JOHN R. KROGER
ATTORNEY GENERAL

MARY H. WILLIAMS
DEPUTY ATTORNEY GENERAL

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

October 22, 2010

Mr. Jack Police
2034 Cherry Laurel Drive
Spring, TX 77386
jrpssp@gmail.com

Re.: Petition for Public Records Order
Oregon State Police Records

Dear Mr. Police:

On October 8, 2010, we received your petition seeking an order requiring the Oregon State Police (OSP) to provide you with certain records you requested. For the most part, the requested records relate to a June 30, 2009, car crash which resulted in the death of your son Brent Police. Specifically, you sought: (1) "results of blood sample taken from Malcolm Henry Armstrong at Three Rivers Hospital according to DMV Report File #17-3777;" (2) "[a]ny official report determining the cause of the fatal crash on 6-30-2009;" and (3) "[a]ny records on Malcolm Henry Armstrong born 10/25/1927, when he was employed by the State of Oregon."[1] We understand that Mr. Armstrong was the driver of the car that collided with your son's car, and that Mr. Armstrong also passed away shortly after the collision.

We also understand that, following this tragedy, you have been in contact with OSP employees by telephone regarding your requests for information. During those conversations, OSP states that its employees have explained to you how to go about requesting OSP records, as well as how to secure records from other agencies, including the Division of Motor Vehicles. As it is permitted by law to do, OSP requires that requests for agency records be made in writing. ATTORNEY GENERAL'S PUBLIC RECORDS AND MEETINGS MANUAL (2010) at sec. I.D.1., http://www.doj.state.or.us/public_records/ manual/public_records.shtml#d; OAR 257-020-0010(1). It is clear from your petition that you feel your phone conversations with OSP employees amounted to requests for these records, and that OSP's responses effectively denied

[1] We appreciate your extending the time within which the law would have otherwise required us to issue an order to October 22, 2010.

your requests. However, at the time you filed your petition with our office, you had not made a written request for OSP's records related to the June 30, 2009, incident. OSP never intended to give you the impression that your request was being denied.

We have learned that, on October 13, OSP received a written request similar in substance to the October 8 petition you filed with this office. OSP informs us that it will be providing you with the records you have requested. The only exception is that OSP has no information in its files suggesting that Mr. Armstrong was ever employed by OSP. Thus, OSP cannot provide you with any records relating to Mr. Armstrong's employment. If you believe that Mr. Armstrong was employed by another state agency, you are welcome to request such records from that agency.

With respect to the remainder of your request, OSP is working on gathering its records and will provide copies of those to you without unreasonable delay. Although OSP is permitted to charge you a reasonable fee for providing these records, it has agreed to provide the records to you free of charge. ORS 192.440(4)(a); ORS 192.440(5). Your petition is moot with respect to the records OSP has agreed to provide, and must be denied with respect to the records OSP does not possess. Consequently, we respectfully deny your petition in full.

You should be receiving records from OSP in the near future. We sincerely hope that they help you find some of the answers you seek.

Sincerely,

Mary H. Williams

MARY H. WILLIAMS
Deputy Attorney General

JUSTICE-#2310600-v1.DOC
C: Cecily Brown, OSP