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July 11, 2022

Joshua Friar
SID #16879423
82911 Beach Access Rd
Umatilla, OR 97882

Re: Petition for Public Records Disclosure Order
Board of Parole and Post-Prison Supervision
DOJ File No.: 255001-GA0060-22

Dear Mr. Friar:

This letter is the Attorney General's response to your petition under the Oregon Public Records Law, ORS 192.311 to 192.431. Your petition asks the Attorney General to order the Board of Parole and Post-Prison Supervision (the "Board") to produce a "copy of the 'method' or 'formula' used to calculate the term" of your post-prison supervision. For the reasons discussed below, we respectfully deny your petition.

In response to your petition, we contacted Kim Coons, the Board Hearing Specialist who processed your records request. She informed us that your records request sought slightly different information than what you described in your petition. Specifically, you requested the Board disclose "any internal policy manual describing how the Board of Parole & Post-Prison Supervision calculates the length of time to be served by an offender on post-prison." She explained that the Board responded to your request by informing you that it does not maintain such a policy manual, that your term of supervision will be for 45 months upon release, and that your term of supervision is based upon what the court ordered in the judgment in your case. *See* ORS 137.010(10) (a judgment of conviction that includes imprisonment for a felony committed after November 1, 1989, shall state the length of post-prison supervision); *see also* ORS Chapters 137 and 144; and OAR Chapter 213 (guidelines for post-prison supervision).

We have no reason to second-guess Ms. Coons' representation that the Board does not maintain an internal policy manual describing how it calculates terms of post-prison supervision, and we cannot order the Board to disclose a record that does not exist. We therefore respectfully deny your petition insofar as it relates to your request for such a manual. And as for your specific request for the "method" or "formula" used to calculate your term of supervision, we must respectfully deny your petition as premature because it does not appear that you have

requested that particular information from the Board. *See* ORS 192.411(1) (Attorney General's authority is generally limited to evaluating whether a state agency improperly withheld requested records). You may, of course, submit a new request to the Board for records that might contain this information.

Sincerely,

Lisa M. Udland

Lisa M. Udland
Deputy Attorney General

ACF:pjn
c via e-mail only: Kim Coons (Board of Parole and Post-Prison Supervision)