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January 8, 2026

**VIA E-MAIL ONLY:** frank@mikearnold.com

Frank Segarra
Law Office of Mike Arnold
401 E 10th Ave, Suite 470
Eugene, OR 97401

Re: Petition for Public Records Disclosure Order
*Department of Human Services*
DOJ File No.: 100101-GA0188-25

Dear Mr. Segarra:

This letter is the Attorney General's response to your petition under the Oregon Public Records Law, ORS 192.311 to 192.431. Your petition seeks assistance in obtaining records you requested from the Oregon Department of Human Services (ODHS). For the reasons that follow, we respectfully deny your petition.

The Public Records Law confers the right to inspect public records in Oregon, unless such records are exempt under ORS 192.338, 192.345, or 192.355. ORS 192.314(1). The law is a disclosure law and exemptions from disclosure must be express. Any person denied the right to inspect or to receive a copy of a public record of a state agency may petition the Attorney General to review the record and determine if it may be withheld. ORS 192.411(1). The agency carries the burden to sustain its actions. ORS 192.411(1).

Your petition stems from a request you made to ODHS seeking records related to a specific ODHS Child Protective Services assessment including all records that "formed the basis for a founded disposition of sexual abuse." Your petition indicates that ODHS withheld the records as exempt based ORS 192.345(3) (the criminal investigatory exemption). Your petition challenges the application of this exemption.

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We contacted Mallory Kenney, Public Records Unit Manager for ODHS, regarding your petition and the records withheld by ODHS. Ms. Kenney explained that ODHS's assessment relates to an allegation of child sexual abuse. In connection with its assessment, ODHS obtained police reports and the records of a forensic interview. ODHS provided its assessment to law enforcement, and the matter is currently under investigation by the district attorney. We reviewed the assessment at issue. The entire record concerns a disclosure of sexual abuse and the related investigation.

ORS 192.345(3) conditionally exempts "[i]nvestigatory information compiled for criminal law purposes." Because the records you seek were created or obtained by law enforcement in connection with an active criminal case, they were compiled for criminal law purposes.[1] Therefore, we conclude that ODHS is permitted to withhold those materials under ORS 192.345(3) unless the public interest requires disclosure in this instance. The Court of Appeals has explained that "investigations connected with pending or contemplated proceedings will ordinarily remain secret because disclosure would likely interfere with enforcement proceedings." *Jensen v. Schiffman,* 24 Or App 11, 16 (1976) (internal quotations omitted). Your petition does not address the public interest, and we are not aware of any heightened public concern regarding this assessment. For these reasons, we find that the records are exempt from disclosure pursuant to ORS 192.345(3), and we respectfully deny your petition.

Sincerely,

BENJAMIN GUTMAN
Deputy Attorney General

DEP:pjn
c via e-mail only: Mallory Kenney (DHS)

[1] *Attorney General's Public Records and Meeting Manual* at 48-49 (2024) *citing* Public Records Order, Jan 17, 2020, Bial (Department of Corrections records subpoenaed by District Attorney exempted from disclosure).