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September 18, 2012

Scott Upham
Attorney at Law
6785 SW Canyon Drive
Portland, OR 97225

Re: Petition for Public Records Disclosure Order:
Department of Human Services Records
DOJ File No. 100106-GL0313-12

Dear Mr. Upham:

This letter is the Attorney General's order in response to your petition asking our office to order the Department of Human Services to disclose certain public records to you. We received your petition on September 11, 2012. Your petition asserts that on August 9, your client, Melissa Bennett, requested "a complete copy of the public records compiled by DHS regarding her." You assert that DHS provided her with some records but "clearly refused to furnish to [your] client all emails, staff notes, review of safety plans, police reports, investigative reports, letters and other records." We deny your petition.

We have spoken to DHS about the circumstances of your client's request and DHS's response. We have obtained a copy of the file, including your client's request indicating that "any [and] all papers in folder are needed." Some of the materials provided to us by DHS were not in DHS's possession when your client made her request. The police report you mention, for example, was not received by DHS until August 20 – the day on which DHS provided your client with records responsive to her request. DHS further explains that some documents require redactions, which DHS is preparing.

In sum, DHS is not refusing to provide your client with public records. To the extent that DHS redacts documents and asserts exemptions accordingly, you may petition our office to review DHS's specific claims of exemption. Your petition is denied.

Sincerely,

MARY H. WILLIAMS
Deputy Attorney General

MHW:nog/Justice #3645593
c: Caroline Burnell, DHS
Jason Bromley, Tillamook DHS