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July 19, 2016

SENT VIA E-MAIL ONLY: lzaitz@oregonian.com

Les Zaitz
The Oregonian/OregonLive
PO Box 837
John Day, OR 97845

Re: Petition for Public Records Disclosure Order
Oregon State Police
DOJ File No.: 257001-GA0094-16

Dear Mr. Zaitz:

This letter is the Attorney General's order responding to your petition for disclosure under the Oregon Public Records Law, ORS 192.410 to 192.505. Your petition, which we received on July 5, 2016, asks the Attorney General to order the Oregon State Police (OSP) to produce "the record of LEDS access by Glenn E. Palmer (DPSST #18276)" from January 1, 2016, to April 29, 2016. Thank you for agreeing to extend the deadline for issuing an order.

We respectfully deny your petition because OSP is no longer denying your request: it is now preparing to compile the requested records and review them for exempt information.

The Public Records Law confers a right to inspect any public record of a public body in Oregon, subject to certain express exemptions and limitations. *See* ORS 192.420(1). Any person denied the right to inspect or to receive a copy of a public record of a state agency may petition the Attorney General to review the record to determine if it may be withheld. ORS 192.450(1). The Attorney General may order a state agency to disclose records only when the agency has denied a request for records. *See id.*

Your petition specifies that you are looking for 1) the date, time, and query for each of Sheriff Palmer's LEDS searches; and 2) "[r]eports of suspicious or unusual patterns of conduct by Palmer detected by LEDS monitoring." We have spoken with Tricia Whitfield and Captain Tom Worthy at OSP. Captain Worthy told us that OSP is no longer denying your request for a record of Sheriff Palmer's LEDS searches, and that OSP will contact you to discuss how to proceed.

Ms. Whitfield told us that OSP is able to generate a record listing the date, time, and query for each of Sheriff Palmer's LEDS searches (by searching for Palmer's name, initials, or DPSST number), but that LEDS monitoring has not generated any reports of inappropriate use by Sheriff Palmer. She added that some of the searches will likely be exempt from disclosure, in particular under ORS 192.501(3) if they relate to ongoing criminal investigations being conducted by the Grant County Sheriff's Office.

Because OSP is no longer denying your request for these records, we respectfully deny your petition. Our expectation is that OSP will produce any nonexempt records expeditiously. If after receiving the requested records you wish to contest any of the exemptions claimed by OSP, you may submit a new petition to our office.

Sincerely,

Frederick M. Boss
Deputy Attorney General

FMB:pjn/DM7537581
c via email only: Erin Redding, OSP
Holly Bolton, OSP