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September 30, 2022

Salem Reporter
Attn: Ardeshir Tarbizian & Les Zaitz
Via Email: ardeshir@salemreporter.com

City of Salem
Legal Department
Attn: Michelle Teed
Via Email: MTeed@cityofsalem.net

**Re: Public Records Request Appeal Petition
Salem Reporter/City of Salem; Petition Dated September 19, 2022
District Attorney Opinion**

Dear Mr. Tarbizian and Ms. Teed:

Thank you for your correspondence regarding this most recent petition to appeal the City of Salem's Decision regarding certain public records pertaining to former Salem Police Department Deputy Chief Steven Bellshaw. I have now reviewed:

- Salem Reporter's Petition dated September 19, 2022
- The City of Salem's Response from Ms. Teed dated September 27, 2022
- Salem Reporter's Response with clarification from Mr. Tabrizian dated September 27, 2022

Ms. Teed separately sent the records at issue. Given that Salem Reporter, through Mr. Tabrizian, further clarified that "we seek only a decision regarding Salem's effort to withhold the administrative leave letters and any supporting documentation,"¹ I therefore only reviewed these two documents as described by Ms. Teed along with the supporting documentation for purposes of this appeal.

¹ See Salem Reporter Letter dated 9-27-22 page 1, paragraph 2.

These short documents are arguably, as the city phrased it, “part and parcel” of a personnel or professional standards investigation not resulting in discipline of the employee and thus exempt from disclosure under ORS 192.355(9) and ORS 181A.674. As such, they were not included in the information turned over by the City of Salem to Salem Reporter.

However, upon my review, I find that they are *primarily* only *notice* of said action and, with some minor appropriate redaction, may be disclosed as they do not contain any actual investigatory material or information. Appropriate redaction allows for disclosure without running afoul of the aforementioned statutes.

I will send these appropriate redactions to the City of Salem under separate cover and hereby order that the City disclose these records with these redactions to the Salem Reporter as soon as practicable.

Sincerely,

A handwritten signature in black ink, appearing to read 'Paige E. Clarkson', with a long horizontal line extending to the right.

Paige E. Clarkson
District Attorney