ELLEN F. ROSENBLUM
ATTORNEY GENERAL

LISA M. UDLAND
DEPUTY ATTORNEY GENERAL

DEPARTMENT OF JUSTICE

Justice Building
1162 Court Street NE
Salem, Oregon 97301-4096
Telephone: (503) 378-6002

October 10, 2022

VIA E-MAIL ONLY: blaneysebastianz@gmail.com

Sebastian Blaney
57304 Fat Elk Rd.
Coquille, OR 97423

Re: Petition for Public Records Disclosure Order
Oregon State Police
DOJ File No.: 257001-GA0085-22

Dear Mr. Blaney:

This letter is the Attorney General's response to your petition for disclosure under the Oregon Public Records Law, ORS 192.311 to 192.478. Your petition asks the Attorney General to order the Oregon State Police (OSP) to disclose the body camera footage of a state trooper who was present when you were cited for a moving violation. For the reasons discussed below, 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).

We contacted Holly Bolton, OSP Legal Compliance Specialist, regarding your petition. She explained OSP's position that the body camera footage you seek is exempt from disclosure under ORS 192.345(40). That provision conditionally exempts from disclosure "[a]udio or video recordings * * * resulting from a law enforcement officer's operation of a video camera worn upon the officer's person that records the officer's interactions with members of the public while the officer is on duty," unless the public interest requires disclosure in the particular instance. *Id.*

The body camera footage you seek clearly fits within this provision and is therefore exempt from disclosure unless the public interest requires disclosure in this instance. Your petition does not explain why you believe the public interest requires disclosure and we are not aware of any public interest in the footage that would require its disclosure in this

instance. Rather, your interest in the footage appears to be personal to you because it relates to your citation for a moving violation. We have consistently observed that the public interest in disclosure typically does not depend upon such private interests. *See Attorney General's Public Records and Meetings Manual* at 33 (2019) ("*Manual*").

Under the circumstances, we conclude that the public interest does not require the disclosure of the body camera footage in this instance and that OSP was permitted to withhold it from you.[1] We therefore respectfully deny your petition.

Sincerely,

Frederick M. Boss
Acting Deputy Attorney General

ACF:pjn
c via e-mail only: Holly Bolton (OSP)

[1] We note that this decision is not a determination whether such footage might be available in court proceedings to contest traffic citations. We have consistently observed that the ordinary tools of discovery generally negate any need to use the Public Records Law to gain access to records for purposes of litigation. *Manual* at 53.