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October 15, 2026

via email only

EWU Media LLC
records@ewumedia.com

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

Re: Petition of EWU Media LLC seeking body-worn camera footage from the City of Portland

Dear EWU Media and Mr. Byrd:

On September 21, 2026, EWU Media LLC submitted a public records request to the City of Portland for “[a]ll body-worn camera footage related to” Portland Police Bureau case 26-74530, the March 15, 2026 investigation of Judson Defir’s entry into a Southeast Portland home and attempted rape of the woman inside it. The request identified the date and approximate time of the incident and sought footage “from all responding officers, assisting officers, supervisors, transport officers, detectives, and any other personnel whose body-worn cameras captured any portion of the incident, detention, arrest, investigation, transport, or related interactions.” The City denied the request on October 7, 2026, citing ORS 192.345(40). It characterized the request as one seeking footage “in furtherance of either an internal investigation or private litigation,” which it described as “quintessential private interests.”

EWU petitioned this office on October 8, 2026, as permitted by ORS 192.422. It argues that it is a news organization with no connection to the incident, that the orders the City cited involved litigants and insurers seeking footage of their own matters, and that the public has an interest in evaluating PPB’s emergency response, its efforts to locate and arrest Mr. Defir, and any use of force. The petition also narrows the request, to footage “documenting officers’ arrival, efforts to locate Defir, his detention and arrest, and related exercises of police authority,” excluding “residential-interior footage, victim footage, and victim or witness interviews,” or, alternatively, to footage of the arrest “in a public area.” The City responds that EWU’s stated interests are “generalized statements about transparency and accountability” that this office has rejected before, and that “this is not a case that captured significant media attention.”

I do not adopt the City’s reasoning. I nonetheless deny the petition, because the request the City denied, for every recording from every officer with any involvement in the case, is not “reasonably tailored to include only that material for which a public interest requires disclosure.” ORS 192.345(40)(b).

EWU did not provide the City with sufficient case-specific context or narrow tailoring of the request to permit it to review the matter; the City appears to have responded to this request

with a form denial using template language that does not fit this case. As discussed below, both parties will have the opportunity to revise their approaches and apply ORS 192.345(40) in the *case-specific* way the legislature intended.

DISCUSSION

A. Media Requests and the Public Interest – ORS 192.345(40)

ORS 192.345(40) conditionally exempts from disclosure “[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 footage EWU seeks is within that description, and the exemption applies unless the public interest requires disclosure in the particular instance. 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 City’s denial applied the wrong line of cases. *Clement*, *Mazharovskiy*, and *DeMartino* each involved a party to an incident, or its insurer, seeking footage to pursue a claim arising from that incident. *Petition of Clement*, MCDA PRO 24-58 (2024) (insurer investigating coverage); *Petition of Mazharovskiy*, MCDA PRO 21-66 (2021) (counsel for insurer); *Petition of DeMartino*, Att’y Gen. PRO (12/5/2016) (requester’s own court case). EWU is a media organization with no stake in the incident. Nothing in the request suggested an internal investigation or private litigation, and the City does not now contend otherwise. A denial that recites the private-interest cases to a requester to whom they do not apply is not the balancing “in the particular instance” that ORS 192.345 requires.

The City’s response to this petition rests on a different line: that generalized statements about transparency and accountability do not establish a public interest. *Petition of Jacoby*, MCDA PRO 26-05 (2026); *Petition of McMurtrey*, MCDA PRO 26-43 (2026); *Petition of Lavender*, MCDA PRO 25-51 (2025). Each of those petitioners appeared in the footage they sought and wanted it for their own purposes; the transparency rationale, while true in the abstract, was applied in each of those cases to a private interest. This office has not held that a media request for body-worn camera footage fails as a matter of course.

That a news organization seeks a record in order to report on it is itself evidence of a public interest in disclosure. *Petition of Gutierrez*, MCDA PRO 19-26 (2019) (a petitioner’s status as a journalist is “a factor in assessing the public interest” though “not dispositive”); *Petition of Hagan*, MCDA PRO 26-63 (2026) (that the requester was not “a member of the media or an advocacy organization with a track record of disseminating information to the public” was one indication that release would not benefit the public). The converse is also true. A media request does not in itself establish that the public interest requires disclosure of any particular recording; the interests the exemption protects must still be weighed against the interest in disclosure, recording by recording. *Gutierrez*, MCDA PRO 19-26 (“Assessing the public interest in release of body worn camera recordings is an inherently fact-specific exercise”). Neither party has attempted that here. The City balanced nothing: its denial applied a rule for private litigants, and its response applies a rule for requesters who append a transparency rationale to a private interest. EWU’s request and petition, for their part, describe what the footage might show about police performance in terms that would apply to any serious crime.

The City's statement that "this is not a case that captured significant media attention" is also not grounded in the facts of this case. PPB announced the arrest by press release the day after it occurred.¹ This office announced the sentence the same way.² Between those two events the case was reported by KOIN, KGW, KPTV, KATU, and KXL locally, and by People, Law & Crime, and others nationally, from the arrest through the victims' statements at sentencing.³ Whether that attention establishes a public interest in any particular portion of any responsive recording is a separate question. But the premise that the public has shown no interest in this case is incorrect.

B. Reasonable Tailoring – ORS 192.345(40)(b)

ORS 192.345(40)(b) provides:

A request for disclosure under this subsection must identify the approximate date and time of an incident for which the recordings are requested and be reasonably tailored to include only that material for which a public interest requires disclosure.

EWU's request to the City satisfied the first requirement. It did not satisfy the second. The tailoring requirement is the legislature's instruction for how the "particular instance" standard is to work for this kind of record, which, more than most, mixes material of public concern with material that is entirely private. A body-worn camera records whatever is in front of the officer: a survivor in the minutes after an assault, her children, the interior of her home, medical treatment, the routine of transport and booking, and conversations among officers that have nothing to do

¹ Portland Police Bureau, *Suspect Arrested After Series of Assaults in South Tabor Neighborhood* (Mar. 16, 2026), <https://www.portland.gov/police/news/2026/3/16/suspect-arrested-after-series-assaults-south-tabor-neighborhood>.

² Multnomah County District Attorney, *Portland Area Man Sent to Prison for 22 Years After Breaking Into Home and Attempting to Rape a Woman as She Held Her Baby* (June 18, 2026), <https://www.mcda.us/index.php/news/portland-area-man-sent-to-prison-for-22-years-after-breaking-into-home-and-attempting-to-rape-a-woman-as-she-held-her-baby>.

³ Local coverage includes KOIN, *Portland man who tried to rape woman holding baby after committing additional assaults sentenced to 22 years* (June 19, 2026), <https://www.koin.com/local/multnomah-county/portland-man-who-tried-to-rape-woman-holding-baby-after-committing-additional-assaults-sentenced/>; KPTV, *Portland man gets 22 years for attempted rape of mother holding baby, other assaults* (June 19, 2026), <https://www.kptv.com/2026/06/19/portland-man-gets-22-years-attempted-rape-mother-holding-baby-other-assaults/>; KATU, *Portland man sentenced to 22 years in prison for crimes against four women* (June 19, 2026), <https://katu.com/news/local/portland-man-sentenced-to-22-years-in-prison-for-crimes-against-four-women>; KGW, *Victims detail lasting impact of attacks after man broke into Southeast Portland home, attempted to rape mother* (June 18, 2026), <https://www.kgw.com/article/news/crime/victims-detail-lasting-impact-of-attacks-after-man-broke-into-southeast-portland-home-attempted-to-rape-mother/283-6c444353-5f79-4726-a258-ab5cd167d284>; and KXL, *Man In Custody After Police Say He Terrorized Women in Portland's South Tabor Neighborhood* (Mar. 17, 2026), <https://www.kxl.com/man-in-custody-after-police-say-he-terrorized-women-in-portlands-south-tabor-neighborhood/>. National coverage includes People, *Mother Heard 'Honey I'm Here,' Then an Intruder Attempted to Rape Her While She Was Holding Her Baby: Police* (Mar. 17, 2026), <https://people.com/woman-attacked-by-home-intruder-while-holding-baby-suspect-charged-11928187>; and Law & Crime, *Man who attacked random mom holding baby in home learns fate* (June 21, 2026), <https://lawandcrime.com/crime/honey-im-here-stranger-strolled-into-random-moms-home-with-a-smile-on-his-face-attacked-her-while-she-was-holding-baby-and-husband-was-working-in-the-yard/>.

with the case. The statute places on the requester the obligation to identify the material for which a public interest in disclosure can be articulated, because the requester knows what that interest is. This does not require granular precision (the requester has not seen the video, so does not know precisely what it contains), but it does require at least a categorical description of the types or contents of footage for which the public interest requires disclosure.

The request the City received was not this. It sought every recording from every officer who had any role in “the incident, detention, arrest, investigation, transport, or related interactions.” The responsive footage runs to many hours across 38 distinct recordings. The request drew no distinction among them. A request for everything is axiomatically not “reasonably tailored.”

EWU’s petition to this office seeks to narrow the request in two ways: to footage of officers’ arrival, the search for Mr. Defir, and his detention and arrest, excluding residential-interior, victim, and witness-interview footage; or, alternatively, to footage of the arrest in a public area. The request the City received contained no such narrowing, and the City has had no occasion to consider it. ORS 192.345(40)(b) governs “[a] request for disclosure,” that is, the request made to the public body, and it is the public body that first evaluates whether the public interest requires disclosure of the material a properly tailored request identifies.

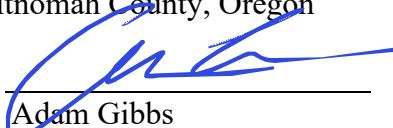
If EWU submits its request to PPB as it has now framed it, PPB may issue an estimate of the fees for reviewing the footage and separating out the portions the narrowed request describes, and then assess the public interest as it specifically relates to those portions in the context of the case as a whole. It is not my role to make that evaluation in the first instance. If the PPB elects to withhold any portions of the video in response to a revised request, that may properly be the subject of a subsequent petition.

ORDER

Accordingly, the petition is denied without prejudice to consideration of a subsequent petition if material is withheld in response to a narrowly tailored request under ORS 192.345(40)(b).

Regards,

NATHAN VASQUEZ
District Attorney
Multnomah County, Oregon

By: 
Adam Gibbs
General Counsel