



**PATRICIA W. PERLOW**  
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April 2, 2019

Jean-Francois Topize  
[REDACTED]

Ben Miller, Assistant City Attorney  
99 West 10<sup>th</sup> Avenue, Suite 310  
Eugene, OR 97401

Dear Mr. Topize and Mr. Miller,

On April 1, 2019, the District Attorney denied Mr. Topize's appeal, on the basis that the available documents showed that Mr. Topize was not the person who had requested the records from the City. Subsequently, Mr. Topize advised that he was the requestor, and that someone had altered the records request form after he submitted it. I conferred with Mr. Miller, and he was amenable to the District Attorney deciding the matter on the merits.

I have reviewed the video of the contact between Mr. Topize and the Eugene police officers.

The video shows that on January 5, 2019, Eugene police arrived at a parcel of property, apparently in the City of Eugene. The property was the site of what police described as illegal burning. A discussion ensued between a male (I assume Mr. Topize) and two officers. The discussion was later joined by an adult female.

Initially, officers asked Mr. Topize to put the fire out, and he did not comply. The officers made clear they were asserting their authority to conduct a stop pursuant to ORS 131.615. At one point, contrary to the officer's order, Mr. Topize attempts to walk away from the officers. Mr. Topize is then detained in handcuffs. Eventually, the situation is resolved with Mr. Topize putting the fire out, being issued a warning, and the officers leave.

The City has denied disclosure pursuant to ORS 192.345(40). That statute provide for a "conditional exemption," protecting the records from disclosure, "unless the public interest requires disclosure in the particular instance."

In an email to the District Attorney's office, Mr. Topize's wife indicates the records are needed to support a complaint in the handling of the incident, and so that Ms. Topize can "see how the situation looked and sounded from the officers point of view to determine if the situation required their actions.

In a March 29, 2019 response to the District Attorney, the City indicates that a complaint was filed with the City's police auditor, and that the complaint was reviewed and closed with a finding that the officers did not violate policy.

After reviewing the video of the incident, it is the determination of the District Attorney that the public interest does not require disclosure in this particular instance.

Therefore the appeal is denied.

Sincerely,

PATRICIA W. PERLOW, District Attorney



Robert D. Lane  
Assistant District Attorney