

## ORDINANCE NO. 158723 .

An Ordinance ratifying the filing of a declaratory judgment action by the City Attorney to seek relief from a public records disclosure order issued by the Multnomah County District Attorney, and declaring an emergency.

The Council ordains:

Section 1. The Council finds:

1. On June 24, 1986, the Multnomah County District Attorney ordered the Portland Police Bureau to disclose an internal investigations file to the complainants in that case pursuant to their petition for the records.
2. The 1985 Oregon Legislature amended the public records law so as to exempt from disclosure records and supporting materials of discipline actions.
3. The Portland Police Bureau has determined that a policy of confidentiality for its internal investigation records encourages citizens to bring complaints regarding officer misconduct.
4. The complainants in this particular case have filed an appeal with the Police Internal Investigations Auditing Committee for a review of the Portland Police Bureau's finding of no officer misconduct. Such a review would still maintain the confidentiality of the records.
5. The City Attorney has recommended that an appeal be filed in this case in view of the finding of no misconduct and in order to obtain judicial construction of the 1985 amendment to the public records law, ORS 192.500(1)(m).

NOW, THEREFORE, the Council directs:

- a. The filing of a declaratory judgment action by the City Attorney to seek relief from the June 24, 1986 public records order by the Multnomah County District Attorney is hereby ratified.

**ORDINANCE No.**

Section 2. The Council declares that an emergency exists in order that the action which was filed may be duly authorized so as to commit its orderly progression; therefore, this ordinance shall be in full force and effect from and after its passage by the Council.

Passed by the Council, **JUL 10 1986**

MAYOR J.E. BUD CLARK  
SAMoskowitz:ldh  
July 3, 1986

**Jewel Lansing**  
Auditor of the City of Portland  
By *Doris E. Chesser*  
Deputy

THE COMMISSIONERS VOTED AS FOLLOWS:		
	Yeas	Nays
BOGLE	<u>          </u>	<u>          </u>
LINDBERG	<u>      ✓      </u>	<u>          </u>
SCHWAB	<u>      ✓      </u>	<u>          </u>
STRACHAN	<u>      ✓      </u>	<u>          </u>
CLARK	<u>      ✓      </u>	<u>          </u>

FOUR-FIFTHS CALENDAR	
BOGLE	
LINDBERG	
SCHWAB	
STRACHAN	
CLARK	

Calendar No. **1366**

## ORDINANCE No. 158723

### Title

An Ordinance ratifying the filing of a declaratory judgment action by the City Attorney to seek relief from a public records disclosure order issued by the Multnomah County District Attorney, and declaring an emergency.

Filed       **JUL 3 1986**      

**JEWEL LANSING**  
Auditor of the CITY OF PORTLAND

By       *Edna Cervino*        
Deputy

INTRODUCED BY	
MAYOR J.E. BUD CLARK	
NOTED BY THE COMMISSIONER	
Affairs	
Finance and Administration <i>JEBudClark</i>	
Safety	
Utilities	
Works	
BUREAU APPROVAL	
Bureau:	
Prepared By:	Date:
STEVE A. MOSKOWITZ	7/3/86
Budget Impact Review:	
<input type="checkbox"/> Completed <input type="checkbox"/> Not required	
Bureau Head:	
CALENDAR	
Consent	Regular
NOTED BY	
City Attorney	
City Auditor	
City Engineer	