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February 25, 2011

Arnold R. Huskey, SID #6674480
Oregon State Correctional Institution
3405 Deer Park Drive SE
Salem, OR 97310

Re: Public Records Disclosure Order:
Oregon Department of Corrections Records

Dear Mr. Huskey:

This is the Attorney General's order on your petition for review of the denial by the Oregon Department of Corrections (ODOC) of your request for public records under the Public Records Law, ORS 192.410 to 192.505. Your petition, which we received on February 18, 2011, asks the Attorney General to order ODOC to (1) allow you to inspect the original records pertaining to your 1984 escape from the Wyoming State Penitentiary and (2) disclose to you a one-page Law Enforcement Data System (LEDS) document previously determined as exempt from public disclosure. For the reasons that follow, we respectfully deny your petition.

1. Inspection of Original Records

The Public Records Law confers the right to inspect any public records of a public body in Oregon, subject to certain exemptions and limitations. *See* ORS 192.420. The custodian of any public records must provide "proper and reasonable opportunities for inspection and examination of the records in the office of the custodian" during usual business hours to persons seeking access to public records. ORS 192.430(1). However, the custodian of records "may adopt reasonable rules necessary for the protection of the records and to prevent interference with the regular discharge of duties of the custodian." ORS 192.430(2).

Pursuant to ORS 192.430, ODOC has promulgated an administrative rule providing that "[p]roper and reasonable opportunity for inspection and/or duplication of record(s) will be provided, consistent with security requirements at each Department facility and functional unit and as the circumstances warrant." OAR 291-037-0020(7). ODOC has determined that, for a

fee, it will provide copies of records to ODOC inmates in response to requests made under the Public Records Law, in lieu of allowing inspection of original records.

In your petition, you state that want to inspect the original documents before purchasing copies. We have previously concluded that ODOC's decision to furnish copies to ODOC inmates, in lieu of allowing inspection of original documents, is valid. *See* Public Records Order, July 19, 1982, Baucom (copy enclosed for your convenience); *see also* Public Records Order, October 30, 2001, Romair. Accordingly, we respectfully decline to order ODOC to allow inspection of original records.

2. Disclosure of LEDS Document

As your petition states, ODOC has previously denied disclosure of a one-page document, which was described as an LEDS record. We spoke with Mary Jenkins, Information Request Coordinator with ODOC's Offender Information and Sentence Computation Unit, and Brandon Kelly, Security Manager at the Oregon State Correctional Institution, regarding this document. Ms. Jenkins and Mr. Kelly told us that upon further review, they determined that the document in question was not a LEDS record but a screen print from ODOC's computerized database records. Mr. Kelly further advised us that ODOC is willing to provide you with a copy of this document once you have prepaid the estimated cost of this public records request. We, therefore, respectfully deny your petition seeking disclosure of this document as moot.

Sincerely,

KEITH S. DUBANEVICH
Chief of Staff and Special Counsel to the
Attorney General

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Enclosure (Baucom PRO)
c: Mary Jenkins, Information Request Coordinator, DOC
Brandon Kelly, Security Manager, DOC