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February 4, 2015

SENT VIA EMAIL ONLY

Ms. Pamela Eller
76650 Blue Mountain School Rd.
Cottage Grove, Oregon 97424
Pamelaeller11@gmail.com

Re: Petition for Public Records Disclosure Order
Oregon Department of Corrections
DOJ File No. 291011-GL0026-15

Dear Ms. Eller:

This letter is the Attorney General's order on your petition for public records disclosure under the Oregon Public Records Law, ORS 192.410 to 192.505. Your petition, which we received January 28, 2015, asks the Attorney General to order the Oregon Department of Corrections (ODOC) to provide you with copies of the following records:

1. A copy of the Chronos section of the CIS pertaining to inmate Vincent Padgett #11782000.
2. Any and all unusual incident reports (UIR's) completed for Vincent Padgett #11782000 concerning incidents on the MHI for the night of 9-11-14.
3. All photographs of cell #7 on MHI taken on 9-11-14 and any photographs of evidence, Re: above.
4. Videos taken Re: Vincent Padgett on the night of 9-11-14 on MHI in connection with referenced unusual incident above.
5. All memoranda submitted by staff concerning the above referenced incident.
6. The name and SID # of the inmate residing in cell #D-108 on 9-14-14[1].

For the following reasons, we respectfully deny your petition.

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[1] Your petition references 9-4-14, but the original request references 9-14-14.

The Oregon 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).

Your petition states that you requested a copy of the records identified in your petition from ODOC on October 16, 2014 and on December 12, 2014, but that as of the date of your petition ODOC officials had failed to respond to your requests. Based on that failure to respond, your petition contends that ODOC has constructively denied access to the records. We have conferred with Crystal Archdeacon, Executive Assistant to the Superintendent at the Oregon State Penitentiary, regarding your petition. Ms. Archdeacon informed us that ODOC staff have been unable to locate any of those requests.[2] As a result, ODOC did not fail to respond, nor did they deny your request. However, Ms. Archdeacon also told us that Superintendent Premo has agreed to treat your petition as a written request for the records in this instance.

Under these circumstances, we respectfully deny your petition as premature.

Sincerely,

FREDERICK M. BOSS
Deputy Attorney General

cc via email only:
Jeff Premo, DOC

[2] Ms. Archdeacon told us that ODOC did receive a copy of a December 12, 2014 letter that you wrote to Senator Peter Courtney expressing your concern over Vincent Padgett's care. Superintendent Jeff Premo wrote you a December 19, 2014 letter addressing those concerns. (Copies attached). You wrote another letter to Superintendent Premo on January 1, 2015, and he responded by letter dated January 9, 2015. (Copies attached). However, none of those letters requested copies of the records that your current petition addresses.