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April 7, 2009

Robert Woodroffe, SID #5631215
Oregon State Penitentiary
2605 State Street N.E.
Salem, OR 97310

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

Dear Mr. Woodroffe:

On March 31, 2009, the Attorney General received your petition for an order directing the disclosure of public records dated March 30. In that petition, you request that the Attorney General issue an order directing the Oregon Department of Corrections (ODOC) to provide you with the following records:

1. Misconduct reports on inmate Steven Brown, SID #6484527 for February 18, 2009;

2. Any memos regarding Mr. Brown's misconduct;

3. Findings of fact and any tape recording from any hearing held on the above;

4. A copy of a February 2009 misconduct report for possession of contraband against Mr. Brown;

5. Copies of any findings of fact and a tape recording of a hearing on the above misconduct against Mr. Brown;

6. Results of a urinalysis on Mr. Brown taken on February 18, 2009;

7. Photos taken of Mr. Brown.

In addition, your petition states that you requested to inspect these records, but the petition does not indicate whether your request was denied and, if so, when it was denied and by whom.

For the following reasons, we respectfully deny your petition.

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. The law requires generally that the custodian of public records furnish proper and reasonable opportunities for inspection and copying of the record in the office of the custodian. ORS 192.430. Any person denied the right to inspect or to receive a copy of any public record of a state agency may petition the Attorney General to review the public record to determine if it may be withheld from public inspection. ORS 192.450(1).

We have spoken with M. Whitney Dodson, Executive Assistant to the OSP Superintendent regarding your petition. Ms. Dodson acknowledged that her office received your requests for records. Those requests were dated March 9 and 18, but were not directed to the Superintendent's office. They were not received in the Superintendent's office until March 27, 2009. Upon receipt, ODOC began reviewing your requests. On April 2, Ms. Dodson sent you a response indicating that ODOC was in the process of reviewing your request, is the custodian of at least some of the requested records, and would provide you an estimate of the time and fees required to disclose any nonexempt records to you. This response is one of the acknowledgments that a custodian of public records may make in response to written public records requests. ORS 192.440(2)(c).

In light of Ms. Dodson's response to your request, we cannot conclude that you have been denied the opportunity to inspect the records you requested. Consequently, we have no authority to order ODOC to make copies of the records available to you. *See* ORS 192.450(1). We therefore deny your petition as premature.

Sincerely,

MARY H. WILLIAMS
Deputy Attorney General

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