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DEPARTMENT OF JUSTICE

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Telephone: (503) 378-4400

May 30, 2012

Laurie Bender
735 SW First Avenue, 2nd Floor
Portland, OR 97204

Re: Petition for Reconsideration of Public Records Disclosure Order
Oregon State Police
DOJ File No. 257001-GA0036-12

Dear Ms. Bender:

This letter is the Attorney General's response to your request for reconsideration of our Public Records Disclosure Order of April 9, 2012. We thank you for your patience as we have considered your reconsideration request.

The Public Records Law confers a right to inspect any public records of a public body in Oregon, subject to certain exemptions and limitations. ORS 192.420. Any person denied the right to inspect or receive a copy of a public record of a state agency may petition the Attorney General to determine whether the record may be withheld. ORS 192.450(1).

On March 20, 2012, you asked us to order that the Oregon State Police (OSP) provide you with unredacted copies of documents in the OSP Forensic Lab case file, Lab No. 88L-4983. In our order of April 9, 2012, we determined that the requested documents were exempt under ORS 192.501(3), because they were compiled for a pending criminal law purpose, *i.e.*, the prosecution of persons involved with the murder of Loretha Williams. You now ask that we reconsider our order denying your request for unredacted copies of documents, based on a claim that the exemption no longer applies.

We determine that your request is moot. OSP has notified us that it will provide you with the requested documents. While OSP has agreed to provide you with the documents, it has identified seven pages that it will redact because they are exempt for reasons other than the pending criminal investigation exemption. Those are as follows:

Exhibit E — pp 6-7, 32, 36,[1] which OSP identifies as exempt under the Genetic Privacy statutes, ORS 192.531 to 192.549, and under ORS 192.502(9)(a);[2]

Exhibit E — pp 40, 55, which OSP identifies as exempt under the internal communications exemption, ORS 192.502(1);

Exhibit E — pg 60, which OSP identifies as exempt under the attorney/client privilege, ORS 40.225, and under ORS 192.502(9)(a).

We express no opinion as to whether those exemptions are applicable. OSP is no longer asserting the exemption that you have objected to, and it would be premature to assess the application of other exemptions that you have not challenged. If you believe that any of OSP's redactions based on these exemptions remain improper, you may file a new petition with respect to those redactions

Sincerely,

Mary H. Williams
Deputy Attorney General

MHW:nog/Justice #3417398
c: Lt. Susan Hormann, OSP

[1] For ease of identification, we use the same Exhibit numbers and pages that you used in your public records request of March 20, 2012.

[2] We note that, in this case, pp E—6-7 and 32 have been provided to you by OSP through the criminal proceeding pursuant to a request for *Brady* information. E—32 is essentially the same page as E—6. It bears emphasis that, although the court concluded that you were entitled to that information through the criminal discovery process, the criminal proceeding is subject to its own set of rules and processes. A request for information through the public records process is subject to different requirements and, though the court may have determined that you were entitled to those documents for specific reasons, those reasons do not bear on whether a public records exemptions applies.