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December 12, 2023

Jason Garlinghouse
SID #19892073
Oregon State Correctional Institution
3405 Deer Park Drive SE
Salem, Oregon 97310

Re: Petition for Public Records Disclosure Order
Oregon Department of Corrections
DOJ File No.: 291200-GA0180-23

Dear Mr. Garlinghouse:

This letter is the Attorney General's response to your petition for disclosure under the Oregon Public Records Law, ORS 192.311 to 192.478. Your petition asks the Attorney General to order the Oregon Department of Corrections (ODOC) to disclose all Staff Conflict Reports relating to you. For the reasons that follow, we respectfully deny your petition.

The Public Records Law confers the right to inspect public records in Oregon, unless such records are exempt under ORS 192.338, 192.345, or 192.355. ORS 192.314(1). The law is a disclosure law and exemptions from disclosure must be express. 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 and determine if it may be withheld. ORS 192.411(1). The agency carries the burden to sustain its actions. ORS 192.411(1).

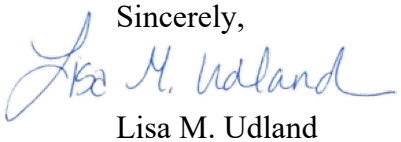
We discussed your petition with Michelle Dodson, ODOC Records Officer. She explained ODOC's position that the records you seek are exempt from disclosure under ORS 192.355(5). That provision exempts ODOC information or records to the extent that "disclosure would interfere with the rehabilitation of 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." *Id*.

After reviewing the records at issue and discussing them with Ms. Dodson, we find that ODOC has adequately described how disclosure to you would substantially prejudice ODOC

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from fulfilling its responsibilities.[1] We also conclude that the public interest in confidentiality clearly outweighs the public interest in disclosure in this instance. ORS 192.355(5). In making this determination, we have previously concluded that the public interest in confidentiality will, in most instances, clearly outweigh the public interest in disclosure "[i]f disclosure would threaten or impair Corrections' ability to preserve internal order and discipline in its correctional facilities, to maintain facility security against escape or unauthorized entry, or to protect the public's safety * * * ." *Attorney General's Public Records and Meeting Manual* at 107 (2019). On this record, we conclude that disclosure to you would threaten or impair the interests identified above. And because your petition does not identify any public interest in these records that would overcome the strong public interest in maintaining their confidentiality, we conclude that ODOC was permitted to withhold them from you under ORS 192.355(5). We therefore respectfully deny your petition.

Sincerely,



Lisa M. Udland
Deputy Attorney General

ACF/pjn
c via e-mail only: Michelle Dodson (ODOC)

[1] Due to the sensitive nature of the information contained in the requested records, is not practicable to describe their contents or identify ODOC's specific concerns about their disclosure in this order without implicating those very concerns.