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DEPARTMENT OF JUSTICE

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April 04, 2011

Mr. John Henry Hingson
409 Center Street
Post Office Box 1448
Oregon City, Oregon 97045
Email: JohnH@Hingson.com
Fax: (503) 656-0415

Re: Public Records Request, John Wayne Hill
Oregon State Police

Dear Mr. Hingson:

This letter is the Attorney General's order on your petition for disclosure of records under the Oregon Public Records Laws, ORS 192.410 to 192.505.

Your petition, which we received on March 28, 2011, asks the Attorney General to direct the Oregon State Police to produce copies of the following records:

> All police reports, notes, video and/or audio files, that have been generated as the result of the arrest of [your] client, John Wayne Hill, on March 6, 2011, by Trooper Eric C. Judah.

In your petition, you state that you have received no response to your request. We respectfully deny your petition with respect to the Oregon State Police because the petition is premature.

On March 30, 2011, Sr. AAG Herb Lovejoy spoke with Criminal Records Specialist Cecily Brown. She advised him that your request was initially sent to the Albany Area Command Office on March 23, 2011. Your request was sent by mail from Albany to Salem Headquarters, which is the office that responds to public records requests. The OSP form for requesting records related to traffic stops, http://www.oregon.gov/OSP/CID/docs/traffic_requestform_08132007.pdf, directs that it

be addressed to Salem; so does the OSP form for requesting police reports and similar records, http://www.oregon.gov/OSP/PRR/docs/Criminal_Request_Form.pdf. As of the morning of March 30, 2011, Ms. Brown indicated that Salem was not yet in receipt of your request.

We cannot find that the week that elapsed between your request to OSP and your petition to our office amounts to a denial of your request. Under ORS 192.450, the Attorney General does not have authority to order an agency to disclose records unless that agency has first denied a request. It follows that your petition is premature, and we respectfully deny it on that basis.

Sincerely,

MARY H. WILLIAMS
Deputy Attorney General

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c: Brown, Cecily, OSP