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Attorneys for Intervenors The Associated Press,
Belo Corp. dba KGW-TV,
City of Roses Newspaper Company dba Willamette Week,
Fisher Communications, Inc. dba KATU-TV,
Meredith Corporation dba KPTV-Channel 12,
Montecito Broadcast Group dba KOIN-TV,
Oregonian Publishing Company and
Pamplin Media Group dba The Portland Tribune

IN THE UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

AT PORTLAND

**JAMES P. CHASSE, JR.; JAMES P.
CHASSE; LINDA GERBER; and MARK
CHASSE**, individually and in his capacity as
Personal Representative of the **ESTATE OF
JAMES P. CHASSE, JR.**,

PLAINTIFFS,

v.

CHRISTOPHER HUMPHREYS; et al.,

DEFENDANTS.

Case No. CV 07-189 HU

**DECLARATION OF MAXINE
BERNSTEIN IN SUPPORT OF
MOTION TO INTERVENE**

I, Maxine Bernstein, declare as follows:

1. I am the Crime Team Reporter for the Oregonian. I have been in that position for nine and a half years. I make this declaration based on personal knowledge and am

competent to testify as to all matters contained herein.

2. As part of my work as the Crime Team Reporter, I frequently submit public records requests to the Portland Police Bureau requesting documents from the Police Bureau's Internal Affairs Division, including Internal Affairs investigation reports.

3. In other high profile cases involving fatalities involving police, the Portland Police Bureau has released its Internal Affairs Division documents under Oregon's Public Records Law. In some cases, the Police Bureau has claimed that the documents are exempt from disclosure. When the Police Bureau claims that the Internal Affairs Division documents are exempt from Oregon's Public Records Law, the Oregonian has followed the statutory procedures set out in ORS 192.410 *et seq.* to challenge the claim of exemption and in each such case, the Police Bureau has been ordered to produce the documents.

4. Also as part of my work as the Crime Team Reporter, I have also submitted a public records requests to the City of Portland requesting documents from the City Auditor's Independent Police Review Division.

5. In one instance in which I requested Independent Police Review documents, the City simply provided them without objection. That request involved a complaint relating to allegations of excessive police force.

7. As part of my work as the Crime Team Reporter, I have submitted public records requests to the Portland Police Bureau requesting discipline information and documents relating to individual police officers.

8. Typically, the Police Bureau has claimed that the documents are exempt from disclosure and the Oregonian has had to utilize the procedures in ORS 192.410 *et seq.* to challenge the exemption and obtain the documents. In each such instance the Police Bureau has released the requested documents after being ordered to do so by the District Attorney or the Oregon Court of Appeals. The Oregonian has obtained similar results in connection with requests for discipline records for law enforcement officers from other agencies.

9. As part of my work as the Crime Team Reporter, I have also made public records requests for copies of Portland Police Bureau's After Action Reports and/or Review Level findings. At times, the Portland Police Bureau has provided the requested documents. At other times, the Portland Police Bureau has taken the position that the documents are exempt from disclosure. When the Portland Police Bureau has claimed that such documents are exempt from disclosure under the public records law, the Oregonian has followed the procedures in ORS 192.410 *et seq.* to challenge the exemption to obtain the documents.

10. As noted above, in every instance where the Oregonian has invoked the procedures set forth in Oregon's Public Records Law to challenge a claim of exemption made by the Portland Police Bureau and/or the City of Portland, the Oregonian has prevailed and the Police Bureau and/or the City has ultimately been ordered to release the requested documents. Sometimes the Oregonian prevails at the level of District Attorney or Attorney General review. Other times, the Oregonian has prevailed at the level of Oregon's appellate courts. Examples of such challenges in which the Oregonian has prevailed include its request for documents relating to:

- Portland police officer Scott McCollister's fatal shooting of Kendra James (additionally, the internal affairs documents regarding the two other officers who were at the scene were provided by the City without objection);
- Portland Lieutenant Jeffery Kaer's fatal shooting of Dennis Young;
- The investigation of former Portland police Commander Mike Garvey who was suspected of contacting an escort service and running his embroidery business on police time.

In short, in every instance in which I have requested Internal Affairs Division documents, City Auditor's Independent Police Review Division reports, discipline information and documents relating to individual police officers, and Portland Police Bureau's After Action Reports and/or Review Level findings, the Oregonian has obtained those documents under

Oregon's public records law.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief, and that this Declaration was executed on this 10 day of October, 2007, at Portland, Oregon.



Maxine Bernstein