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October 31, 2016

Martin Allen Johnson
SID 5410056
2605 State Street
Salem, OR 97301

Re: Petition for Public Records Disclosure Order
Oregon Department of Corrections
DOJ File No. 291011-GA0127-16

Dear Mr. Johnson:

This letter is the Attorney General's order on your petition for disclosure under the Oregon Public Records Law, ORS 192.410 to 192.505. Your petition, which we received on October 24, 2016, asks the Attorney General to order the Oregon Department of Corrections (ODOC) to produce "a list of the names of all citizens sentenced to death and sent to death row and no longer on Death Row and their current status of sentence, such as LWP, LWOP, death of natural causes, executed, lesser sentence, set free."

Your petition shows that in March 2015 you narrowed your original request for the detailed records described in your petition to a list of inmates sentenced to death row since 1980. Your petition further shows that sometime after July 9, 2015, after ODOC had received payment of its fees, it sent you a printout of a list of inmates sentenced to death row. Your petition complains that the list provided to you was incomplete because it was missing the name of an inmate that you understand is sentenced to death and assigned to death row.

We spoke with Michelle Dodson in the Communications Office at ODOC regarding your petition. Ms. Dodson explained to us that in order to compile this list of inmate names ODOC ran a search of its computerized database records for all inmates who had been coded as receiving a death sentence in Oregon. Ms. Dodson further explained that because the Oregon death sentence of the inmate that you mention in your petition has been vacated as the result of an action for post-conviction relief, his name was no longer coded in a way that would show up

in those results. ODOC is not required to manually compile a list for you because Oregon's Public Records Law does not require public bodies to create new records. *Attorney General's Public Records & Meetings Manual* 7 (2014). Therefore, ODOC's reasonable search of its database to generate a list of inmates sentenced to death row satisfied its legal obligation in this instance.

For the reasons explained above, ODOC did not deny your request for records. Accordingly, we respectfully deny your petition.

Sincerely,

Frederick M. Boss
Deputy Attorney General

FMB:ne2/DM7817413
c via email only: Michelle Dodson, ODOC