

FROM Robert Samuel White
TO David Pitcher; DOJ Public Records Order
Cc [OSP Public Records 2]
DATE July 30, 2026, 10:10 AM PT
SUBJECT **Re: DOJ File No. 257001-GA0140-26 - response to the order of July 29, 2026**
DOCUMENT 01KYT02Z00T93GK94BKWWGQG5S

Mr. Pitcher, [OSP Public Records 2],

I was wrong on both points and I withdraw them. The April 13, 2026 fee letter cites ORS 192.345(40), and it is Exhibit 08 to my own petition. I should have found it before I wrote. And ORS 192.329(4)(a) makes good faith the condition for suspending the processing deadlines, so the order's reference to it was necessary rather than gratuitous. My letter of this morning was mistaken in both respects and the correction is published in my archive alongside it.

What the fee letter does not do is answer the question I have been asking since April 3.

The letter identifies the records the Department located. That list has one entry: "CAD — \$12.50." The body camera sentence is not in that list. It reads: "The body cam is exempt from disclosure. ORS 192.345(40) exempts audio or video recordings resulting from a law enforcement officer's operation of a video camera worn upon the officer's person..." That is the text of the statute. It does not state that a body-worn camera recording of the March 24, 2026 contact exists. It does not say how many, or when, or which officer wore the camera.

ORS 192.329(2)(b) requires a public body to assert the exemptions it believes apply to requested records. An assertion that identifies no record is a statement of law, not a determination about a record. On April 3 the Department told me a search "identified no records responsive to your request." Ten days later it identified one, the CAD, and quoted a statute about a category of recording. I still do not know whether a recording exists.

Three things follow, and I ask the Department to address each.

ORS 192.345(40) is conditional. Recordings within it are exempt "unless the public interest requires disclosure in the particular instance." A one-sentence recitation of the statute in a fee letter reflects no weighing of the public interest in this instance, and none could have been performed on a record the letter does not identify.

The exemption assertion carried no statement of review rights. ORS 192.329(2)(f) requires one

whenever a body asserts an exemption. The April 13 letter contains payment instructions and a mailing address. It contains no notice that I could seek review, which is the notice that would have told me an exemption had been asserted at all.

The July 14, 2026 release letter says the opposite. "The document we are releasing has been reviewed for exempt material, with none being identified." If a body-worn camera recording had been located and withheld under ORS 192.345(40), that sentence cannot be accurate. If no recording was ever located, the April 13 sentence described nothing. I ask the Department to state which is the case.

My letter of July 29, 2026 asks the same question in the form the statute contemplates, and the reopened request is the place to answer it: whether any recording associated with event SP26097765 exists, how many, and what retention schedule applies to it — covering the travel in both directions, the contact itself, and both vehicles.

I will update the archive at oprsvolunteerabuse.org/accountability/osp with these new findings, thank you.

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