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[REDACTED]

Kristina Kraaz
Assistant City Attorney
225 5th Street
Springfield, OR 97477
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RE: Public Records Appeal

Dear Mr. Taylor and Ms. Kraaz:

This letter serves as the Order in Mr. Taylor's appeal of a denial of public records by the City of Springfield for records related to SPD Incident 22-18244. After review, as is outlined below, it is my Order that request for release of records is denied.

Mr. Taylor seeks:

"Body camera A-V from both Springfield Police Officers that responded to my call for help. Incident #22-18244."

The City of Springfield (City) has denied the request in full, citing ORS 192.345(40), conditionally exempting the release of Body Worn Cameras.

Disclosure of body worn camera recordings are governed by ORS 192.345(40). That statute renders the recording "conditionally exempt." That is, recording is exempt from disclosure "unless the public interest requires disclosure in the particular circumstance." Because the material requested by Mr. Taylor clearly falls within this provisions of ORS 192.345(40), I must determine whether the public interest in disclosure outweighs competing interests in confidentiality; if these interests are tied, the presumption is in favor of disclosure. *ACLU v. City of Eugene*, 360 Or 269, 285-86 (2016).

In this case, Mr. Taylor expresses a need for the body camera video to file "charges on the Chair of the Lane County Republican Party (LCRP) for instigating a mob to forcefully remove a duly elected Member of the Group." It is worth noting that Mr. Taylor has not alleged any misconduct by the involved police officers or any general public interest related complaints about the LCRP. The City, by contrast, asserts an interest in not disclosing the body worn camera video and audio "due to privacy concerns of the involved potential witnesses." The City specifically cites a public interest in guarding the body camera footage from disclosure to both encourage witness candor and protect witnesses from a concern for retaliation.

Balancing the expressed interests of the parties, I do not find that there is a public interest in Mr. Taylor's ability to civilly sue a member of the LCRP that overcomes the exemption under ORS

192.345(40). I agree with the City's assessment that disclosure of interactions between the public and police officers with body worn cameras may be chilled in situations where witnesses are concerned about retaliation for speaking candidly with officers responding to an incident. A private or personal interest in evidence collection against another private citizen does not outweigh the statute's design to protect the privacy interests of potential witnesses. The City is **not** ordered to disclose the body worn camera footage pursuant to ORS 192.345(40).

Therefore, the appeal as to body worn camera video pertaining to SPD Incident 22-18244 is Denied.

Both parties have the opportunity to appeal this Order to the Lane County Circuit Court.

Sincerely,

A handwritten signature in blue ink, appearing to read 'C. Parosa', is placed above the typed name.

Christopher J. Parosa
Chief Deputy District Attorney
Lane County, Oregon