

March 11, 2019

Hon. Rep. Power

900 Court St NE, H-274,

Salem, OR 97301

Rep.KarinPower@oregonlegislature.gov

hjud.exhibits@oregonlegislature.gov

Regarding HB 2353

The following document is my citizen example of an unfulfilled public records request. Prior to the City of Beaverton adopting police body camera policy, a uniformed Beaverton Police Officer with a badge named "Defrain" used a cell phone to video record a citizen at a public meeting. Beaverton offered no clear policy as to what employee owned cell phone video costs (when generated on the clock). I sent in a cashier's check and a form generated via the Open Oregon web site:

<http://www.open-oregon.com/form-letters/create-a-record-request/>

The request lingered so long, that the bank sent me the letter I share with you. (uncashed check refund offered under escheats laws) One technical detail: The City did offer a DVD copy in a letter. A DVD is a MPEG2 format, and that is also known as a 'stream' format. The Samsung cell phone used records video in a MPEG4 format. Offering the MPEG 2 format obfuscated meta-data that should have been offered as a complete records request. Note that MPEG2 video quality is lower than MPEG4 data. The employee could have sent me the video directly and provided an unredacted copy. No notice of redaction was offered with the MPEG2 substitution offer. This is an example where having the treat of financial penalty via the County District Attorney would help motivate an entity like the City of Beaverton to either produce a public record, redact such record in the process of delivery, or issue a reasonable denial of request based on law.

Respectfully,

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