



Nathan Vasquez, Multnomah County District Attorney

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October 27, 2026

Via email only

EWU Media LLC
records@ewumedia.com

Helen Toloza
Attorney for the City of Gresham
helen.toloza@greshamoregon.gov

Re: Petition of EWU Media LLC requesting certain records from City of Gresham
Police Department

Dear EWU Media and Ms. Toloza:

On October 11, 2026, EWU Media LLC submitted a public records request to the Gresham Police Department (GPD) for the following records pertaining to Sharday Brianna McDonald from an incident date of October 28, 2021, involving charges of Criminal Mistreatment, Identity Theft, and Tampering with a Witness:

- **Evidence/Crime scene photographs**
- **Evidence/Crime scene videos**
- **All 911/CAD/CFS call recordings associated with the case**
- **Police reports, including incident, narrative, and supplemental reports**
- **All dash-camera footage related to the case**
- **All CCTV/surveillance footage obtained, collected, or reviewed during the investigation**
- **Any phone evidence, including recorded calls, forensic downloads, extraction reports, or communications associated with the case**

GPD denied the request on October 12, 2026, citing ORS 419B.035(1), as the records pertained to child abuse or child neglect. GPD further stated that it did not have dash camera footage, nor was it the custodian of 911/CAD or CFS call recordings. On October 15, 2026, EWU Media LLC submitted a petition to the Multnomah County District Attorney's Office.

GPD provided this office with a copy of the record for which it is a custodian and a memorandum discussing the applicability of ORS 419B.035.

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, per 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).

This office has recently revisited the scope of ORS 419B.035 in *Petition of Fial*, MCDA PRO 26-33 (2026) and concluded that “a record’s status under ORS 419B.035 turns on the authority under which it was originally compiled, not on its subject matter.” See *Pamplin Media Group v. City of Salem*, 293 Or App 755, 765 (2018). See also *Petition of Cook*, MCDA PRO 26-54 (2026).

Unlike in *Fial*, where a criminal investigation originated for other reasons and ultimately touched on potential child abuse, this case¹ was directly initiated from a report of child abuse to police. The publicly filed court documents allege direct physical child abuse investigated by police after receiving a report. ORS 419B.035 thus applies to any documents or reports generated as a part of that mandatory investigation.

In *Pamplin*, the city asserted that there was no arrest report, that the records consisted of “incident and supplemental reports prepared by personnel,” and did not provide any of the records to the court for review. *Id.* at 758-59. Based on that record, the court² ordered the limited release of information from the child abuse investigative report that is carved out by ORS 192.345(3)(a)-(g), which includes the following:

- The arrested person’s name, age, residence, employment, marital status and similar biographical information;
- The offense with which the arrested person is charged;
- The conditions of release pursuant to ORS 135.230 to 135.290;
- The identity of the investigating and arresting agency and the length of the investigation;
- The circumstances of arrest, including time, place, resistance, pursuit and weapons used; and
- Such information as may be necessary to enlist public assistance in apprehending fugitives from justice.

The remainder of the report was subject to ORS 419B.035.

¹ *State v. Sharday Breanna McDonald*, Multnomah County Circuit Court case number 21CR52831.

² The court did not address ORS 192.345(3)(d), which is “the identity of and biographical information concerning both complaining party and victim,” as the petitioner had not requested the information. This information is likely non-exempt, unless there is an independent basis that makes it exempt, such as a court protective order.

GPD has provided this office the unredacted record for which it is a custodian, which is a 31-page PDF that includes a police report (8 pages), Oregon Department of Human Services reports (9 pages), a letter from the Office of the Harris County Attorney dated April 23, 2024 (1 page), embedded screenshots of text messages (7 pages), and embedded photos of a child (6 pages).

It is clear from reviewing the provided records that the investigation by law enforcement was pursuant to ORS 419B.020(1)(a). Even though the defendant was indicted for additional charges of Identity Theft and Tampering with a Witness, there is no information within the record provided to this office that GPD investigated allegations of identity theft or tampering with a witness. GPD does not appear to be a custodian of crime-scene videos, CCTV, or surveillance videos.

Consistent with *Pamplin*, GPD must release to EWU Media LLC the material contained within the police report that addresses the physical arrest of the defendant and the defendant's demographic information. The one document in the file that was not generated as part of the investigation, a subsequent request for information from another jurisdiction, is also not exempt under ORS 419B.035. All other portions of the document are exempt under ORS 419B.035.

ORDER

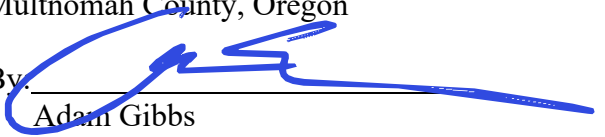
Accordingly, the petition is granted in part. The Gresham Police Department shall promptly release:

- the arrest report³ (pages 1 and 2);
- two lines from the narrative on page 6 describing the arrest, the first beginning "While" and ending "under arrest," and the second beginning "I transported" and ending "lodged"; and
- the one-page letter from the Office of the Harris County Attorney (page 17).

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

Regards,

NATHAN VASQUEZ
District Attorney
Multnomah County, Oregon

By. 

Adam Gibbs
General Counsel

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

³ Other exemptions may apply to information on pages 1 and 2, such as social security numbers.

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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