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March 28, 2023

Brian Decker
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Ben Miller
Eugene City Attorney
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Re: *Public Records Appeal*

Mr. Decker and Mr. Miller,

This letter will constitute the District Attorney's order in this matter.

On December 12, 2022, Mr. Decker submitted a public records request to the City of Eugene, as described below:

All complaints submitted to the Eugene Police Auditor or the Eugene Police Department alleging racial profiling, biased-based policing, disparate treatment, or a violation of Police Standards of Conduct 103.5.8(c) or 103.5.9(b)

- a. Scope: All complaints that did not result in discipline
- b. Timeframe: Calendar years 2019, 2020, and 2021
- c. Please include
 - i. Source of complaint (community member, Police Department employee, or Police Auditor)
 - ii. Date complaint submitted (intake date)
 - iii. All allegations made at intake within the scope of this request
 - iv. Officer names and DPSST numbers for all allegations within the scope of this request
 - v. Summary of incident (if not included in other documents)
 - vi. Complaint classification (police, service, inquiry, incident review, or allegation)
 - vii. Decision at intake (dismiss, investigation, other)
 - viii. All allegations investigated
 - ix. Investigation report
 - x. Adjudication memos

- xi. Final decision for each complaint (e.g., not sustained, exonerated, sustained, unfounded)

On March 7, 2023, the City denied the request, citing ORS 192.355(9) and ORS 181A.674(3). Mr. Decker has appealed the denial.

ORS 181A.674(3) provides:

A public body may not disclose information about a personnel investigation of a public safety employee...if the investigation does not result in discipline of the employee.

ORS 181A.674(4) provides that the prohibition of (3) does not apply:

- (a) When the public interest requires disclosure.

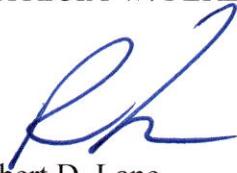
ORS 181A.674 is not part of Oregon's public records law. It is a prohibition on disclosure. Mr. Decker's request is specifically for complaints that did not result in discipline. Thus, ORS 181A.674 prohibits the disclosure of the documents, unless the public interest requires disclosure.

Mr. Decker asserts that the public has a general interest in complaints against the police, and how those complaints are investigated. However, such a general public interest cannot be sufficient to overcome the prohibition against disclosure. To do so would render the statute meaningless. It is clear that showing must be made that the public interest exists in a particular circumstance.

Therefore, the appeal is denied.

Sincerely,

PATRICIA W. PERLOW, District Attorney



Robert D. Lane
Deputy District Attorney