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July 30, 2015

SENT VIA REGULAR U.S. MAIL

Cankuna A. Smith
SID # 13560705
Two Rivers Correctional Institution
82911 Beach Access Road
Umatilla OR 97882

Re: Petition for Public Records Disclosure Order
Oregon Department of Corrections
DOJ File No. 291011-GA0116-15

Dear Mr. Smith:

This letter is the Attorney General's order on your petition for disclosure of records under the Oregon Public Records Law, ORS 192.410 *et seq.* Your petition, which we received on July 23, 2015, asks the Attorney General to direct the Oregon Department of Corrections (ODOC) and its employees to make available to you for inspection or copying the following records:

> "Grievance and complaints of the physical plant suporvisor [sic] – Scott Strickland."

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

The Public Records Law confers a right to access any public record of a public body in Oregon, subject to certain exemptions and limitations. See ORS 192.420. The law requires generally that the custodian of public records furnish proper and reasonable opportunities for inspection and/or copying of the record in the office of the custodian. ORS 192.430. Any person denied the right to inspect or to receive a copy of any public record of a state agency may petition the Attorney General to review the public record to determine if it may be withheld from public inspection. ORS 192.450(1).

ORS 192.430 authorizes state agencies to adopt reasonable rules necessary for protecting the records and preventing interference with the regular discharge of duties of the custodian. Pursuant to that statute, ODOC has adopted an administrative rule, OAR 291-37-0015(2), which requires that a request to access public records of the department be made in writing and be addressed to the "functional unit manager" where the record is located.[1]

Your petition states that you requested copies of the records on July 20, 2015. However, your petition fails to state to whom you directed your request for records at ODOC, and that your request had, in fact, been denied. We spoke with Sherry Iles, Executive Assistant to the Superintendent at TRCI, regarding your petition. Ms. Iles informs us that the Superintendent's office at TRCI has no record of having received a written request from you to access the requested records.

Because you have not made a written request of the Superintendent at TRCI for the records you seek as required by ODOC's rules, we conclude that ODOC has not denied a request for the records within the meaning of the Public Records Law. As a result, this office lacks authority to order disclosure. ORS 192.450(1). We respectfully deny your petition to compel disclosure as premature.

Sincerely,

FREDERICK M. BOSS
Deputy Attorney General

JJH:tmt/6684690
cc via email only:
Sherry Iles, ODOC

[1] "Function unit manager" is defined in the rules to mean: "Any person within the Department who reports to the Director, an assistant director or an administrator and has day-to-day responsibility for the delivery of services or coordination of programs." OAR 291-37-0010(5). We understand from speaking with Sherri Iles, Executive Assistant to the Superintendent at the Two Rivers Correctional Institution (TRCI), where you are presently incarcerated, that in an ODOC correctional institution the "functional unit manager" is the Superintendent.