DAN RAYFIELD
ATTORNEY GENERAL

BENJAMIN GUTMAN
DEPUTY ATTORNEY GENERAL

DEPARTMENT OF JUSTICE

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

July 2, 2026

VIA E-MAIL ONLY: jncrosby90@gmail.com

Jacob Crosby
151 N. Killingsworth St, Apt 527
Portland, OR 97217

Re: Petition for Public Records Disclosure Order
Oregon State Police
DOJ File No.: 257001-GA0127-26

Dear Mr. Crosby:

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 asks the Attorney General to order the Oregon State Police (OSP) to disclose body camera footage. You also seek an order requiring OSP to waive the processing fees associated with your request. For the reasons discussed below, we 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. *Id*.

Your petition stems from a request for reports, videos, and other records "related to the officer-involved shooting of a juvenile bear in Canby, Oregon * * *." OSP did not initially possess a report responsive to this incident. After receiving your request, OSP created an incident summary report and provided it to you. OSP also issued an $80 fee estimate for compiling and producing additional records responsive to your request. In addition, OSP cited ORS 192.345(40) as basis for withholding body camera video responsive to your request.

///

///

We contacted Holly Bolton, OSP's Central Records Section Manager, regarding your petition. She identified two body camera recordings that were withheld by OSP and explained that OPS considers both exempt from public disclosure under ORS 192.345(40). That statute conditionally exempts from public 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 recordings you seek clearly fit within this provision and are therefore exempt from disclosure unless the public interest requires it here. To determine whether the public interest requires disclosure, we balance the public interest in disclosure against the public interest in nondisclosure, with the presumption in favor of disclosure. *See American Civil Liberties Union v. City of Eugene*, 271 Or App 276 (2015). The Oregon Court of Appeals has described the public interest in disclosure as the right of the public at large to monitor how public business is conducted and how public officials are performing their jobs. *See Guard Publishing Co. v. Lane County School Dist.*, 96 Or App 463, 469 (1989); and *Jensen v. Schiffman*, 24 Or App 11, 17 (1976).

Your petition asserts that the recordings should be disclosed in the interest of public safety because a firearm was discharged near bystanders, reportedly in response to a bear approaching individuals who had placed themselves in danger. You further argue that law enforcement's use of a firearm rather than less-than-lethal means warrants disclosure despite the conditional exemption.

We obtained and reviewed the two body camera recordings at issue, each approximately five minutes long. Neither recordings shows the shooting or officers' interactions with bystanders.[1] One clip begins after the shooting and depicts two officers knocking on a citizen's door and to obtain contact information. The other clip occurs approximately twenty minutes before the shooting. It begins with the trooper obtaining equipment from his vehicle. The trooper then takes a photo of the treed bear and spends the remainder of the video attempting to contact ODFW with his phone. Our review identified no public interest that would be meaningfully advanced by disclosure of these recordings in this instance. We therefore respectfully deny your petition as it pertains to the body camera recordings.

///

///

///

///

///

[1] The bear was not shot by an OSP trooper. It was shot by an officer of the Canby Police Department.

We next address your request for a fee waiver. Agencies may establish fees reasonably calculated to recover actual costs in making public records available, but "may furnish copies without charge or at a substantially reduced fee if the custodian determines that the waiver or reduction of fees is in the public interest because making the record available primarily benefits the general public." ORS 192.324(4) and (5). The furnishing of public records primarily benefits the general public when its greatest utility is to the community or society as a whole. *See In Defense of Animals*, 199 Or App 160, 189 (2005). In addition, regardless of the level of public interest in a particular matter, a requester must demonstrate the ability to meaningfully disseminate the requested information; otherwise, disclosure will not primarily benefit the general public. *See Attorney General's Public Records and Meetings Manual* at 19 (2024) ("*Manual*").

OSP reports that it did not charge for the time spent creating and providing the incident report in response to your request. The $80 estimate reflects the costs associated with compiling additional requested records including photos, dash-camera video, policies, and dispatch records. OSP provided a partial fee waiver by applying the public-interest-reduced-fee schedule in calculating the $80 fee estimate. OSP states that it exercised its discretion to provide the records at a substantially reduced fee but is unwilling to grant a full fee waiver. OSP noted that it could not identify any media presence or similar indicators suggesting that you have an ability to meaningfully disseminate the requested information to the general public.

Under the circumstances, we cannot conclude that OSP's denial of a full fee waiver was unreasonable or an abuse of its discretion. The additional requested materials would not meaningfully inform the public about the public interests you have identified. The dash-camera video does not show the shooting, and the dispatch notes describe events already detailed in the report OSP provided to you. It is unclear how OSP's policies would inform the public about the Canby Police Department officer's decision to shoot the bear. Accordingly, we conclude that OSP did not unreasonably deny your request for a full fee waiver in this instance, and we respectfully deny your petition.

Sincerely,

BENJAMIN GUTMAN
Deputy Attorney General

DEP:pjn
c via e-mail only: Holly Bolton (Oregon State Police)