Nathan Vasquez, Multnomah County District Attorney

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October 30, 2026

via email only

Marc Poris
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Alan Yoder
Deputy City Attorney
City of Portland
alan.yoder@portlandoregon.gov

Re: Petition of Marc Poris seeking an Independent Police Review investigation file from the City of Portland

Dear Mr. Poris and Mr. Yoder:

On October 4, 2026, petitioner Marc Poris submitted a public records request to the City of Portland for "the full investigative file pertaining to the March 25, 2023 incident that led to a civil rights lawsuit (3:25-cv-00493-YY) filed by Joseph Johnson." The City released the police report, with a single redaction under ORS 181A.280(3), and withheld the internal investigation records, citing ORS 181A.674(3), which bars a public body from disclosing a personnel investigation of a public safety employee that does not result in discipline.[1]

On October 23, 2026, as permitted by ORS 192.422, petitioner sought an order from this office requiring disclosure of the withheld material. He argues that the case "is of great public interest as it involves the Focused Intervention Team (FIT)," that the City paid Mr. Johnson $100,000 to settle his civil rights suit, and that the public is entitled to know who the four officers who received corrective action were and how they were disciplined.

The City provided the investigation file for my review pursuant to ORS 192.422(2). It argues that ORS 181A.674(3) applies because no discipline was imposed and that the public interest does not require disclosure.

For the reasons below, I grant the petition in part as it relates to the redaction in the police report and deny it as to the internal investigation file.

[1] The City also cited ORS 192.385(2), which addresses audio and video recordings of internal investigation interviews of public safety officers. Those recordings are part of the investigation file, and given my disposition of the City's argument under ORS 181A.674(3), I do not address ORS 192.385(2) separately.

DISCUSSION

A. Personnel Investigations of Public Safety Employees – ORS 181A.674(3)

ORS 181A.674(3) provides:

> A public body may not disclose information about a personnel investigation of a public safety employee of the public body if the investigation does not result in discipline of the employee.

The internal investigation file in this case fits within this description. The Independent Police Review (IPR) investigated five officers involved in the March 25, 2023, encounter and sustained an allegation against four of them that they failed to properly document it in police reports. The Portland Police Bureau (PPB) addressed those findings with corrective action and did not impose discipline. The exemption does not apply, however, "[w]hen the public interest requires disclosure of the information." ORS 181A.674(4)(a).

Whether the public interest requires disclosure is decided under *ACLU v. City of Eugene*, 360 Or 269 (2016). The Supreme Court in that case instructs that determining when the public interest requires release means identifying "the nature and significance of two competing interests" and then balancing them "with the presumption in favor of disclosure." *ACLU*, 360 Or at 271, 280. The presumption in favor of disclosure means that if the interests are equally weighted, disclosure prevails. *Id.* at 288.

Petitioner identifies three interests in disclosure: how PPB responds to complaints of constitutional violations when the City settles them; FIT's stop practices, which he contends show racial profiling; and the identities of the four officers and "how those officers were disciplined."

The City identifies the officers' privacy, its ability to investigate officer conduct effectively, and witness candor.

The investigated allegation and its outcome are already public: then-Assistant Chief Craig Dobson told the City Council that four officers received corrective action for failing to write the appropriate reports. The City has confirmed by way of its response to this petition, if not elsewhere, that the corrective action did not involve the imposition of discipline, which answers petitioner's last articulated interest.

I have reviewed the file. It focuses directly on the allegations that have already been discussed publicly: whether the involved officers made appropriate decisions about the documentation of their actions in police reports. The actions themselves were not investigated as, or alleged to be, improper. And due to the particular nature of this encounter, the file would not inform any discussion of racial profiling by FIT. Its release would tell the public nothing about how PPB handles complaints of constitutional violations, because, again, the internal investigation did not seek to answer those questions.

Naming the officers would identify four people for a documentation lapse that PPB resolved without discipline. This is weighed against articulated public interests that the actual contents of these records would not advance. On this record the City's articulated interests predominate.

Petitioner also faults the City for not listing the records it withheld. A public body may elect to provide a more detailed account of what it has withheld from production to a requester, but it is not required to do so. *Petition of Cashman*, MCDA PRO 26-68 (2026) (public records law "does not require a privilege log be provided to a records requester").

B. Law Enforcement Data System Information – ORS 181A.280(3) / OAR 257-015-0060

The City has applied one redaction covering a few words from one of the police reports documenting the underlying incident. It argues this redaction is supported by the confidentiality regime surrounding the Law Enforcement Data System (LEDS).

ORS 181A.280(3) authorizes the Oregon State Police to adopt rules for "the submission, access and dissemination of information by the Law Enforcement Data System," and the rules adopted under it make LEDS records themselves exempt. ORS 192.355(9); OAR 257-015-0060; *Petition of OPB*, MCDA PRO 25-56 (2025) (LEDS printouts and information copied from them into emails); *Petition of Newchurch*, MCDA PRO 26-62 (2026) (DMV driver records transmitted through LEDS).

The redaction here is not a LEDS record. It is a few words in a reporting officer's narrative discussing the vehicle's registration. The direct copies of LEDS printouts in *OPB* and *Newchurch* are different from an investigative fact an officer learns from a LEDS query and records in their report. A fact that is not itself exempt does not become exempt because the officer learned it from LEDS. *Petition of Bernstein*, MCDA PRO 11-11 (2011) (information "discovered or derived from access to LEDS or DMV records" not exempt).

ORDER

Accordingly, the petition is granted in part. The City shall promptly release to petitioner Marc Poris the words redacted from the narrative on page 6 of the police report in case 23-77064, following "the vehicle returned as." 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 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.