

PUBLIC RECORDS REQUEST

Public Records Officer

Re: Public Records Request Regarding Monitoring and Collection of Information under ORS 181A.250

Dear _____ Public Records Officer,

This letter is a public records request made pursuant to the Oregon Public Records Law, ORS §§ 192.311 to 192.314. Please forward this request to the appropriate public records officer.

Request

I, _____, am requesting access to and copies of any and all public records, including but not limited to documents, communications, emails, reports, memoranda, social media posts, logs, databases, dossiers, and any other records that:

1. **Identify, mention, or refer to me**, by name, alias, social media handle, or any other identifier.
2. **Refer to, mention, or document my activities** (including social media posts, events attended, or affiliations) in any capacity, whether directly or indirectly.
3. **Describe any monitoring or surveillance** conducted by your department of my social media accounts or activities, whether electronic, in-person, or otherwise.
4. **Document or reference any data, files, or information** retained by your department about me, my activities, my social media posts, or any organizations with which I am affiliated.

This request includes records from **January 1, 2020 to the present**, and extends to all departments, divisions, officers, or agents under your jurisdiction or acting on your behalf.

Definitions

As used in this letter, “Public records” and “records” is not limited to those contained in or on the agency’s property or devices. Throughout this request the term “public record” or “record” includes, but is not limited to, any paper or electronic document, policy, procedure, guidance, directive, communication, message, correspondence, letter, email, calendar entry, database information, text message, App communication, agendas, minutes, notes, transcripts, recordings,

or files. Oregon public records law defines public records relative to the content of the record, not the location. *Compare* ORS 192.311(5)(a) (defining public records to be writings about public business), *with* ORS 192.311(5)(b) (excluding from the definition of public record, writings on privately-owned computers only when they do not pertain to public business).

Request for Waiver or Reduction of Fees Because Disclosure Benefits the Public

I also request a waiver of all fees associated with this public records request, as the disclosure of the requested information is in the public interest and will contribute significantly to public understanding of government operations and activities, particularly regarding the transparency and accountability of police monitoring practices.

According to ORS 192.324(5), public bodies are encouraged to waive or reduce fees if releasing the records primarily benefits the general public. Under ORS 181A.250, it is unlawful for law enforcement agencies to collect or maintain information about the political, religious, or social views, associations, or activities of any individual or group without their consent unless directly related to an investigation of criminal activities. The information I seek concerns potential violations of ORS 181A.250.

There has been increasing public concern and scrutiny over illegal surveillance and monitoring practices by police departments, particularly in cases involving activists and community advocates. Recent investigative reports, including an article published by *The Intercept* on November 8, 2023, titled “[Oregon Police Obsessively Spied on Activists for Years, Even After Pipeline Fight Ended](#),”¹ have uncovered concerning practices where Oregon law enforcement agencies have engaged in monitoring and collecting information on activists and protestors. Another article titled “[Records Show Illegal Local and Federal Police Surveillance in Southern Oregon](#),”² published in November 2023, by *Info4PublicUse*, contains public records revealing troubling practices of illegal surveillance by the Medford Police Department. These reports show, for instance, that the Medford Police Department engaged in extensive surveillance of activists, including monitoring social justice vigils, Juneteenth celebrations, and reproductive rights protests, often treating these lawful activities as criminal threats. Police even surveilled a vigil peacefully commemorating a Black teenager’s death and scrutinized social media posts related to housing and racial justice, despite none of the incidents involving criminal conduct. This conduct follows years of illegal surveillance and retaliation against environmental activists regarding the Jordan Cove pipeline, which is currently the subject of ongoing federal civil rights litigation in Southern Oregon. See [Oregon TITAN Lawsuit, Policing Project](#).³

The 2020 lawsuit filed by the ACLU against Portland Police for livestreaming Black Lives Matter protests highlights the urgent need to address and prevent illegal surveillance by law enforcement, especially as the nation approaches a contentious presidential election in November. See “[ACLU Sues To Stop Portland Police Livestreaming of Protests](#),” *ACLU* (July 29, 2020).⁴ With the potential for widespread protests and demonstrations during the election period, it is crucial to ensure law enforcement agencies do not unlawfully infringe upon the First

¹ <https://theintercept.com/2023/11/08/oregon-police-surveillance-protests-activists/>.

² <https://info4publicuse.org/2023/11/illegal-spying-medford-police/>.

³ <https://www.policingproject.org/titan-lawsuit>.

⁴ <https://www.aclu-or.org/en/press-releases/aclu-sues-stop-portland-police-livestreaming-protests>.

Amendment rights of individuals engaging in political speech and protest. Transparency and oversight are essential to protect civil liberties and maintain public trust in democratic processes.

These monitoring practices, which violate ORS 181A.250, highlight the pressing need for transparency and public oversight of police surveillance activity. The disclosure of the requested records is essential to ensure that law enforcement agencies are held accountable for unlawful surveillance. Such transparency is vital for protecting civil liberties and promoting trust between the community and law enforcement. As these articles detail, there is a growing public interest in understanding and addressing these potentially illegal surveillance practices, underscoring the need for a fee waiver to facilitate public access to these critical records.

The public interest in exposing and addressing these illegal practices is undeniable, making the disclosure of the requested records essential for ensuring accountability and transparency. As public awareness of these issues grows, so too does the need for accessible information, which justifies a waiver of any associated fees. Disclosure of these records will contribute to the public’s understanding of how local law enforcement agencies operate and whether they adhere to state laws designed to protect civil liberties.

Request for Explanation of Any Exemptions Invoked

If any records responsive to this request are being withheld or denied, please cite each specific exemption you believe justifies the withholding or denial and notify me of the appeal procedures available under Oregon law. Many exemptions are conditional and the law balances the need for confidentiality against the public interest in disclosure of records. *See, e.g., American Civil Liberties Union of Oregon v. City of Eugene et al.*, 360 Or 269 (2016). Given the strong public interest in disclosure, your department should presume records should be disclosed.

Production Of Public Records

In accordance with Oregon law, please respond as soon as practicable and without unreasonable delay. You must acknowledge receipt of this request within five (5) business days of receiving the request, and you must complete your response to this request within ten (10) business days after providing us with acknowledgement of receipt (i.e., within 15 business days after receiving this request). If you expect delay in fulfilling this request, please contact me immediately with information about when I can expect copies or access to the requested records.

Please produce copies of the requested records in electronic format sent via email, FTP site, or similar method or a thumb drive addressed to and mailed to
Please provide all correspondence regarding this request in writing.

Thank you for your prompt attention to this matter.

Sincerely,