JOHN R. KROGER
ATTORNEY GENERAL

MARY H. WILLIAMS
DEPUTY ATTORNEY GENERAL



DEPARTMENT OF JUSTICE

1162 Court Street NE
Justice Building
Salem, Oregon 97301-4096
Telephone: (503) 378-4400

April 2, 2009

Robert Butler
824 SW 18th Avenue
Portland, OR 97205

Re: Petition for Public Records Disclosure Order:
Department of Public Safety Standards and Training Records

Dear Mr. Butler:

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. We received your petition on March 26, 2009. In it you take issue with Deputy Attorney General Mary Williams' March 24, 2009 order denying your March 17, 2009 petition. Both of your petitions request that the Attorney General find that the $443.50 charge imposed by the Department of Public Safety Standards and Training (DPSST) for a copy of its Basic Police Training Manual is unreasonable and effectively obstructs access to this record.

In our March 24, 2009 response to your first petition, we explained that the Attorney General does not have authority to review the reasonableness of an agency's public records fees, although we can review a fee that appears grossly excessive under circumstances that suggest that the true purpose of the fee is to deny access to records. After reviewing the circumstances surrounding the DPSST fee involved here, we concluded that the fee does not appear to have been set for the purpose of denying you access to records. A copy of our earlier order is attached for your convenience.

We noted in our March 24 order that DPSST is willing to provide you with specific sections of the training manual that are most relevant to your needs. It is likely that the cost for these specific sections would be substantially less than the cost of providing the entire 887 page manual. We understand that you have been in contact with DPSST regarding providing you with a portion of the manual, and that DPSST has informed you that the cost for providing this material (the Basic Police lesson plan documents related to vehicle stops) is estimated to be $5.00.

We assume that this information from DPSST will resolve your request for information from that agency and moot your public records petition. Please let us know if that is not the case.

Sincerely,

MARY H. WILLIAMS
Deputy Attorney General

1348294
Attachment