

REVENUE: No revenue impact

FISCAL: No fiscal impact

Action: Do Pass with Amendments to the A-Engrossed Measure (Printed B-Engrossed)

Vote: 5 - 0 - 0

Yeas: Bonamici, Dingfelder, Kruse, Whitsett, Prozanski

Nays: 0

Exc.: 0

Prepared By: Aaron Knott, Counsel

Meeting Dates: 5/11, 6/1

WHAT THE MEASURE DOES: Prohibits the disclosure of audio or video records of internal investigation interviews of public safety officers except for certain enumerated purposes.

ISSUES DISCUSSED:

- Psychological effect of release of video and audio records on the officer who is the subject of the investigation
- Concerns about officers refusing to offer testimony or cooperate with an internal investigation if the records will be subsequently released
- Other methods by which media and other interested parties may obtain transcripts of the records of internal investigation interviews

EFFECT OF COMMITTEE AMENDMENT: Adds exception language.

BACKGROUND: House Bill 3251 B prohibits a public body from disclosing the audio or video records of internal investigation interviews of public safety officers except to a law enforcement unit for the purposes of the investigation or to an attorney representing a public safety officer who is the subject of the investigation.

In 2005, a the Oregon Court of Appeals ruled in *City of Portland v. Oregonian Publishing Company* that the internal investigation records generated by police departments are not exempt from disclosure from public records requests. This caused footage of officers being interviewed regarding their involvement in shootings to be released to journalists over the objection of the city and police department. House Bill 3251 B prohibits the release of audio or video records of internal investigation interviews of public safety officers but allows the release of transcripts containing the same information. The release of the video and audio recordings remains available for enumerated purposes, including to law enforcement, to an attorney representing the public safety officer who is the subject of the investigation, to the Department of Public Safety Standards and Training, to the public safety officer who is the subject of the investigation, to the attorney of a defendant in a criminal proceeding related to the investigation, to a labor organization, to a public body or to the office of the Attorney General.