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

January 18, 2012

Bryan Bossert, SID #8226577
Oregon State Correctional Institution
3405 Deer Park Drive SE
Salem, OR 97310

Re: Public Records Disclosure Order
Department of Corrections Records
DOJ File No. 291110-GA0003-12

Dear Mr. Bossert:

We have received your petition seeking a pblic record order relating to certain documents in the custody of the Department of Corrections (ODOC). Your request is dated January 9, 2012, and was actually received by this office on January 11, 2012. For the reasons set forth below, your petition is respectfully denied.

As an initial matter, you request source material referenced by Jana Russell and Michael Gower in their responses to an inmate grievance. It does not appear that you have previously requested that material from ODOC. In the absence of such a prior request and a response from the Department of Corrections, this office cannot order public records to be produced. ORS 192.450.

Your correspondence also concerns a request you previously made to ODOC for a cumulative list of all individuals who are incarcerated by the Department of Corrections who have been convicted of certain acts involving the use of a minor, and who would be deemed to be pedophiles. That request was denied by ODOC, citing the duty of the department to protect the safety and security of staff, inmates, and the public. With regard to that aspect of your correspondence, ORS 192.450 gives our office authority to entertain your petition.

ORS 192.502(5) exempts from public disclosure information or records of the Department of Corrections, "to the extent that disclosure would interfere with the rehabilitation of a person in custody of the department or substantially prejudice or prevent the carrying out of the functions of the department, if the public interest in confidentiality clearly outweighs the

public interest in disclosure." Among the official duties of the department is providing a safe environment for inmates in its custody. The identification of certain inmates as pedophiles would render it more difficult for the department to provide such an environment, as such inmates may be vulnerable to violation or exploitation; there is thus a strong public interest in the nondisclosure of such documents. The public interest, if any, in the disclosure of these documents is weak at best; while you posit that such a list could be used for purposes of litigation, we note that the United States District Court deems you not to be an appropriate class representative in any class action based upon failure to provide adequate mental health treatment.

For the reasons set forth above, your petition is respectfully denied.

Sincerely,

MARY H. WILLIAMS
Deputy Attorney General

MHW:smg/3174770-v1

cc: Rob Persson, Superintendent, OSCI