



Nathan Vasquez, Multnomah County District Attorney

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August 18, 2026

via email only

Anonymous Petitioner
publicrequestforrecords@proton.me

sherisa davis-larry
City Attorney's Office
City of Gresham
sherisa.davis-larry@greshamoregon.gov

Re: Petition of Anonymous Petitioner alleging constructive denial of a records request to the Gresham Police Department

Dear Petitioner and Ms. davis-larry:

On July 1, 2026, petitioner emailed GPD@GreshamOregon.gov, a general contact address for the Gresham Police Department, a message that combined a complaint about a sergeant's conduct during a June 27, 2026 traffic stop with a request for that sergeant's "disciplinary record" and DPSST number. On July 3, 2026, petitioner forwarded the same message to the Chief of Police at the Chief's individual City email address. Neither email drew a response.

On Thursday, July 30, 2026, petitioner copied PublicRecordsRequest@GreshamOregon.gov on a follow-up email threatening legal action if no response was made to their request. The City Recorder, Christina Still, responded and, after confirming that the down-thread email was intended as a public records request, acknowledged it on Monday, August 4, the same day petitioner sought this office's intervention for what they allege was "a constructive denial through delay and non-response" of the July 1 request.

ORS 192.407(1) authorizes "[a] person who has submitted a written public records request in compliance with a public body's policy" to seek review of, among other things, "[t]he failure of a public body to provide the response required by ORS 192.329 within the prescribed period." ORS 192.407(1)(a). An untimely response "shall be treated as a denial of the request unless the public body demonstrates that compliance was not required under ORS 192.329." *Id.* That condition is built into the response deadlines themselves. The duty to respond runs to "a written public records request that is received by an individual identified in the public body's procedure described in ORS 192.324." ORS 192.329(1). The five-business-day acknowledgment duty is triggered the same way, by receipt of a request by "an individual who is identified in a public body's procedure." ORS 192.324(2). A requestor "who does not follow a public body's published procedure may not seek district attorney review of the timing of a public body's response to that request." *Petition of Cashman*, MCDA PRO 24-11 (2024).

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The City has published the procedure that ORS 192.324(7) requires. Its website identifies the City Recorder and the addresses to which requests may be sent, including GPDRecords@GreshamOregon.gov for police records, along with an online request portal. Petitioner's July 1 email went to none of them; it went to the City's general-inquiry inbox. Their July 3 email went to the Chief of Police personally. Neither was a request submitted "in compliance with a public body's policy." Whether or not this is a proper public records request to which the City must respond, ORS 192.407 does not grant me authority to adjudicate the timeliness of the response.

Petitioner's answer is that GPD@GreshamOregon.gov is no private inbox: the City publishes it, in its directory and on the Police Department's own pages, as the Department's point of contact. A city publishes many addresses for many purposes; the one that matters under ORS 192.407(1) is the one it has designated for records requests.

ORS 192.324(7)(a) permits a public body to specify the channel through which the information requests it is legally obligated to answer on a statutory clock will arrive. Delivered to a general inbox, a records request can be hard to distinguish from a citizen complaint, a policy question, a general inquiry, or an attempted service of a subpoena. Drawing those distinctions is the work of staff assigned to do it. The employees who monitor a general contact address are not required to make them, and the public records law does not ask them to.

Petitioner's contrary argument rests on the Gresham Police Department's policy manual, which instructs that "[a]ny department member who receives a request for any record shall route the request through the Records Section." GPD Policy 1207.4. On petitioner's reading, every member of the department, the Chief included, is thereby made part of the City's procedure for receiving records requests. I disagree. An internal routing instruction that catches misdirected requests does not amend the procedure the City publishes under ORS 192.324(7), and it is the published procedure, not internal practice, to which ORS 192.407(1) ties this office's review authority.

The City's published manual points the same way. It allows a written request to be "mailed, faxed, emailed, or hand-delivered to the appropriate staff member," and it identifies who that is: "Each service area manager shall designate a person to coordinate the response to public records requests. A list of contacts by department can be found on the City's website." Gresham Procedures Manual, Public Records Requests (2022) p. 2. The appropriate staff member is the one the City has designated for the records sought, not the one a requester decides to communicate with.

Petitioner asks me to consider a civil penalty for undue delay, citing ORS 192.418(a). That subsection does not exist, and that statute provides no penalty. ORS 192.418(1) is the provision under which my own failure to rule within seven days of receiving a petition may be procedurally treated as a denial, so that a petitioner may elevate their complaint to circuit court. The penalty provisions are in ORS 192.407(3), which authorizes sanctions if I find that a public body "responded to the request with undue delay or failed to respond to the request." As discussed above, the provisions of ORS 192.407 are not available in this case, at least not yet, because the initial request was not submitted in compliance with Gresham's policy for submission of public records requests.

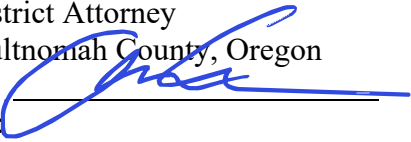
If July 30, 2026 is considered the date that a person specified in the City's policy received the request, the fifteenth business day is Thursday, August 20; if August 4 is, then the fifteenth business day is August 25, 2026. Determining which of those dates started the clock on this request is unnecessary to resolve the current dispute. That determination will only become ripe if Gresham does not respond with a reasonable estimated response date (ORS 192.329(5)(b)), a fee estimate (ORS 192.329(3)(a)), a denial (ORS 192.329(2)(b)), or release of records on or before August 20.

ORDER

Accordingly, the petition is denied.

Regards,

NATHAN VASQUEZ
District Attorney
Multnomah County, Oregon

By: 

Adam Gibbs
General Counsel