



MICHAEL D. SCHRUNK, District Attorney for Multnomah County

600 County Courthouse • Portland, Oregon 97204 • (503) 248-3162 • FAX (503) 248-3643

December 11, 2000

Damon Woodcock
6307 NE 8th Avenue
Portland, OR 97211

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

Re: Petition of Damon Woodcock received November 29, 2000 to disclose certain records of the City of Portland

Dear Officer Woodcock and Ms. Harper:

BACKGROUND

On this public records petition, ORS 192.410 et. seq., petitioner Damon Woodcock, requests the District Attorney to order the Portland Police Bureau and its employees to produce the following records:

1. **Complete copies of FTO Cert/Re-cert. Course records (specifically those from late 1998 through 1999)**
2. **Complete copies of taped interviews with Sgt. Sablan and Officer Westerman from case #99-61890.**
3. **Complete copies of all investigative notes, documents, reports and taped interviews concerning EEO #00-001, of which I am the complainant.**
4. **Copy of Bureau memo dated 3/21/00 from Sgt. Field to Captain Jensen documenting a conversation between Ollenbrook and field regarding criminal charges Ollenbrook filed against me in Camas.**
5. **Copy of fax dated 4/4/00 from Dennis Hunter, Clark County District Attorney's Office regarding telephonic recordings made in a one party consent state.**

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Re: Petition of Damon Woodcock

On November 5, 1999, petitioner submitted a public records petition (99-21) for numerous reports relating to PPB Case #99-61890. Those records were provided to petitioner and the petition was closed as moot on November 24, 1999. Petitioner then requested two tape-recorded interviews from PPB Case #99-61890 together with various other documents (reports and rosters) in a letter dated December 12, 1999. Assistant Chief Mark Paresi responded to that request on January 5, 2000, either by providing the materials or indicating the request had already been complied with.

Petitioner replied to Chief Paresi in a January 7, 2000 letter that two of the items provided were blank tapes. Petitioner also expanded his December 12th request to include FTO Certification/Re-Certification records for an earlier time period. Petitioner has not received a response to his request for the two interview tapes or the 1998 Certification/Re-Certification records.

On September 26, 2000, petitioner wrote to Captain Dennis Merrill and requested numerous items in the case file of EEO #00-001. A November 27, 2000 follow-up letter to Records Manager Haugen listed the public records request to Captain Merrill. . Petitioner has not received a response to his request for the EEO file.

There is no indication that petitioner has made a public records request of the last two items listed in the petition - the March 21, 2000 Bureau memo from Sergeant Field or the April 4, 2000 fax from Clark County prosecutor Dennis Hunter.

On December 4, Deputy City Attorney Stephanie Harper responded to the petition in the attached letter. The City agrees to provide the first request and asserts that there are "no records that are responsive to the second request."¹ The City admits that it has not responded to the third request and asks for a grace period until Monday December 11, 2000. The City submits that petitioner has not requested items four and five from the Police Bureau and argues that the petition is premature.

DISCUSSION

The first request of petitioner has been outstanding for almost a year. The City has appropriately agreed to provide the missing FTO/Cert/Re-Cert Course records. The second request cannot be complied with because the two interviews (for whatever reason) were not successfully tape-recorded. The City has failed (perhaps inadvertently) for over two months to respond to the third request. The City should process this request immediately. The fourth and fifth requests are admittedly new according to petitioner. The City now has these requests and they should be dealt with as promptly as possible.

¹ This office received two one-page reports (attached) from Records Manager Haugen documenting the non-existence of any tape recording of the two interviews in question.

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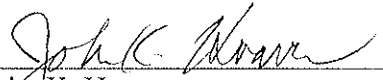
Re: Petition of Damon Woodcock

ORDER

Accordingly, it is ordered that the City of Portland and the Bureau of Police promptly disclose the records sought in the first request in the petition. With respect to the second request, the petition is denied on the basis that the records do not exist. With respect to the third request, the petition is denied without prejudice to renewal after December 11, 2000. With respect to the fourth and fifth requests, the petition is denied on lack of jurisdiction.

Very truly yours,

MICHAEL D. SCHRUNK
District Attorney
Multnomah County

By 
John K. Hoover
Deputy 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.

Cc: Debra Haugen

PORTLAND POLICE BUREAU		CONFIDENTIAL			INFORMATION <input type="checkbox"/> CLEARANCE		PAGE/OF
		SPECIAL REPORT			CONTINUATION <input checked="" type="checkbox"/> SUPPLEMENTAL		1
CASE NO. 99-61890		REFER CASE NO.		CLASSIFICATION MALICIOUS MISCHIEF/BIAS			
<input type="checkbox"/> 1. UNFOUNDED <input type="checkbox"/> 3. SUSPENDED <input type="checkbox"/> 5. EXCEPTIONAL <input checked="" type="checkbox"/> 2. PENDING <input type="checkbox"/> 4. CLA BY ARREST <input type="checkbox"/> 6. REFERRED		ORIGINAL REPORT DATE/TIME 071199 / 0845		THIS REPORT DATE/TIME 011400 / 1225			
LOCATION OF OCCURRENCE 1111 SW 2 ND AVENUE							
PERSON		CO-Complainant		SB-Subject		SI-Sick/Injured/Cared For	PE-Park Exclusion
CODE	NAME	CAN	SEX	RACE	DOB		
CO	WOODCOCK, DAMON R.		M	W	120259		
ADDRESS				ZIP	PHONE		
1111 SW 2 ND AVENUE, PORTLAND, OREGON 97204					823-0097		
SUBJECT OF THIS REPORT FOLLOW-UP INVESTIGATION							PROPERTY RECEIPT NO.
NARRATIVE/PROPERTY		S-STOLEN	L-LOST	F-FOUND	D-DAMAGED	K-SAFEKEEPING	R-RECOVERED
ITEM CODE							
<p><u>NO CONNECT INFORMATION</u></p> <p><u>NONCONNECT INFORMATION</u></p> <p><u>Persons Contacted/Mentioned:</u></p> <ol style="list-style-type: none"> SERGEANT DAVID SABLAN, DPSST #22949 Address: 1111 SW 2ND Avenue Portland, Oregon 97204 Phone: 823-0097 OFFICER SCOTT WESTERMAN, DPSST #25880 Address: 1111 SW 2ND Avenue Portland, Oregon 97204 Phone: 823-0097 <p><u>NO SUMMARY</u></p> <p><u>NARRATIVE</u></p> <p>Due to human or mechanical errors, the interviews with Sergeant DAVID SABLAN, Property Receipt #686739 and with Officer SCOTT WESTERMAN, Property Receipt #686744 were not recorded on the tapes submitted as evidence.</p> <p>The Special Reports generated from Officer WESTERMAN and Sergeant SABLAN were written from notes taken during the interviews.</p>							
COPIES <input type="checkbox"/> DET <input type="checkbox"/> CAU <input type="checkbox"/> Central <input type="checkbox"/> East <input type="checkbox"/> SE <input type="checkbox"/> North <input type="checkbox"/> NE <input type="checkbox"/> Traffic <input type="checkbox"/> DA <input type="checkbox"/> DVD <input type="checkbox"/> ID <input type="checkbox"/> Prop Room <input type="checkbox"/> Crime Prev <input type="checkbox"/> Incell <input type="checkbox"/> Patrol Support <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>							
COMPUTER ENTRY <input type="checkbox"/> Person <hr/> <input type="checkbox"/> OPR <input type="checkbox"/> Vehicle <hr/> <input type="checkbox"/> OPR <input type="checkbox"/> Crime/Prop <input checked="" type="checkbox"/> 1500 <input type="checkbox"/> OPR <input type="checkbox"/> Book <hr/> <input type="checkbox"/> OPR							
REPORTING OFFICERS		DPST	PREC/DIV	RLF/SHIFT	ASSN/DIST	SUPERVISOR'S SIGNATURE	
Detective Sergeant D. Yamasaki		8741	Det	M	Bias		

Samuel Benbrook



CITY OF
PORTLAND, OREGON
OFFICE OF CITY ATTORNEY

Jeffrey L. Rogers, City Attorney
City Hall, Suite 430
1221 S.W. 4th Avenue
Portland, Oregon 97204
Telephone: (503) 823-4047
Fax No.: (503) 823-3089

December 4, 2000

HAND DELIVERED

JOHN K. HOOVER
DEPUTY DISTRICT ATTORNEY
600 COUNTY COURTHOUSE
1021 SW FOURTH AVE
PORTLAND OR 97204

Re: Petition of Damon Woodcock, November 5, 1999 to Disclose
Certain Records Portland Police Bureau

Dear Mr. Hoover:

I am responding to your letter to Assistant Chief Mark Paresi dated November 29, 2000.

On November 27, 2000, Mr. Woodcock wrote Mr. Schrunk and asked for five items from the Portland Police Bureau. These are as follows:

1. Complete copies of FTO Cert/Re-cert Course records (specifically those from late 1998 through 1999).
2. Complete copies of taped interviews with Sgt. Sablan and Officer Westerman from Case #99-61890.
3. Complete copies of all investigative notes, documents, reports and taped interviews concerning EEO #00-001, of which I am the complainant.
4. Copy of Bureau memo dated 3/21/00 from Sgt. Field to Captain Cliff Jensen documenting a conversation between Ollenbrook and Field regarding criminal charges Ollenbrook filed against me in Camas.
5. Copy of fax dated 4/4/00 from Dennis Hunter, Clark County District Attorney's Office regarding telephonic recordings made in a one party consent state.

Request Number 1 either has been provided or will be provided to Mr. Woodcock. There are no records that are responsive to Request Number 2, and the Portland Police Bureau has



John K. Hoover
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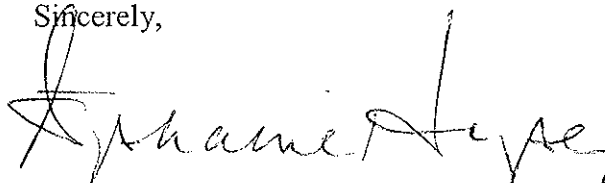
drafted a memo to that effect. I apologize for the delay and confusion that has concerned these two requests.

In Number 3, Mr. Woodcock asked for information regarding an EEO investigation. This is information he requested from the bureau on September 26, 2000. As you are aware, the statutory scheme anticipates that the police bureau have the opportunity to respond to this request, before a petition for review is filed with the District Attorney's office. Normally the Portland Police Bureau would have responded by this time, however, I request until Monday, December 11, 2000 in which to respond to this request. If Mr. Woodcock then has concerns with the Portland Police Bureau's response, it would be appropriate for him to file an appeal with your office at that time.

As Mr. Woodcock acknowledges, Public Records Requests 4 and 5 are new, and have not even been made directly to the police bureau. The proper procedure here would be for your office to advise Mr. Woodcock that he needs to request these records from the Portland Police Bureau, and receive their response, prior to involving your office.

If you have any questions or concerns, please do not hesitate to give me a call.

Sincerely,



Stephanie Harper
Deputy City Attorney

SH:KS

c. Assistant Chief Mark Paresi
Officer Damon Woodcock