



MIKE SCHMIDT, District Attorney for Multnomah County

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November 21, 2024

via email only

Joel Covington
joelcovington8@gmail.com

Re: Petition of Joel Covington seeking body camera footage from the Gresham Police Department

Dear Mr. Covington,

Your public records petition, received by this office on November 15, 2024, requests that we order the Gresham Police Department (GPD) to release body worn camera footage from an interaction between you and Sgt Vanbeek on October 24, 2024. GPD denied the request, citing ORS 192.345(40), which generally exempts body worn camera recordings from disclosure under the public records law. In your petition to this office you state that the footage will demonstrate that Sgt. Vanbeek violated your First Amendment rights and request we order GPD to release it to you. Given the clear applicability of the law to these facts I have not called for a response from GPD.

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 record at issue fits within this description. As a result, the exemption applies unless a public interest exists for obtaining the requested footage that outweighs the legislatively expressed interest in confidentiality of this material. 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).

The prior decisions of this office and the Attorney General are in agreement that a person seeking records of their own interaction with a public body does not establish a public interest. *Petition of Shore*, MCDA PRO 17-53 (2017) (request relating to a “discrete incident involving [requestor] and the public agency” was a “quintessential personal interest request”); *Petition of Clement*, MCDA PRO 24-58 (2024) (body camera footage sought to further a private insurance claim not a public interest); ATTORNEY GENERAL’S PUBLIC RECORDS AND MEETINGS MANUAL (2019) at 23 (“If a requester seeks records relating to the requester, a mere allegation that the public body has treated the individual oppressively, absent a broader public interest, does not satisfy the public interest standard.”)

These previous decisions compel the conclusion that your belief that Sgt. Vanbeek violated your rights is insufficient basis to establish a public interest in access to this footage.

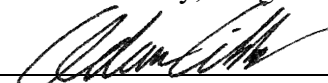
Page 2
November 21, 2024
Petition of Joel Covington

The facts you have presented describe precisely the situation addressed by the Attorney General's guidance that an allegation of oppressive treatment by the public body does not establish a public interest.

Accordingly, your petition is denied.

Regards,

MIKE SCHMIDT
District Attorney
Multnomah County, Oregon

By: 
Adam Gibbs
Sr. Deputy District Attorney

24-60