026

via email only

John Fial
johnfial@gmail.com

Trevor Byrd
Deputy City Attorney
City of Portland
trevor.byrd@portlandoregon.gov

Re: Petition of John Fial requesting certain records from the City of Portland

Dear Mr. Fial and Mr. Byrd:

On February 26, 2026, Mr. Fial submitted a public records request to the Portland Police Bureau for all records relating to a Portland Police Bureau investigation initiated on or about October 15, 2025, including any incident or case number, the police report and supplemental reports, the investigating officer's notes, CAD and dispatch logs, name-check results, and the current status of the investigation. He submitted a related request on April 23, 2026 for records concerning the associated prosecution review, including communications between the District Attorney's Office and the Portland Police Bureau and any witness statements or summaries. The Portland Police Bureau denied both requests on May 13, 2026, asserting that the responsive records relate to child abuse and that, under ORS 419B.035(1), only the Department of Human Services may authorize their release. The City also indicated it did not possess any responsive records regarding communications between this office and the Portland Police Bureau.¹

Mr. Fial petitioned this office, as permitted by ORS 192.422, arguing that the City's denial is impermissibly categorical and that ORS 192.338 obligates the City to separate any exempt material and release the reasonably segregable remainder. The City responded on May 19, 2026 and made the disputed material available for review under ORS 192.422(2). It argues that because the underlying report was forwarded to the Department of Human Services and is pending a Department assessment, the report, and every portion of the request, became confidential under ORS 419B.035(1) and may be released only by the Department.

For the reasons below, I grant the petition in part.

¹ While responding to this petition the City re-ran this portion of the search, located a responsive record, and provided it to petitioner. This item is no longer at issue in this petition.

DISCUSSION

A. Child Abuse Reports – ORS 419B.035(1)

ORS 419B.010(1) imposes a duty to report child abuse to law enforcement or the Oregon Department of Human Services (DHS). Once such a report is received, additional provisions in ORS 419B.010 to 419B.050 are triggered, including investigative duties by DHS and law enforcement. ORS 419B.035 makes confidential the reports compiled during such an investigation.

In the present case the City of Portland argues that once a police report is referred to DHS with the purpose of reporting child abuse, it becomes exempt under this statute regardless of whether it contains information other than the express concern for child abuse. The City relates that the report in this case was so-referred and thus, in the City's view, all records in its possession relating to this case are within DHS' sole authority to release.

The Court of Appeals has a more narrow interpretation of ORS 419B.035's scope. *Pamplin Media Group v. City of Salem*, 293 Or App 755, 763 (2018) ("The city appears to contend that every document containing any information about child abuse is a 'report of child abuse' within the meaning of ORS 419B.015(1) and therefore is excluded from disclosure by ORS 419B.035. [...] we disagree.") In *Pamplin Media*, the City of Salem refused to release any portion of an arrest and incident report, reasoning, as the City does here, that because the reports related to the investigation and arrest of a suspected child abuser, all of the information in them was "compiled under" the reporting statutes and excluded from disclosure. The court rejected that reading and reversed.

That statutory context demonstrates that the term "report of child abuse" in ORS 419B.015(1) refers only to a report of child abuse made in accordance with the reporting procedure set out in ORS 419B.015(1) and not to every document, including one generated during an investigation, that happens to include information related to abuse.

Id. at 765.

The Court elaborated in a footnote that "if every document containing any information about child abuse were a 'report of child abuse' within the meaning of ORS 419B.015(1), then perhaps all such documents would be excluded from disclosure as 'reports and records compiled under the provisions of ORS 419B.010 to 419B.050.' However [...] that construction of 'report of child abuse' is incorrect[.]" *Id.* at n.6.

This office has, in earlier orders, described ORS 419B.035 as imposing an "absolute prohibition on the release of any record relating to a child abuse investigation" and has declined to order even redacted disclosure. *Petition of Brosseau*, MCDA PRO 15-20 (2015); see also *Petition of Roberson*, MCDA PRO 09-01 (2009); *Petition of Friedman*, MCDA PRO 14-13 (2014); *Petition of Denson*, MCDA PRO 04-07 (2004); *Petition of Glanville*, MCDA PRO 95-06 (1995). All of these orders pre-date *Pamplin Media Group*, and are inconsistent with its holding.

A record's status under ORS 419B.035 turns on the authority under which it was originally

compiled, not on its subject matter nor on the public body's subsequent decision to route a copy to the Department of Human Services.

In *Petition of Livingston*, Lane County DA PRO (Dec. 9, 2020), the Lane County District Attorney applied that distinction to facts materially identical to these. In that case the City of Eugene took the position that "since a portion of the [] investigation concerned child abuse, and that all of the records were provided to DHS, that all of the records are exempt from disclosure pursuant to Chapter 419B." DA Perlow disagreed: "Chapter 419B is intended only to protect the privacy of investigations involving children."

A single police report may document both an individual's report of child abuse to law enforcement or the subsequent investigation of that report and information relating to other matters. This is exactly such a report. The bulk of the report is a police investigation of allegations of domestic violence. A small portion of the report discusses a child. The former is not a report compiled under the provisions of ORS 419B.010 to 419B.050; the latter is.

ORS 192.338 requires a public body holding a record that contains both exempt and nonexempt material to "separate the exempt and nonexempt material and make the nonexempt material available for examination."

ORDER

Accordingly, the petition is granted in part. Pursuant to ORS 192.338, the City may withhold under ORS 419B.035 only those portions of the responsive records that directly document a report of alleged child abuse or PPB's investigation of the same. The balance of the information is not exempt under that section.²

This release is subject to the payment of fees, if any, not to exceed those authorized by ORS 192.324(4).

Regards,

NATHAN VASQUEZ
District Attorney
Multnomah County, Oregon

By: 

Adam Gibbs
General Counsel

² As the City, in good faith reliance on this office's precedent, believed ORS 419B.035 categorically prohibited it from releasing any of these records, it did not review them in detail for other reasons material might not be subject to public release. It may do so now in the first instance. Any dispute regarding the substance of its redactions may be raised in a subsequent petition.

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Petition of Fial

Notice to Public Agency. Pursuant to ORS 192.411, 192.415, and 192.431(3), your agency may become liable to pay petitioner's attorney fees in any court action arising from this public records petition (regardless of whether petitioner prevails on the merits of disclosure in court) if you do not comply with this order and also fail to issue, within seven days, formal notice of your intent to initiate court action to contest this order, or fail to file such court action within seven additional days thereafter.

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