



Nathan Vasquez, Multnomah County District Attorney

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via email only

Megan Neely
mneely1@gmail.com

Trevor Byrd
Deputy City Attorney
trevor.byrd@portlandoregon.gov

Re: Petition of Megan Neely seeking body-worn camera footage and other records from the Portland Police Bureau

Dear Ms. Neely and Mr. Byrd:

On December 5, 2025 petitioner, Megan Neely, submitted a public records request to the Portland Police Bureau seeking body-worn camera footage of a particular police response at the Owen Blank Head Start facility. The City denied the records request, citing ORS 192.345(40). On May 12, 2026 petitioner requested this office review the City's decision to withhold the video as permitted by ORS 192.415.

ORS 192.345(40) 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." The video at issue is, self-evidently, within the scope of this exemption.

Since this exemption appears in ORS 192.345, I must next assess whether, despite the facial applicability of the exemption, "the public interest requires disclosure in the particular instance." A public interest exists when release of the records has its greatest utility "to the community or society as a whole." *In Defense of Animals v. OHSU*, 199 Or App 160, 189 (2005).

Petitioner argues that release of the footage would advance interests in "[t]ransparency regarding police responses to perceived threats at schools and childcare facilities, [a]ccountability for law enforcement decision-making and conduct during such responses[, and] [p]ublic understanding of how the Portland Police Bureau evaluates and responds to reported threats involving children." These are all important interests, but they are generalized interests that would apply any time police address an issue at a school. *Petition of Lavender*, MCDA PRO 25-51 (2025) at 2, ("The generalized interests you identify of ensuring public oversight of domestic violence response and police accountability are important, but they are present in every case involving a reported domestic disturbance.")

Petitioner further argues that because she is the only civilian depicted there is no meaningful privacy concern in disclosure of the footage to her. That observation is accurate, but it addresses a different question than what the statute presents to me to decide. I am not tasked with

determining whether release would violate any person’s privacy, but whether a public interest in this particular incident overrides the legislature’s decision to exempt this material from disclosure.

The legislative history of ORS 192.345(40) confirms this reading. HB 2571 (2015), which created the body-worn camera exemption, was the subject of express advocacy for a consent-based release rule. The ACLU of Oregon, in written testimony to the Senate Judiciary Committee, described its preferred approach: “We initially supported provisions allowing disclosure (a) if all civilians in a video consent, or (b) if an incident prompts a use of force or misconduct investigation.” Testimony of Kimberly McCullough, ACLU of Oregon, before Senate Judiciary Committee on HB 2571-A (May 21, 2015), at 1. The ACLU acknowledged that those provisions were not included in the enacted bill and offered only the hope that bill “will be interpreted to allow such disclosures.” *Id.* No court or, to my knowledge, district attorney or Attorney General has so-interpreted it to date. Petitioner’s argument for a consent-based release rule is not an unreasonable policy position; it is just not the policy position that the legislature enacted into law.

Petitioner also argues that any privacy concerns could be addressed by narrowly tailored redactions rather than categorical withholding. Privacy is not the basis for the City withholding the recording. The body-worn camera footage at issue is exempt not because of its specific contents, but because of how it was created; there is no separately nonexempt portion to segregate. ORS 192.345(40)(c) already provides that *if* camera footage is released (either because the public interest so-requires or because the public body elects not to assert the exemption) the public body must still apply redactions to obscure faces of individuals in the video.

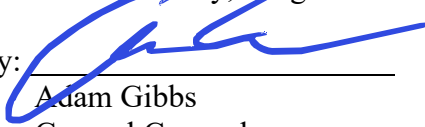
I do not see a basis to distinguish this petition from the previous cases where this office has concluded that a person seeking the recording of their own interaction with law enforcement does not establish a public interest sufficient to override ORS 192.345(40). *Petition of Jacoby*, MCDA PRO 26-05 (2026) (“a private interest in disclosure accompanied by blanket statements about transparency and accountability does not equate to the type of public interest intended by the legislature”); *Petition of Brown*, MCDA PRO 25-32 (2025) (body camera footage of own traffic stop not a public interest); *Petition of Clement*, MCDA PRO 24-58 (2024) (body camera footage sought to further a private claim is not a public interest); ATTORNEY GENERAL’S PUBLIC RECORDS AND MEETINGS MANUAL (2024) at 19 (a requester seeking records relating to the requester, absent a broader public interest, does not satisfy the public interest standard).

ORDER

Accordingly, the petition is denied.

Regards,

NATHAN VASQUEZ
District Attorney
Multnomah County, Oregon

By: 
Adam Gibbs
General Counsel