



Nathan Vasquez, Multnomah County District Attorney

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October 27, 2026

via email only

Anonymous Petitioner
blackopts@comcast.net

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

Re: Petition of Anonymous Petitioner requesting certain records from the City of Portland

Dear Petitioner and Mr. Byrd:

On July 7, 2026, petitioner submitted a public records request to the City of Portland for “redacted blurred video, but clean audio” of body-worn camera footage related to Portland Police Bureau case 26-159796, a June 2, 2026, call for service regarding an individual’s operation of several cameras on a public sidewalk adjacent to a Starbucks. The request identified the date and approximate time of the incident and identified the petitioner as “an independent journalist and content publisher.” The requestor described the public interest in disclosure as a generalized interest in “how members of the public, business, dispatch personnel, and law enforcement agencies respond when individuals engage in constitutionally protected activity in public spaces,” and more specifically as an “interest in understanding how officers recognize, interpret, and apply constitutional protections during real-world encounters.”

The City denied the request on October 13, 2026, citing ORS 192.345(40), the public records exemption for police body camera recordings. 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.” The City appears to have responded to this request with a form denial using template language.

Petitioner petitioned this office on October 15, 2026, as permitted by ORS 192.422. Petitioner argues that the particularized public interest identified in their public records request warrants disclosure. The City responds that the public interest analysis is hampered by the anonymity of the requestor, and there is no evidence of public interest in the interaction captured in the requested body-worn camera footage.

DISCUSSION

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

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with members of the public while the officer is on duty.” The footage petitioner 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).

Blanket statements about transparency and constitutionally protected activity are not what the legislature intended in this analysis. The purpose of the public records law as a whole is transparency and accountability, but the legislature created specific exemptions from that policy in ORS 192.345 and ORS 192.355. ORS 192.345 provides that its exemptions apply unless “the public interest requires disclosure in the particular instance.” “Particular instance” here means assessment of the facts of the particular record as contrasted with generalized interests that are present in any case to which the exemption might apply. *Petition of Scholten*, MCDA PRO 25-82 (2025) (“A generalized interest in transparency is insufficient to override a legislatively created exception to the public records law.”).

The Supreme Court stated in *ACLU v. City of Eugene*, 360 Or 269 (2016), that the identification of interests to be balanced in this analysis can be based on the statute(s) alone, or can be based on specific evidence submitted. *ACLU* at 294. The public interest in confidentiality served by ORS 192.345(40) is the protection of citizens’ privacy in their interactions with law enforcement. *Petition of EWU Media*, MCDA PRO 26-82 (2026); *Petition of EWU Media*, Att’y Gen. PRO (Oct. 20, 2026) (“the exemption was intended principally to protect the privacy interests of members of the public captured on body camera recordings.”). Petitioner has provided generalized transparency statements and the City has relied on the interests inherent in the statute, coupled with the submission of the video itself from which it argues that there is no demonstrable public interest in the event described.

The City is correct that petitioner’s anonymity weighs against a finding that release to them will advance the public interest. It seems likely from contextual information in the petition that petitioner is the person about whom the caller was complaining.¹ However, even assuming, for the purpose of argument, that petitioner was uninvolved in the underlying incident, I conclude that the public interest in confidentiality outweighs the public interest in disclosure in this instance. The recordings depict a Portland Police Bureau officer interacting with a member of the public in response to their concerns. The officer advised the concerned member of the public that the person recording video was conducting constitutionally protected activity. This information was already released to petitioner through other portions of the request not at issue here.

¹ A person seeking body-worn camera footage created as part of an investigation of their own actions, whether or not they are the subject of the footage, 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). Petitioner has not articulated any public interest specific to the facts of this case apart from seeing how officers communicated legal concepts to a member of the public.

These types of interactions occur on a nearly daily basis, and there is no evidence that this particular interaction was of any greater interest to the general public. I conclude that the incremental public benefit of disclosure is limited, while the privacy intrusion to the member of the public seeking help from the police is concrete. The public interest in confidentiality therefore outweighs the public interest in disclosure.

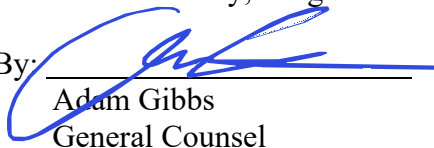
On the record in front of me, the City of Portland did not err in its application of the law to petitioner's public records request.

ORDER

Accordingly, the petition is denied.

Regards,

NATHAN VASQUEZ
District Attorney
Multnomah County, Oregon

By: 

Adam Gibbs
General Counsel