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On Behalf Of:  
Committee: House Committee On Judiciary  
Measure, Appointment or Topic: HB2467

We write to you today to express a strong opposition to Oregon's HB 2467, which proposes increased access to law enforcement records, particularly those concerning the actions of police officers. While transparency in government is essential, this bill risks creating significant legal, practical, and safety-related challenges that should not be overlooked. Below are some primary concerns, supported by case law, legal principles, and policy considerations.

### 1. Infringement on Privacy Rights

One of the most concerning implications of HB 2467 is its potential violation of privacy rights for both law enforcement officers and individuals involved in police actions. The Fourth Amendment of the U.S. Constitution protects citizens against unreasonable searches and seizures, including the unauthorized release of sensitive or personal information.

The *Katz v. United States*, 389 U.S. 347 (1967), case established that the Fourth Amendment protects people's reasonable expectation of privacy. Officers themselves are entitled to privacy rights, and the release of certain law enforcement records, such as body camera footage or internal reports, could compromise those rights, exposing officers and their families to potential harm or retaliation. In *Whalen v. Roe*, 429 U.S. 589 (1977), the U.S. Supreme Court recognized that privacy concerns are not limited to physical spaces but extend to personal information, which could be imperiled by the broad release of law enforcement data.

Furthermore, individuals involved in police encounters—whether victims or suspects—also have a reasonable expectation of privacy. For example, the *Gonzales v. City of Peoria*, 722 F.2d 468 (9th Cir. 1983), ruling highlighted the importance of maintaining privacy for individuals involved in police investigations to protect against unwarranted disclosure of sensitive information.

### 2. Compromising Ongoing Investigations

Public access to law enforcement records could obstruct investigations and the administration of justice. The Sixth Amendment guarantees an individual's right to a fair trial, which can be undermined by prematurely releasing evidence or information that might prejudice the outcome of a case. In *Nebraska Press Association v. Stuart*, 427 U.S. 539 (1976), the U.S. Supreme Court emphasized the need to balance

freedom of the press with the right to a fair trial. In cases where law enforcement records are released too early, they could influence public opinion, bias jurors, or disrupt the collection of crucial evidence. This has serious implications for individuals' rights to a fair trial and undermines the integrity of the judicial process.

Furthermore, the *Brady v. Maryland*, 373 U.S. 83 (1963), decision establishes that withholding or mishandling exculpatory evidence violates a defendant's constitutional rights. By releasing law enforcement records without proper context, the potential for public misinterpretation or selective disclosures could create a false narrative that undermines due process and the fair administration of justice.

### 3. Risk to Officer and Public Safety

Releasing law enforcement records—especially body camera footage and incident reports—could jeopardize the safety of police officers and the public. Officers frequently operate in volatile and dangerous situations, and the release of certain records could expose them to personal harm. In *Safford Unified School District #1 v. Redding*, 557 U.S. 364 (2009), the Court emphasized the need to safeguard personal safety and privacy against unnecessary government intrusions. Officers, like any citizens, are entitled to protection from unreasonable harm, and public access to sensitive records could provoke retaliation or escalate violence against them.

Moreover, releasing law enforcement strategies or investigative methods could allow criminals to circumvent the justice system. In *Houchins v. KQED, Inc.*, 438 U.S. 1 (1978), the U.S. Supreme