



Nathan Vasquez, Multnomah County District Attorney

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via email only

Mary Cook
peer4you@outlook.com

sherisa davis-larry
City of Gresham
sherisa.davis-larry@greshamoregon.gov

Re: Petition of Mary Cook requesting Gresham Police Department records of the investigation into the death of her grandson

Dear Ms. Cook and ms. davis-larry:

On June 18, 2026, Ms. Cook submitted a public records request to the Gresham Police Department (GPD) for the records of GPD Case No. 25-12879: the full police report and any supplemental reports, officer narratives and field notes, computer-aided dispatch logs, and witness statements. That case is GPD's open investigation into the March 31, 2025, death of Ms. Cook's grandson, an infant not yet two months old. GPD denied the request on June 22, 2026, citing ORS 192.345(3), which conditionally exempts investigatory information compiled for criminal law purposes.

Ms. Cook petitioned this office on July 28, 2026, as permitted by ORS 192.422. She argues that no clear need to delay disclosure remains fifteen months after the death when no charges have been filed and that the public interest in the accuracy of child death investigations requires disclosure. The City of Gresham responded on August 3, 2026. It defends the denial under ORS 192.345(3) and further argues that the records are confidential under ORS 419B.035 and therefore exempt under ORS 192.355(9)(a). Given the nature of the records, and this office's direct involvement in the investigation, a review of the responsive investigative reports was performed as part of this process.

For the reasons discussed below, I conclude that the requested records are confidential under ORS 419B.035 and deny the petition.

DISCUSSION

ORS 192.355(9)(a) exempts from disclosure "[p]ublic records or information the disclosure of which is prohibited or restricted or otherwise made confidential or privileged under Oregon law." One of the laws it incorporates is ORS 419B.035(1), which provides:

Notwithstanding the provisions of ORS 192.001 to 192.170, 192.210 to 192.478 and 192.610 to 192.810 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 may not be disclosed except as provided in this section.

ORS 419B.010 to 419B.050 are the child abuse reporting and investigation statutes. Certain persons must report suspected abuse of a child, ORS 419B.010; the report is made to the Department of Human Services or to a law enforcement agency, ORS 419B.015; and the agency receiving a report “shall immediately [...] [c]ause an investigation to be made to determine the nature and cause of the abuse of the child.” ORS 419B.020(1)(a). “Abuse” includes physical injury to a child caused by other than accidental means and negligent treatment or maltreatment likely to endanger the child’s health or welfare. ORS 419B.005(1)(a)(A), (F).

This office recently addressed the scope of ORS 419B.035 in *Petition of Fial*, MCDA PRO 26-33 (2026). Following the Court of Appeals’ construction in *Pamplin Media Group v. City of Salem*, 293 Or App 755 (2018), *Fial* holds that a record’s status under ORS 419B.035 turns on the authority under which it was originally compiled, not on its subject matter. The statute is not an exemption for every record that mentions harm to a child. In *Fial* the withheld record was a police investigation of domestic violence allegations that discussed a child in one portion, and I ordered the nonexempt balance separated and disclosed under ORS 192.338. *Pamplin Media* drew the same line from the other direction: because ORS 419B.010 to 419B.050 “do not govern or even address the arrest of a perpetrator,” a record of an arrest is not compiled under those provisions and cannot be withheld merely because the arrest grew out of a child abuse investigation. *Pamplin Media* at 765.

The same test forecloses disclosure here. Case No. 25-12879 is not an investigation opened on other grounds that mentioned a child. The death of a two-month-old child was reported to law enforcement, and upon receiving that report GPD was required by ORS 419B.020(1)(a) to investigate the nature and cause of the suspected abuse. That investigation is Case No. 25-12879. The Department of Human Services conducted its child protective services investigation parallel to GPD’s criminal investigation; DHS’ investigation has concluded, GPD’s has not.

Every category of record the petition seeks (incident and supplemental reports, officer narratives and field notes, dispatch logs, and witness statements) was compiled in the course of the criminal investigation under ORS 419B.020(1)(a). No one has been arrested and no charges have been filed to date, so the file contains no record of an arrest of the kind that *Pamplin Media* held falls outside the statute. These records are the class the Court of Appeals itself identified as the statute’s core: “police reports detailing an investigation of child abuse conducted under ORS 419B.020” are among the writings excluded from disclosure. *Pamplin Media* at 770 n.8.

Ms. Cook argues that GPD’s decision to label this as a “privatized case” is not supported by any provision of Oregon law. This phrase may have internal operational relevance for GPD but has no independent legal force. Petitioner is correct that GPD does not have the authority to declare a case exempt from disclosure, and I do not understand GPD to argue otherwise. When challenged, GPD must cite the underlying legal basis that it asserts protects the records. It has done so here.

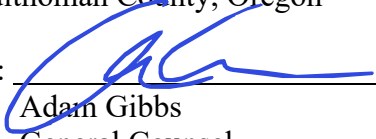
ORS 419B.035 prohibits GPD from releasing these records in response to a public records request.

ORDER

Accordingly, the petition is denied.

Regards,

NATHAN VASQUEZ
District Attorney
Multnomah County, Oregon

By: 
Adam Gibbs
General Counsel