

Student Legal Services

Smith Memorial Student Union
1825 SW Broadway M343
Portland, OR 97201
Tel: 503-725-4556
Fax: 503-725-4555
www.pdx.edu/sls



2022-014300-29
Portland State
UNIVERSITY

October 9, 2023

Via First Class Mail and Email

Portland Police Bureau Central Precinct
c/o R. Kehau Searle
1111 SW. 2nd Ave.
Portland, Oregon 97204
kehau.searle@police.portlandoregon.gov

Re: Notice of Representation and Request for Employment Background Check Files

Dear Ms. Searle:

I represent Hannah Jensen in regard to her application for the Police Desk Clerk position with the Portland Police Bureau Central Precinct ("PPB"). Enclosed as **Exhibit 1** is a copy of PPB's Conditional Offer of Employment dated November 22, 2022 (the "Employment Offer"). Though Ms. Jensen completed a background check waiver form, she does not recall receiving any notices required under the Fair Credit Reporting Act (FCRA), 15 U.S.C. § 1681 *et seq.*, pertaining to consumer background checks.

On December 7, 2022, Ms. Jensen was notified via email that there were "immediate disqualifiers" in her background investigation, and that PPB was revoking the Employment Offer. The following day, Ms. Jensen wrote to PPB to request a copy of the background investigation resulting in her disqualification from employment. Ms. Jensen's request for this information was denied without further explanation. *See Exhibit 2.*

Ms. Jensen once again requests the disclosure of the information that PPB relied upon in taking adverse action (*i.e.*, revocation of Employment Offer) against her. Information collected for use in an investigative consumer report must be disclosed to the prospective or existing employee in a summary containing the nature and substance of the communication upon which the adverse action is based. *See FCRA*, at 15 U.S.C. § 1681a(k)(1)(B)(ii) *and* 15 U.S.C. § 1681a(y)(2). In addition to the FCRA, Oregon law grants consumers the access to their personnel records used to determine an employee's disqualification for employment. *See ORS 652.750(2).*

After PPB revoked the Employment Offer, it failed to adequately respond to Ms. Jensen's request for clarification about the nature and substance of the information PPB relied upon in taking adverse action against her. PPB also did not provide Ms. Jensen with any notice informing her of her rights to request the consumer information, as is required by the FCRA. 15 U.S.C. § 1681a(o)(5)(C).

R. Kehau Searle

October 9, 2023

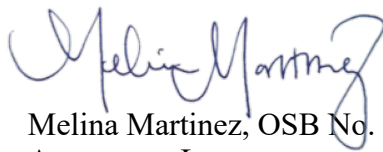
Page 2 of 2

Ms. Jensen is unaware of any negative report or information on her record. Since PPB's revocation of the Employment Offer, Ms. Jensen has been stressed over the potential consequences of PPB's disqualification and what it could mean for her future employment opportunities. She further remains concerned about the risk that her consumer information has been mixed or confused with another person's. Therefore, I ask that you respond promptly and provide the requested information as detailed above.

To the extent PPB did not generate or obtain a consumer background check report, then I ask that at minimum, you clarify what was generated for the background investigation and whether it was conducted in-house. I also ask that you provide any information available to you that can allow Ms. Jensen the ability to discover PPB's basis for its adverse action. Production of the requested files in an electronic format would be preferred. However, regardless of the format, I ask that you inform me of any costs prior to assessing any fee for the requested records as we may modify the request to an on-site inspection if the proposed fee is cost prohibitive.

You are welcome to contact me directly via email at melinamartinez@pdx.edu or by phone at 503-725-4559 should you have any questions.

Sincerely,

A handwritten signature in blue ink that reads "Melina Martinez". The signature is fluid and cursive, with the first name "Melina" and last name "Martinez" clearly distinguishable.

Melina Martinez, OSB No. 162415
Attorney at Law

Enclosures

cc: publicrecords-ppb@police.portlandoregon.gov