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June 8, 2007

Shane Miller, SID #10604785
Snake River Correctional Institution
777 Stanton Blvd.
Ontario, OR 97914-0595

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

Dear Mr. Miller:

This letter is the Attorney General's order on your petition for disclosure under the Oregon Public Records Law, ORS 192.410 to 192.505. Your petition, which we received on June 1, 2007, asks the Attorney General to order Max Williams, Director of the Oregon Department of Corrections (DOC), and DOC employees to make available to you copies of the following records:

"1. A full and complete Alpha Sheet of employees of DOC to depts in each Divisions, alphabetical order if possible, and position;
2. Any research that medical or mental health Srvcs or Medical & Health have done in the past 5 years, names of experimentations and who ran them, what institutions, when;.
3. A list of names of deceased in DOC the last five years, cause of death, what institution, what date, and time of death;
4. A list of monthly trips by Health, Mental Health, Medical nurses, doctors, psychiatric nurses, to include individual institutions do testing in, who, where they stayed, who they reported to;
5. A list of Biofeedback, Psychofeedback, microfeedback, systems installed or purchased by ODOC ever, invoice of purchase, what type of equipment;
6. A list of schools and Universities involved in studies, what type of studies;
7. Records of disciplinary Case #0610-A187-A19 files delivered to above petitioner - CD copy delivered to David F. Groom, Attorney of Law;,
8. All other disciplinary Case #s in Involuntary placement in SMU hearing and tape (copy) delivered to David E. Groom, Attorney of Law;
9. A list of accidents on record by staff documented in any institution or Dome Building that caused death, injury requiring medical care, names, place, dates, times, this includes staff members hurt; and

10. A list of Consultants DOC uses for Security, Mental health and medical, dental, eye doctor of etc."

For the reasons that follow, 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. 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. The Attorney General does not have authority to order disclosure of public records unless the agency has denied a request for those records.

ORS 192.430 authorizes state agencies to adopt reasonable rules necessary for protecting the records and preventing interference with the regular discharge of duties of the custodian. Moreover, the Public Records Law permits public bodies to establish and recover fees reasonably calculated to reimburse them for their actual cost in making public records available, including the time spent by agency staff in locating and reviewing the requested records in order to delete exempt material. *See* ORS 192.440(3); *see also* Public Records Order, April 7, 1989 (Martin).

According to your petition, you asked to inspect and/or to receive copies of the requested records on May 3, 2007, but your request was denied by various ODOC officials, including Director Williams. We spoke with Sheila Mecham, Executive Assistant to Superintendent Hill, about your petition. Ms. Mecham told us that in checking with the various ODOC functional units and divisions that might have records mentioned in your petition she was unable to confirm that they had received a written request from you for the records listed in your petition. Ms. Mecham told us, however, that in this instance ODOC will treat your petition as a written request of the agency for copies of the records described in your petition. In doing so, Ms. Mecham told us that she has determined that presently you are without funds in your inmate trust account, and consequently, under ODOC's administrative rules governing the processing and charging of fees for responding to records requests, OAR 291-037-0020, ODOC will not process your request or furnish copies of the records to you.

ODOC is within its authority in denying your request for records due to your inability to pay its required fees. *See* ORS 192.440(3); *see also* Public Records Order, April 7, 1989 (Martin). We therefore deny your petition.

Sincerely,

PETER D. SHEPHERD
Deputy Attorney General

AGS19781
c: Max Williams, Director, ODOC
Jean Hill, Superintendent, SRCI
Sheila Mecham, Executive Assistant to Supt. Hill, SRCI