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August 21, 2026

VIA E-MAIL ONLY: snanguneri@oregoncapitalchronicle.com

Shaanth Nanguneri
Oregon Capital Chronicle
snanguneri@oregoncapitalchronicle.com

Re: Petition for Public Records Disclosure Order
Oregon State Police
DOJ File No.: 257001-GA0150-26

Dear Mr. Nanguneri:

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 from the Attorney General in obtaining records you requested from the Oregon State Police (OSP). 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 request concerns an OSP investigation into an alleged assault by individuals impersonating ICE agents. You sought the 911 audio and call logs of anyone reporting that incident. OSP denied your request citing the criminal investigatory exemption provided by ORS 192.345(3). Your petition followed.

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You contend that 911 call records are created independent of any police investigation and therefore a recent court decision compels disclosure. In *Oregon Public Broadcasting (OPB) v. Oregon Department of Corrections (ODOC)*, the Court of Appeals addressed whether ODOC could withhold an inmate file under ORS 192.345(3) after providing that file to law enforcement during a murder prosecution. The inmate file had been created in the ordinary course of ODOC's administrative operations years before the criminal investigation and for reasons unrelated to any criminal purpose.[1] When OPB sought the file through a public-records request, ODOC denied disclosure, contending that the file had become exempt once it was "compiled" and provided to investigators.[2] The court rejected that interpretation and held that records do not become investigatory information compiled for criminal law purposes merely because another agency later gathers them as part of an investigation.[3]

OSP maintains that, unlike the record at issue in *OPB v. ODOC*, the materials you seek were created for an investigatory purpose from the outset and directly concern an active criminal investigation. We reviewed the records, which include (1) a computer aided dispatch (CAD) report associated with the incident and (2) a brief recording of dispatch communications.[4] The records reflect that the reporting party traveled to a local police department to report an assault, and dispatch relayed summary information about the allegations to the OSP trooper who responded to meet the witness.

OPB v. ODOC concerned records created "in the ordinary course of an agency's business and not with the objective of serving a criminal law purpose."[5] In contrast, these dispatch records were generated specifically to initiate and support a criminal investigation. OSP is therefore not withholding them "simply because the record [was] subsequently provided to law enforcement in connection with a criminal investigation."[6] They constitute investigatory information compiled for criminal law purposes from the moment they were created. For that reason, the records fall within ORS 192.345(3)'s conditional exemption, meaning OSP may withhold them unless the public interest requires disclosure.

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[1] *OPB v. ODOC*, 350 Or App 590, 592-93 (2026).
[2] *See id*.
[3] *See id*. at 597-98.
[4] OSP states that it does not possess a recording of any calls made by any witnesses.
[5] *See id*. at 596-97.
[6] *See id.* at 597.

OSP states that this matter remains an active and ongoing investigation. It contends that releasing identifying information about witnesses and other nonpublic details could compromise its ability to investigate. We have long held that investigatory information in pending criminal investigations or prosecutions is usually exempt from disclosure because the public has a strong interest in seeing persons who have violated the law successfully prosecuted.[7] Nondisclosure "serves the purposes of protecting the integrity of criminal investigations and avoiding any compromise of a potential criminal prosecution that might result from such investigations."[8] We agree with your argument that the public has a significant interest in obtaining the information you seek. But we are not persuaded that this interest requires disclosure before OSP completes its investigation.[9] For these reasons, we respectfully deny your petition.

Sincerely,

BENJAMIN GUTMAN
Deputy Attorney General

DEP:pjn
c via e-mail only: Laura Heathcock (OSP)

[7] See, e.g., Public Records Order, Nov 10, 2015, Bernstein, at 3.
[8] Id.
[9] Once criminal proceedings have concluded, the need for secrecy subsides and such information "remains exempt only if disclosure would work some particular harm." Public Records Order, Jan 28, 2016, O'Brien, at 2.