



Nathan Vasquez, Multnomah County District Attorney

1200 SW 1st Avenue, Suite 5200, Portland, OR 97204-1193
P: (503) 988-3162 | F: (503) 988-3643 | www.mcda.us

September 12, 2025

via email only

Kirk Mylander
kirk@mylanderlaw.com

Re: Petition of Kirk Mylander, on behalf of Marci Uselman, seeking body camera footage from the Portland Police Bureau

Dear Mr. Mylander,

Your public records petition, received by this office on September 3, 2025, requests that this office order the Portland Police Bureau (PPB) to release body worn camera footage from a traffic crash investigation involving your client. In your public records request to PPB you stated that you are the attorney representing Ms. Uselman in relation to a motor vehicle accident that occurred on August 5, 2025. You provided that procedural details of the incident sufficient for PPB to locate the footage. PPB denied your request, citing ORS 192.345(40), the exemption for police body camera recordings.

ORS 192.345(40) conditionally exempts from disclosure under the public records law, “[a]udio or video recordings, whether digital or analog, resulting from a law enforcement officer’s operation of a video camera worn upon the officer’s person that records the officer’s interactions with members of the public while the officer is on duty.”

It is not in reasonable dispute that the records at issue fit within this description. As a result, the exemption applies unless the public interest requires otherwise in this particular instance. ORS 192.345. A public interest is present when “the furnishing of the record has utility—indeed, its greatest utility—to the community or society as a whole.” *In Defense of Animals v. OHSU*, 199 Or App 160, 189 (2005).

In your petition to my office, you identify four public interests that you argue would be served by release of this footage to you, in addition to your client’s private interest in pursuing a civil remedy: (1) transparency in police reporting; (2) traffic safety oversight; (3) medical response accountability; and (4) police handling of victim’s property.

While all the interests that you have identified are important, they apply in almost any injury crash where police respond.

My office’s previous public records orders in this area have concluded that police body camera footage requested by an individual relevant to their court case or claim of violation of their rights does not primarily advance a public interest. *Petition of Clement*, MCDA PRO 24-58 (2024) (body camera footage sought to further a private insurance claim not a public interest); *Petition of Covington*, MCDA PRO 24-60 (2024) (allegation that police officer violated requestor’s First Amendment rights does not establish public interest to overcome ORS 192.345(40)); *Petition of Hacker*, MCDA PRO 25-46 (2025) (body-camera footage of police interacting with records

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requestor in relation to a disputed trespass notice properly withheld); *Petition of Alkhatib*, MCDA PRO 25-48 (2025) (agency correctly denied request for body camera footage of officer conducting traffic stop of petitioner; intended purpose of use in traffic court was a private interest).

This analysis is not unique to body camera recordings. Earlier this week this office stated in an unrelated public records order, “[t]hat a requestor seeks records pertaining to themselves, their family, or their business is strong, and usually dispositive, evidence that the interest advanced by release is primarily a private interest.” *Petition of Capone*, MCDA PRO 25-53 (2025).

The interests you have identified are all important as a general matter. And were a media outlet seeking these records as part of its effort to report on any of those topics, the balance might tip differently. Your client has an important personal interest in these records to further locating her personal property and supporting any civil claim that she may bring relating to this event, but I am not convinced on this record that ordering release of these records to you would have its *greatest* utility to the public at large as required by the Court of Appeals’ analysis in *In Defense of Animals*.

You further argue that the interests in confidentiality of certain portions of the footage can be maintained by application of other exemptions in ORS 192.355 to redact faces, medical information, or other similarly sensitive information. While it is true that a public body must segregate exempt from non-exempt material and release the later, the approach you propose would read ORS 192.345(40) out of the public records law. ORS 192.345(40) is co-equal with all the other exemptions in ORS 192.345 and 192.355. While it is certainly possible that there could be a public interest in one portion of a particular recording but not another, and thus segregation would be required, that is not the case here. I have reviewed the records and balanced the identified interests and context of the request and do not find that release would meet the public interest standard discussed above.

ORDER

Accordingly, the petition is denied.

Regards,

NATHAN VASQUEZ
District Attorney
Multnomah County, Oregon

By: 

Adam Gibbs
General Counsel

Cc: Trevor Byrd, City of Portland

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