



**MICHAEL D. SCHRUNK**, District Attorney for Multnomah County

1021 SW Fourth Avenue • Room 600 • Portland, OR 97204-1193

Phone: 503 988-3162 • Fax: 503 988-3643 • [www.co.multnomah.or.us/da/](http://www.co.multnomah.or.us/da/)

October 25, 2004

Stephanie Harper  
Deputy City Attorney  
Office of City Attorney  
1221 SW 4th Avenue, Suite 430  
Portland, OR 97204

Scott Learn  
Reporter  
The Oregonian  
1320 SW Broadway  
Portland, OR 97201-3499

Re: Public Records Petition

Dear Ms. Harper and Mr. Learn:

Scott Learn, for The Oregonian, filed an extensive public records request with the Portland Police Bureau on August 19, 2004. Numerous documents were eventually provided by the City Attorney's Office. The disciplinary investigation reports of one officer remain in controversy. Petitioner has asked for an expedited review of his petition.

Deputy City Attorney Stephanie Harper spent an afternoon with this office going over the requested records. She then provided a lengthy response to the petition together with six pages of documents relating to a 1991 incident.

News reports and political messages in the campaign for mayor of Portland between Commissioner Jim Francesconi and former Police Chief Tom Potter have brought public attention to past allegations of misconduct of an active duty Portland Police Officer. The age of the disciplinary proceedings would otherwise preclude any public interest at this late date. The identity of the officer is not important and any exposure of the officer to public criticism is unfortunate and inappropriate.

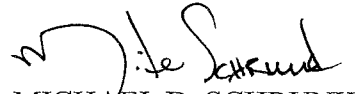
October 25, 2004

Two incidents which occurred in 1993, one much more serious than the other, have nothing to do with the former police chief presently running for mayor. More significantly, no mention of the 1991 incident was found in our review of the 1993 disciplinary investigations conducted under the management of then Police Chief Charles Moose. We appreciate the agreement of the City to voluntarily disclose the police reports in the 1993 police shooting investigation.

The 1991 disciplinary proceedings are unremarkable and disclosure would not ordinarily fit within the established guidelines of this office. However, public interest always is a consideration in the administration of discipline by the management team in the Office of the Chief of Police. To the extent that the six pages of material shed any light on the management process or judgment of then Chief Potter, it must be disclosed in the public interest. The name and identifying information of the officer in the documents must be redacted prior to distribution.

Accordingly, it is ordered that the City of Portland and the Bureau of Police promptly disclose the six-page record under IID 91-115 subject to the redaction of the name and identifiers of the subject of the investigation.

Very truly yours,



MICHAEL D. SCHRUNK  
District Attorney

NOTICE TO PUBLIC AGENCY

Pursuant to ORS 192.450(2), 192.460 and 192.490(3) your agency may become liable to pay petitioner's attorney fees in any court action arising from this public records petition (regardless 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.

04-09