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DEPARTMENT OF JUSTICE

Justice Building
Salem, Oregon 97310
Telephone: (503) 378-4400

November 1, 1990

Steven L. Fox
Box # 12498
3405 Deer Park Drive, SE
Salem, OR 97310

Re: **Request For Public Records Disclosure Order; Oregon State Penitentiary Records**

Dear Mr. Fox:

This letter is the Attorney General's order on your petition for disclosure of records under the Oregon Public Records Law, ORS 192.410 to 192.505. Your petition, which we received on October 25, 1990, asks the Attorney General to order the Oregon State Penitentiary (OSP) to make available to you copies of the following records:

"1.) Any and all reasons documented for Steven L. Fox's moves from cell to cell from the dates of 11-1-88 to 01-09-89;

"2.) Copies of all commissary receipts signed by Steven L. Fox between the dates of 11-01-88 through 01-09-89;

"3.) Any and all documentation indicating the cell location(s) of Steven L. Fox while at the Oregon State Penitentiary;

"4.) Any and all documentation of dates/times Steven L. Fox was placed in the infirmary (Hospital) at the Oregon State Penitentiary (OSP) during the months between 11-01-88 and 01-09-89;

"5.) Documentation of the full names of the Officers who were present, assigned to, or working at the Segregation/Isolation (S/I) Unit of OSP during the months between 11-01-88 and 01-09-89;

"6.) Any and all documentation indicating the named (sic) of the officer who transported Steven L. Fox from OSP to the Oregon State Correctional Institution (OSCI) on 01-09-89;

"7.) Any and all documentation, instructions, policies or any description containing a step-by-step procedure used by inmates of S/I to obtain their commissary;

"8.) Any and all documentation indicating the step-by-step procedure(s) affecting the property of inmates when they are removed from tier to tier (or from 'two-bar' to 'one-bar') and a list of the persons coming into possessory control thereof, if available;

"9.) Any and all documentation indicating which officers were working on the night that Steven Fox was transferred from '2-bar' to '1-bar';

"10.) Any and all documentation indicating which nurse (his/her full name) cared for Steven L. Fox's stitches after he was injured while on '1-bar';

"11.) A list of the items which are available from commissary for those inmates housed on '2-bar';

"12.) A list of the items, and their prices, purchased by Steven L. Fox from the commissary while he was in S/I during the months between 11-01-88 and 01-09-89."

For the reasons that follow, we deny your petition as premature.

Items 2, 3 and 12 in your current petition appear to be essentially the same as three items you sought in a petition we received on July 20, 1990. In our order dated July 27, 1990, we denied that petition as premature, because you had not yet submitted a proper records request to OSP. OSP, however, agreed to treat your petition as a public records request.

Since that time, OSP has supplied you with copies of all of the documents in its possession that fall within your request. We have enclosed OSP's response to you for your convenience.

Your current petition also seeks several categories of documents not included in your prior petitions. Rita Chase, Executive Assistant to OSP Superintendent Maass, informs us that you again have failed to provide OSP officials with a proper written request for these documents. Rather, Ms. Chase states that OSP received a copy of your current petition on Friday, October 26, 1990, together with a cover letter from you indicating you had sent the petition to this office. That submission does not comply with the Department of Corrections' administrative rule governing public records requests. Accordingly, your petition to this office is again premature.

OSP informs us that it again will treat your petition as a proper request for records, and will respond in a timely fashion.

Sincerely,

PAMELA L. ABERNETHY
Special Counsel to the
Attorney General

PLA:JJVV:RDW:cfs/0360G
Enclosure
c: Manfred Maass, Superintendent
Oregon State Penitentiary
2605 State Street
Salem, OR 97310