6/27/05 c: Dave Hicks —
Kelly Carlson —

.HARDY MYERS
ATTORNEY GENERAL

PETER D. SHEPHERD
DEPUTY ATTORNEY GENERAL

Steve Wolf —

DEPARTMENT OF JUSTICE

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June 22, 2005

Samuel Wilson
#5169512
Two Rivers Correctional Institution
82911 Beach Access Road
Umatilla, OR 97882

Re: Petition for Public Records Disclosure Order:
Oregon State Hospital Records

Dear Mr. Wilson:

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. Your petition, which we received on June 15, 2005, requests that the Attorney General direct the Oregon State Hospital (OSH) to make available to you the following records:

1. A true, full, and accurate copy of all dates, following May 21, 2001 throughout August 1, 2001, in which, Oregon State Hospital (OSH):

   a. had an opening to admit patients for an evaluation pursuant to ORS 161.365

   b. had an opening on its waiting list, to admit patients for an evaluation pursuant to ORS 161.365; and

2. OSH's record of the first contact made between an OSH employee and a Multnomah County official pertaining to the May 22, 2001 Multnoma[h] County Circuit Court Order of [J]udge Julie E. Frantz for Samuel Earl Wilson to undergo an evaluation pursuant to ORS 161.365, involving Multnomah County Circuit Court Case No 0102-31455.

For the reasons that follow, we respectfully deny your petition.

We spoke with Don Abel, OSH Director of Security and Risk Management, about your petition. He told us that OSH received your April 18th request for the cited records.

In relation to the first portion of your request, Mr. Abel told us OSH is uncertain whether it has records documenting admissions openings for ORS 161.365 evaluations between May 21 and August 1, 2001, and whether a waiting list was recorded for that time period. He told us that OSH is in the process of searching its files to determine whether records responsive to this portion of your request exist, and, if they do, that OSH will send you copies of the records. Mr. Abel also told us that OSH expects to be able to respond to your request within approximately one week of the date of this order. Because OSH will produce any responsive records during this time period, we deny the first portion of your petition as moot.

With regard to the second portion of your petition, Mr. Abel told us that OSH has no records concerning contacts between OSH and the Multnomah County court or Multnomah County officials concerning the court order for your evaluation pursuant to ORS 161.365 beyond the record already provided to you (namely, a copy of the court order) in response to your March 2005 request for records. Because OSH has no additional records responsive to your request, we also deny this portion of your petition.

Sincerely,

PETER D. SHEPHERD
Deputy Attorney General

PDS:gvk/AGS15709

c: Don Abel, Director of Security and Risk Management, OSH