



PATRICIA W. PERLOW
LANE COUNTY DISTRICT ATTORNEY

LANE COUNTY DISTRICT ATTORNEY'S OFFICE
125 EAST 8TH AVENUE, ROOM 400
EUGENE, OREGON 97401-2926
FAX ONLY (541) 682-3890
(541) 682-4261

July 27, 2023

Brian Decker
OJRC
P.O. Box 5248
Portland, OR 97208
bdecker@ojrc.info

Ben Miller
Eugene City Attorney
bmiller@eugene-or.gov

Re: *Public Records Appeal*

Mr. Decker and Mr. Miller,

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

On July 5, 2023, 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. Summary of incident (if not included in other documents)
 - v. Complaint classification (police, service, inquiry, incident review, or allegation)
 - vi. Decision at intake (dismiss, investigation, other)
 - vii. All allegations investigated
 - viii. Investigation report
 - ix. Adjudication memos
 - x. Final decision for each complaint (e.g., not sustained, exonerated, sustained, unfounded)

On July 20, 2023, the City denied the request, citing ORS 192.355(9) and ORS 181A674(3). Mr. Decker has appealed the denial.

With the exception of one item, this request is identical to a previous request made by Mr. Decker earlier this year. That request was also denied by the City and was the subject of an appeal to this office. The appeal was denied, based upon a finding that the public interest did not require disclosure.

The earlier request asked for "Officer names and DPSST numbers for all allegations within the scope of this request." The current appeal does not include a request for this information. Further, in a separate line item, the current request indicates that Mr. Decker is not requesting the identity of the complainants.

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.

The previous ruling by this office indicated that the public interest did not require disclosure. Amending the request to omit identifying information regarding the officers or complainants does not somehow add to the public interest in the information.

Therefore, the appeal is denied.

Sincerely,

PATRICIA W. PERLOW, District Attorney

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

Robert D. Lane
Deputy District Attorney