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September 4, 2024

VIA E-MAIL ONLY: ncrombie@oregonian.com

Noelle Crombie
The Oregonian
1500 SW 1st Ave
Portland, OR 97201

Re: Petition for Public Records Disclosure Order
Oregon State Police
DOJ File No.: 257001-GA0083-24

Dear Ms. Crombie:

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 an unredacted copy of the body camera footage from an interaction between a particular State Trooper and a motorist on April 11, 2023. For the reasons discussed below, we respectfully dismiss your petition in part and deny it in part.

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 discussed your petition with Holly Bolton in OSP's Central Records Section. She explained that OSP denied your request under ORS 192.345(40)[1] because the footage you requested captured officer interactions with the public and because your initial request did not explain why the public interest requires disclosure in this instance. However, in light of the additional information and argument contained in your petition, OSP has agreed to disclose the footage of the Trooper's interaction with the motorist, subject to the requirement that OSP edit

[1] ORS 192.345(40) 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.

the recording "in a manner as to render the faces of all persons within the recording unidentifiable." ORS 192.345(40)(c).

Because OSP has agreed to furnish you with an edited copy of the footage, we respectfully dismiss your petition, in part, as moot. Insofar as you seek an unredacted copy of the footage, we respectfully deny your appeal because ORS 192.345(40)(c) mandates that OSP render all faces in the recording unidentifiable.

Sincerely,

LISA M. UDLAND
Deputy Attorney General

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