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June 9, 2023

Yadira Flores



Ben Miller
City of Eugene
City Attorney's Office
Ben.J.Miller@ci.eugene.or.us

Re: *Public Record Appeal*

Ms. Flores and Mr. Miller,

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

Ms. Flores made a public records request to the City of Eugene for body worn camera videos for Eugene Police event ID number 22-221991.

The City denied the request, citing ORS 192.345(40). Ms. Flores filed this appeal.

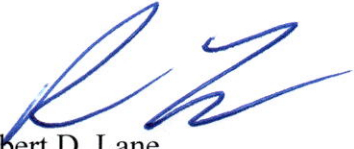
Disclosure of BWC records is specifically governed by ORS 192.345(40). That statute renders the recording "conditionally exempt. That is, the recording is exempt from disclosure, "unless the public interest requires disclosure in the particular circumstance." This determination is not one-sided. Rather, it is 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. This office commonly encounters a similar test in ruling on appeals concerning "information of a personal nature." ORS 192.355(2)(a). Most significantly, what the two tests share in common is that the interest served by disclosure must be a "public" interest.

I solicited a response from Ms. Flores identifying such an interest. Ms. Flores identified a number of valid interests, but in my view, these are not "public" interests that would be served by disclosure in this particular circumstance. The interest in disclosure must be more than just a general assertion that the disclosure will benefit the public. Such an interpretation would create a wholesale exemption to confidentiality that would render the exemption to disclosure moot.

Therefore, the appeal is denied.

Sincerely,

PATRICIA W. PERLOW, District Attorney

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

Robert D. Lane
Deputy District Attorney