



Nathan Vasquez, Multnomah County District Attorney

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March 11, 2026

via email only

Abraham Avila
aavilamartinez02@gmail.com

Re: Petition of Abraham Avila seeking body camera footage from the City of Portland

Dear Mr. Avila,

You submitted a petition to this office on March 4, 2026 in which you ask that we order the City of Portland to release certain police body camera footage. The underlying encounter occurred on January 11, 2026 and, according to the dispatch log, involved police checking on a suspicious vehicle in the area of SE Spokane and SE Grand after receiving a complaint from a neighbor. You made a public records request to the City of Portland for the police body camera footage documenting the police response to this complaint. In your request to the City you described the public interest in the records as “The vehicle in the body cam footage is registered to my name. I wanted to check to see what happened on the night of that incident.”

On February 18, 2026 the City denied your request, citing ORS 192.345(40), the public records exemption for police body camera recordings. 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 you seek fits within this description. As a result, the exemption applies unless a public interest exists that outweighs the legislatively expressed interest in confidentiality for body camera footage. 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).

As an initial matter, the City reasonably concluded that your interest in checking on what happened to your vehicle in a particular encounter was a private, not a public, interest. This is not dispositive, however, because my role is to evaluate whether records are exempt, not whether the public body’s prior previous denial was correct based on what was known to them at the time they acted. In your petition to this office you provide 10 alternative reasons why you believe there is a public interest in release of this footage:

- Ensuring that officers act within the scope of lawful authority.
- Confirming that stops or contacts are conducted without bias or improper motive.
- Evaluating whether constitutional rights of citizens are respected during these encounters.

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- Promoting public confidence in law enforcement through transparency and citizen interactions.
- Allowing the public to assess and see how discretionary police authority is exercised.
- Reinforce community trust by demonstrating openness rather than secrecy.
- Allow the public to evaluate how Portland Police Bureau officers exercise discretion in vehicle contacts.
- Provide transparency in situations where no written report was generated.
- Support informed civic discussion about policing practices in Portland.
- Demonstrate that body-worn camera programs operate as intended — to provide accountability and transparency.

Blanket statements about transparency and accountability 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 only arguably case-specific interests you have listed are that the encounter involves a “vehicle contact” and that no police report was written. These apply to hundreds, if not thousands, of police encounters each year in our community. You have not articulated any public interest specific to the facts of this case and, having reviewed the video, I see none.

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. You have provided generalized policy statements and the City has relied on the interests inherent in the statute, coupled with evidence from the request history that you have a direct personal interest in this video.

ACLU involved a well-publicized police use of force and subsequent citizen oversight process. In contrast to *ACLU*, this incident is a short encounter, no one used or threatened to use force, police did not make an arrest, no one has made any allegations of police misconduct, there has been no media coverage, and the requestor has not indicated any affiliation with an organization with a demonstrated record of disseminating information to the public. The audio and video from the body cameras contains interactions with two different members of the public. The Attorney General has advised that ORS 192.345(40) is intended to provide heightened protection to recordings of such interactions. *Petition of Rich*, Att’y Gen. PRO (4/5/2023) (finding recordings of portions of fatality investigation not documented in police reports should be released; but portions involving interactions with non-police should not).

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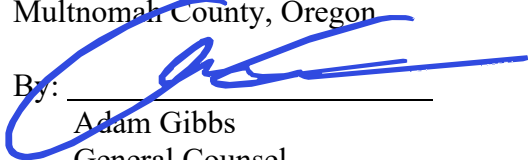
Balancing the generalized interests you raised against the statutory interests identified by the City, the information contained in the recordings, and the City's evidence of your personal connection to the incident, I conclude that the City appropriately applied ORS 192.345(40) in this case.

ORDER

Accordingly, the petition is denied.

Regards,

NATHAN VASQUEZ
District Attorney
Multnomah County, Oregon

By: 
Adam Gibbs
General Counsel

Cc: Trevor Byrd, City of Portland

26-16