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March 22, 2023

Justin Alderman
NW Herse Report
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Ben Miller
Eugene City Attorney
bmiller@eugene-or.gov

Re: *Public Records Appeal*

Dear Mr. Alderman and Mr. Miller,

Mr. Alderman filed a public records request with the City of Eugene, for body worn camera (BWC) recordings regarding an incident occurring on September 10, 2022, at the Lane County Fairgrounds. On January 11, 2023, the City denied the request, citing ORS 192.345(4). Mr. Alderman appeals that decision.

Disclosure of body worn camera recordings are governed by ORS 192.345(40). That statute renders the recording "conditionally exempt." That is, the recording is exempt from disclosure, "unless the public interest requires disclosure in the particular circumstance." This determination requires a balancing of the "public interest" against the interest that is intended to be protected by non-disclosure. Further, this balancing must be conducted under the overall umbrella of the presumption of disclosure.

The underlying incident involved a dispute over whether a reporter was trespassing. Upon arrival, police contacted the complainant, as well as the reporter. The reporter appeared to be recording his contact with the officers. I have reviewed the recordings. The police contact can be described as cordial, and respectful. No arrests were made, and no citations were issued.

The City submits a number of arguments against disclosure. They do not need to be repeated here. Rather, from my review of the videos, and Mr. Alderman's arguments for disclosure, there is no identified public interest, in this particular instance, that would require disclosure.

Therefore, the appeal is denied.

Sincerely,

PATRICIA W. PERLOW, District Attorney

A handwritten signature in blue ink, appearing to read 'RL', is positioned above the typed name of Robert D. Lane.

Robert D. Lane
Deputy District Attorney