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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 State Police
DOJ File No. 257001-GA0096-14

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 State Police (OSP) 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).

You submitted a public records request to OSP, dated May 30, 2014, which mirrored the petition you make now. A copy of that request is enclosed for your reference. OSP responded to your request in a letter dated June 13, 2014. Based on the wording of your request, OSP apparently understood your request to seek case records related to a pending Oregon Court of Appeals case. We have spoken with Lt. Susan Hormann, Operations Manager of the Forensic Services Unit of OSP, who confirms that OSP understood your request as such. However, with the benefit of the additional context provided by your public records petition, it now appears that you actually wish to receive a copy of your convicted offender sample from OSP. We have

communicated with Lt. Hormann regarding our understanding of your request, and Lt.. Hormann informs us that OSP has agreed to revisit your request and issue a new response.

Because OSP responded timely to what it believed you were requesting, we conclude that it did not deny your request. And given that OSP is now responding to what we understand to be your request for records, we respectfully deny your petition as premature.

Sincerely,

FREDERICK M. BOSS
Deputy Attorney General

Enclosure
cc via email only:
Susan Hormann, OSP