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May 15, 2017

SENT VIA E-MAIL ONLY: briandavidson002@gmail.com

Brian Davidson
PO Box 489
Ilwaco, WA 98624

Re: Petition for Public Records Disclosure Order
Oregon Judicial Department
DOJ File No. 198040-GA0090-17

Dear Mr. Davidson:

This letter is the Attorney General's order responding to your May 8, 2017, petition for disclosure under the Oregon Public Records Law, ORS 192.410 to 192.505. Your petition asks the Attorney General to order Debbie Little at Clatsop County Circuit Court to produce "the policy which prevents the service to individuals trying to pay their fines while wearing a hat and the videos that recorded the event."

The Public Records Law confers a right to inspect any public record of a public body in Oregon, subject to certain exemptions contained in ORS 192.501 to 192.505. *See* ORS192.420(1). 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 192.450(1). The agency carries the burden to sustain any such denial. *Id.*

Your petition explains that you were refused services at Clatsop County Circuit Court until you removed your hat. You subsequently submitted a records request for, among other things, any camera footage recording this refusal and the policy preventing you from wearing a hat in the courthouse lobby. We spoke with Lori DePaulis and Lindsey Detweiler, who serve as Assistant Legal Counsel at the Oregon Judicial Department's Office of the State Court Administrator. They explained that the policy prohibiting hats is a longstanding tradition that is not discussed in any written policy, and added that this policy will soon be formalized in written form.

They told us that the court withheld the security camera footage under ORS 192.501(23)(b), which exempts, as relevant here, records "that would reveal or otherwise identify security measures, or weaknesses or potential weaknesses in security measures . . . taken to protect . . . buildings or other property" unless the public interest requires disclosure. They explained that according to a court marshal, disclosing this footage would potentially

compromise the court's security by revealing which areas are monitored by the security camera (and impliedly which areas are not monitored), as well as the camera's clarity and refresh rate. According to the marshal, disclosing this information would potentially allow someone to evade the camera's detection.

Based on this information, we respectfully deny your petition: with respect to your request for records documenting the court's policy on hats, we cannot order the court to produce records that don't exist. And any security camera footage is exempt from disclosure under ORS 192.501(23). The court has explained how disclosing this information would allow the identification of potential weaknesses in its security measures, and you have not identified any public interest that, in this particular instance, would require disclosure. Your petition contends that the court's refusal of service is "part of an ongoing pattern of discrimination," but does not provide any supporting information that would substantiate a public interest in this case.

Sincerely,

Frederick M. Boss

Frederick M. Boss
Deputy Attorney General

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