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April 15, 2013

Edward H. Stokes #8474236
Snake River Correctional Institution
777 Stanton Blvd
Ontario, OR 97914-8335

Re: Petition for Public Records Disclosure Order
Oregon Department of Corrections
DOJ File No. 291011-GA0032-13

Dear Mr. Stokes,

This letter is the Attorney General's order in response to your petition asking our office to direct the Oregon Department of Corrections (ODOC) to disclose certain records to you. Your petition asserts that you requested that ODOC provide you with certain records pertaining to you, but had no response to your request. For the reasons explained below, we deny your petition as moot in certain respects, and otherwise deny your petition as premature.

The Oregon Public Records Law, ORS 192.410 to 192.505, provides that "[e]very person has a right to inspect any public record of a public body in this state, except as otherwise expressly provided by ORS 192.501 to 192.505." ORS 192.420(1). Public bodies are permitted to establish fees for public records that are "reasonably calculated to reimburse the public body for the public body's actual cost of making public records available." ORS 192.440(4)(a).

Our understanding is that, on April 19, Greg Jones, High Risk Population Manager for ODOC's Office of Population Management, provided you with documents responsive to your request that are located in the custody of that office. Mr. Jones informed you that other documents you requested, specifically those pertaining to your 30-day situation reviews, are in the custody of the Snake River Correctional Institution (SRCI), and that he had forwarded that aspect of your request to SRCI for processing.

We conclude that your petition is moot except with regard to your request for documents pertaining to your 30-day situation reviews. To the extent it is moot, we respectfully deny your petition. With regard to your request for documents pertaining to your 30-day situation reviews, we conclude that your petition is premature. ODOC has not denied or constructively denied your request, but has forwarded it to the functional unit where those records are located. We note that ODOC's administrative rules specify that public records requests "must be in writing, addressed to the Department's functional unit manager where the record(s) is located." OAR 291-037-0015(1). From your petition and supporting materials, it appears that you requested records in SRCI's custody from the Office of Population Management. Per the same administrative rule, that office has now forwarded your request on to SRCI. Under the circumstances we perceive no basis to conclude that ODOC has constructively denied your request through unwarranted delay.

For those reasons, we respectfully deny your petition in its entirety.

Sincerely,



MARY H. WILLIAMS
Deputy Attorney General

MCK:bwl/4124524-v1
c: Greg Jones, ODOC Office of Population Management
Mark Nooth, Superintendent, SRCI