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DEPARTMENT OF JUSTICE

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June 15, 2009

Ronald Lee Murphy, SID #12010294
Two Rivers Correctional Institution
82911 Beach Access Rd
Umatilla, OR 97882

Re: Petition for Public Records Disclosure Order:
Oregon Department of Corrections Records

Dear Mr. Murphy:

This letter is the Attorney General's order on your petition for disclosure under the Oregon Public Records Law, ORS 192.410 to 195.505. Your petition, which we received in this office on June 8, 2009, asks the Attorney General to order the Oregon Department of Corrections (ODOC) to provide you with the following records:

> The supplemental three (3) page report written by Inspector III Bob Bothwell of the Special Investigations Unit for the Oregon Department of Corrections, Case #0904-A147-N2.

As we explain below, your petition is now moot, and we respectfully deny it on that basis.

The Public Records Law confers a right to inspect any public record of a public body in Oregon, subject to certain exemptions and limitations. *See* ORS 192.420. Any person denied the right to inspect or to receive a copy of a public record of a state agency may petition the Attorney General to review the record and determine if it may be withheld. ORS 192.450(1). The Attorney General may order a state agency to disclose records only when the agency has denied a request for records. ORS 192.450(1).

Your petition states that you requested a copy of the report identified in your petition from Oregon State Penitentiary Superintendent Brian Belleque, and also from ODOC Hearings

Officer James Deacon, but that your requests were denied.[1] Attached to your petition are copies of your communications with Superintendent Belleque and Hearings Officer Deacon regarding your request for a copy of the supplemental Special Investigations Unit report.

We have spoken with ODOC's Chief of Investigations, Daryl Borello, administrative head of ODOC's Special Investigations Unit (SIU), regarding your petition. Mr. Borello advises us that his office has furnished you with a copy of the report. Consequently, we respectfully deny your petition as moot.

Sincerely,

MARY H. WILLIAMS
Deputy Attorney General

DM1454674
Enclosures
c: Daryl Borello, Chief of Investigations, ODOC
Brian Belleque, Superintendent, Oregon State Penitentiary
Kenneth Jeske, Hearings Administrator, ODOC
James Deacon, Hearings Officer, TRCI

[1] Your petition and the communications that you submitted with it indicate that Superintendent Belleque forwarded your request for a copy of the supplemental SIU report to Hearings Officer Deacon for response. Hearings Officer Deacon later referred your request back to Superintendent Belleque for decision, explaining that Superintendent Belleque, not Hearings Officer Deacon, was authorized under the Department's rules and procedures to disclose the report to you. We understand from speaking with Hearings Administrator Kenneth Jeske that based on your experience the Department will be conducting an internal review of its rules and procedures in order to clarify its processing of inmate requests for records when the record sought has been used in connection with a disciplinary case.