



**PATRICIA W. PERLOW**  
LANE COUNTY DISTRICT ATTORNEY

LANE COUNTY DISTRICT ATTORNEY'S OFFICE  
125 EAST 8TH AVENUE, ROOM 400  
EUGENE, OREGON 97401-2926  
FAX ONLY (541) 682-3890  
(541) 682-4261

February 12, 2021

Ben Miller  
Assistant City Attorney  
City of Eugene

RE: Public Records Appeal

Dear Mr. Miller,

Ms. Henreid-Brooks appeals a denial of public records request by the City of Eugene.

Ms. Henreid-Brooks requested documentation regarding the death of her father, Errol Winslow Brooks on December 10, 2020. The City granted the request with regard to police reports, and some photographs of the scene. The City denied the request regarding photographs depicting the deceased, and photographs regarding personally identifiable information. Ms. Henreid-Brooks appeals only the denial of photographs depicting the deceased.

The City cites ORS 192.355(b) in the denial. That section provides:

“The following public records are exempt from disclosure ...

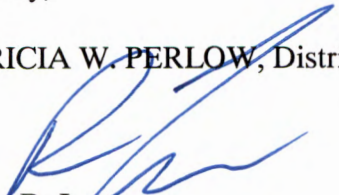
(2)(b) Images of a dead body, or parts of a dead body, that are part of a law enforcement agency investigation, if public disclosure would create an unreasonable invasion of privacy of the family of the deceased person, unless the public interest by clear and convincing evidence requires disclosure in the particular instance ...”

Ms. Henreid-Brooks has represented to this office that she is the only child of the deceased. Further, she has provided documentation from the funeral home that indicates she is the next of kin of the deceased.

Given that the appellant is the immediate next of kin, disclosure would not be an unreasonable invasion of privacy of the family. Therefore the appeal is granted, and absent an appeal of this decision to the Circuit Court, the City of Eugene shall disclose the requested records.

Sincerely,

PATRICIA W. PERLOW, District Attorney



Robert D. Lane  
Deputy District Attorney