ELLEN F. ROSENBLUM
ATTORNEY GENERAL

FREDERICK M. BOSS
DEPUTY ATTORNEY GENERAL

DEPARTMENT OF JUSTICE

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

October 13, 2014

Kenneth Thunderbird
SID: 3525722
Oregon State Correctional Institution
3405 Deer Park Drive
Salem, OR 97301

Re: Petition for Public Records Order
Oregon Department of Corrections
DOJ File No. 291011-GA0094-14

Dear Mr. Thunderbird,

This letter is the Attorney General's order on your petition for fee waiver under the Oregon Public Records Law, ORS 192.410 *et seq.* We received your petition on October 6, 2014. As we understand your petition, it requests that the Attorney General order the Oregon Department of Corrections (ODOC) to provide you with "D.N.A. database, all [i]dentifiers, [e]very [d]ocument in the file, the name and address of the, laboratories [w]hich did the [a]nalysis. Any and all markers, any and all codes." You also ask "[w]here is the database stored. [I]f the database was including Native American Groups. If yes which ones." We respectfully deny your petition.

Oregon Public Records Law confers a right to inspect the public records of a public body in Oregon, subject to certain exemptions and limitations. ORS 192.420(1). A public body that receives a written request to inspect a public record "shall respond as soon as practicable and without unreasonable delay." ORS 192.440(2). That response "must acknowledge receipt of the request and must include one of the following . . . [a] statement that the public body does not possess, or is not the custodian of, the public record." ORS 192.440(2)(a)

You submitted a public records request to ODOC, dated August 15, 2014, seeking the documents that you now want us to order ODOC to provide. ODOC responded to that request on August 28, 2014, and stated that it "does not possess such a database." We have spoken with Tonya Gushard, Supervising Executive Assistant to the Superintendent of OSCI, who explains

that ODOC does not retain a DNA database of any kind. Because ODOC responded to your request and because we cannot order ODOC to disclose records that it does not possess, we respectfully deny your petition.

Sincerely,

FREDERICK M. BOSS
Deputy Attorney General

cc via email only:
Tonya Gushard, DOC
Rob Persson, DOC