Kelly Carlson

'HARDY MYERS
ATTORNEY GENERAL

PETER D. SHEPHERD
DEPUTY ATTORNEY GENERAL



DEPARTMENT OF JUSTICE

1162 Court Street NE
Justice Building
Salem, Oregon 97301-4096
Telephone: (503) 378-4400
TTY: (503) 378-5938

January 30, 2006

Ryan Williams, SID #15693585
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. Williams:

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 January 23, 2006, asks the Attorney General to direct Jean Hill, Superintendent of the Snake River Correctional Institution (SRCI), and SRCI employees to disclose to you for inspection and copying the following records:

1. Complete investigator notes and complete investigation report under disciplinary report #0509-M112-M05;

2. All disciplinary hearing misconduct hearing worksheets of September 9, 2005 and October 18, 2005 that R. Myers wrote the imposed sanction on under Misconduct Report numbers 0508-M350-M05, 0508-M348-M05, and 0509-M112-M05. This also includes the work sheets R. Myers wrote down the plea to the charges on 9-9-05 and 10-18-05 under the above case numbers; and

3. A complete and intelligible print out of exact date and time SRCI Disciplinary hearing department entered in to the "AS 400 computer system or any other computer system " the date and time of the actual scheduling of the hearing for each case number cited in paragraph (2) above, and the exact date and time the callout for a hearing for each case number cited above was placed in the computer system.

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. However, the Attorney General does not have authority to order disclosure of public records unless the agency has denied a request for those records.

According to your petition, on January 12, 2006 Superintendent Hill provided you with copies of the ODOC records listed in items 1 and 2 above, but she denied your request for copies of ODOC records listed in item 3.

We spoke with Ron Myers, SRCI Hearings Officer, about your petition. He told us that contrary to your representation, Superintendent Hill's office provided you with copies of the department's records that contained the information you requested in item 3. Mr. Myers surmised that you apparently did not understand how to glean the information from those records.

The Public Records Law does not impose on public bodies the duty to *create* public records. Nor does the Public Records Law require public bodies to explain or to answer questions about their public records. ATTORNEY GENERAL'S PUBLIC RECORDS AND MEETINGS MANUAL (2006) at 5. Notwithstanding this, Mr. Myers told us that he subsequently met with you, that he provided you with additional copies of the records in question with the information you requested circled, and that he explained to you what the circled information meant. Mr. Myers also told us that when asked you indicated that you understood his explanation.

Under the circumstances described to us by Mr. Myers, Superintendent Hill's staff provided you with copies of the records in question not once, but twice. Because Superintendent Hill's staff provided you with copies of the records you requested, SRCI and Superintendent Hill have not denied your request for records.

Accordingly, we deny your petition as moot.

Sincerely,



Stephanie L. Striffler
Special Counsel to the Attorney General

SLS/gvk:AGS16920
cc: Superintendent Jean Hill, Superintendent, SRCI
Bill Doman, Executive Assistant to Superintendent Jean Hill, SRCI
Ron Myers, Hearings Officer, SRCI