



## Nathan Vasquez, Multnomah County District Attorney

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September 26, 2025

*via email only*

Aimee Green  
Reporter – The Oregonian  
[agreen@oregonian.com](mailto:agreen@oregonian.com)

Eric Van Hagen  
Legal Services Director – TriMet  
[vanhagee@trimet.org](mailto:vanhagee@trimet.org)

Re: Petition of Aimee Green, on behalf of The Oregonian, seeking access to a TriMet platform video

Dear Ms. Green and Mr. Van Hagen:

On September 5, 2025 petitioner, a reporter for The Oregonian, submitted a public records request to TriMet for the video of “an incident at approximately 10:26 a.m. on Dec. 21, 2023 involving a rider whose coat was caught in the MAX train doors at the Beaverton Transit Center.” This video documents a tragic accident in which Jonathan Ignatious Edwards III, a MAX passenger, had his coat caught in the door of a departing train and was dragged down the platform. Petitioner has published an article describing the sequence of events, drawn from TriMet’s written report on the incident, as follows:

Edwards exited the train and then “turned back” with his right hand holding his coat “toward the doors,” resulting in his coat getting “caught in the closing doors.” Edwards also stuck his left hand between the doors before pulling it back toward his body, according to the reports. As the train began to move, he stumbled and then was dragged along the platform and the tracks.<sup>1</sup>

Mr. Edwards sustained catastrophic injuries and later died at the hospital.<sup>2</sup> TriMet declined to release the video, citing ORS 192.355(2), the exemption for certain information the release of which would unreasonably invade privacy. TriMet did provide written records documenting the incident. TriMet states that it has consulted with the family of the deceased and that they are opposed to the public release of the video on the ground that it is traumatic for them to see.

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<sup>1</sup> A. Green, “TriMet quietly paid \$830,000 to family of man who died after being dragged 100 yards by MAX train,” *The Oregonian* (Sept. 10, 2025) (<https://www.oregonlive.com/commuting/2025/09/trimet-quietly-paid-830000-to-family-of-man-who-died-after-being-dragged-100-yards-by-max-train.html>)

<sup>2</sup> The parties dispute somewhat whether medical negligence was a superseding cause of the victim’s death. A pending lawsuit alleges that it was. Whether the victim’s injuries were survivable or not, it is clear that they were catastrophic. The intervening allegation of medical negligence does not change the outcome of any issue I must decide.

For the reasons discussed below, I grant the petition in part.

## DISCUSSION

### A. Information of a Personal Nature – ORS 192.355(2)

ORS 192.355(2) exempts from disclosure,

Information of a personal nature such as but not limited to that kept in a personal, medical or similar file, if public disclosure would constitute an unreasonable invasion of privacy, unless the public interest by clear and convincing evidence requires disclosure in the particular instance. The party seeking disclosure shall have the burden of showing that public disclosure would not constitute an unreasonable invasion of privacy.

A public body seeking to utilize this exemption faces a daunting burden. TriMet must prove not only that the records are “of a personal nature” but also that disclosure would constitute an unreasonable of a particular individual’s privacy. *Guard Publishing Co. v. Lane County School District*, 310 Or 32, 39 (1990) (exemptions must be “made on an individualized basis,” based on a sufficient showing of justification). The facts of this case are individualized. TriMet has stated this is the first incident of this nature in its over 40-year history. Likewise, TriMet’s argument is about the impact on a particular family of the release of specific footage. This is an individualized assertion of ORS 192.355(2) as our courts have required.

#### *i. Legal framework for depictions of a family member’s death*

We have previously recognized that the privacy of the family of a decedent is within the scope of this section’s protection. *Petition of Iboshi*, MCDA PRO 13-14 (2013). In that order we found the portions of a convicted murderer’s police interview recording involving the graphic detail of his sexual assault and murder of the victim, were “extremely personal” to the victim’s next-of-kin.

However, even in such an extreme case, this did not exempt all records of the case, or even the totality of defendant’s interview recording. Rather it only extended to the “specific graphic factual circumstances” of the death (and, in that case, sexual assault). This discriminating approach is required by the public records law’s presumption of disclosure, mandate to narrowly interpret exemptions, and requirement to separate exempt material from non-exempt material and release the later. See, *ORS ACLU v. City of Eugene*, 360 Or 269, 285 (2016), *City of Portland v. Bartlett*, 369 Or 606, 611 (2022), and ORS 192.338 respectively.

*Iboshi* dealt with a recording of a criminal defendant’s interview, not a video of the deceased. However, I conclude that a visual depiction of a person’s death, or catastrophic injury leading to death, is information of a personal nature, and that the release of such a video against the expressed wishes of the surviving family would constitute an unreasonable invasion of privacy. Accord, *National Archives and Records Administration v. Favish*, 541 US 157 (2004) (investigative photos of suicide scene implicated privacy interests of surviving family), *New York Times v. NASA*, 782 F Supp 628, 631-32 (DDC 1991) (same for audio recordings of the last moments aboard the *Challenger*), *Marsh v. City of San Diego*, 680 F3d 1148, 1154 (9th Cir. 2012)

(“Few things are more personal than the graphic details of a close family member's tragic death. Images of the body usually reveal a great deal about the manner of death and the decedent's suffering during his final moments—all matters of private grief not generally shared with the world at large.”)

*ii. Application to the video submitted in this case*

The video submitted for my review can be divided into two sections. The first depicts Mr. Edwards getting off the MAX train and then becoming caught in its door. The second depicts him being dragged down the platform and sustaining the injuries that led to his death.

As to the former, the public has a clear safety interest in observing the specific interaction between a TriMet passenger and a MAX train that resulted in the passenger becoming stuck. The words quoted in existing media coverage are not an adequate substitute for observing the precise series of events. This is an issue of public safety. Whether or not this portion of the video would unreasonably invade the family's privacy, I find that petitioner has established by clear and convincing evidence that the public interest requires its disclosure in this instance.

However, the public does not have an overriding interest in inflicting additional trauma on an already grieving family by allowing for general release of the remainder of the video.<sup>3</sup> The words already in the public space adequately meet any legitimate interest of the public in the ultimate outcome. Directly observing the gut-wrenching visuals contained in the second portion of the video would not add to public understanding of the cause and consequence of the event.

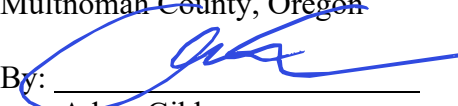
Specifically, timestamp 10:23:24.761 AM on camera BTC09c is the dividing point. TriMet has met its burden of establishing the footage past this point is exempt. Footage up to and including this frame, must be released. This will result in the release of approximately 36 seconds of footage and the withholding of approximately 20 seconds of footage.

**ORDER**

Accordingly, the petition is granted in part. TriMet shall promptly provide petitioner with the portion of the video described above. This release is subject to the payment of fees, if any, not to exceed those authorized by ORS 192.324(4). The petition is otherwise denied.

Regards,

NATHAN VASQUEZ  
District Attorney  
Multnomah County, Oregon

By:   
Adam Gibbs  
General Counsel

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<sup>3</sup> As Judge Kozinski wrote in *Marsh*, the fear of a family member stumbling upon such a video online, were it released, “is not unreasonable given the viral nature of the Internet[.]” *Marsh* at 1155.

**Notice to Public Agency**

Pursuant to ORS 192.411(2), 192.415, and 192.431(3) your agency may become liable to pay petitioner's attorney's fees in any court action arising from this public records petition (regardless whether petitioner prevails on the merits of disclosure in court) if you do not comply with this order and also fail to issue within seven days formal notice of your intent to initiate court action to contest this order, or fail to file such court action within seven additional days thereafter.

**25-58**