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April 8, 2025

Martin Johnson
SID # 5410056
Snake River Correctional Institution
777 Stanton Blvd.
Ontario, OR 97914-0595

Re: Petition for Public Records Disclosure Order
Oregon Department of Corrections
DOJ File No.: 291200-GA0039-25

Dear Mr. Johnson:

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, which we received April 1, 2025, asks the Attorney General to order the Oregon Department of Corrections (ODOC) to disclose records related to Adult in Custody (AIC) package authorization requests. For the reasons discussed below, 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).

Your petition indicates that you requested ODOC produce records related to all items or things received or allowed into Snake River Correctional Institution (SRCI) based on AIC package authorization requests. Your request to ODOC states that you need these records to learn what types of items you can order through the package authorization request process and what items will be approved for purchase by SRCI Security.

In response to your petition, we contacted Michelle Dodson, ODOC Records Officer. She informed us that the records responsive to your request consist of package authorization requests completed by other AICs. Ms. Dodson indicated that AICs primarily use package authorization requests to order items for religious or medical purposes. Because release of these documents would disclose the religious beliefs and medical conditions of other AICs, ODOC takes the position that they are exempt from disclosure under ORS 192.355(5) (the corrections record exemption). Ms. Dodson noted that because ODOC has a statutory responsibility to exercise custody over AICs in a safe and secure manner, ODOC has a substantial interest in protecting information that, if publicly disclosed, could jeopardize the safety and security of AICs and undermine ODOC's ability to keep AICs safe within its institutions. More specifically, she explained that public release of information about an individual AIC's religious beliefs or medical conditions could subject that AIC to ridicule, harassment, and retaliation by other AICs.

Ms. Dodson also stated that ODOC believes release of the package authorization requests would constitute an invasion of the affected AICs' personal privacy. Thus, ODOC also takes the position that these records are exempt from disclosure under ORS 192.355(2) (the personal privacy exemption). Finally, Ms. Dodson expressed ODOC's position that the public interest in disclosure in this instance is clearly outweighed by the public's interest in preserving ODOC's ability to maintain security, rehabilitate AICs, and preserve AIC privacy.

We begin by considering ODOC's claim that the package authorization requests are exempt 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*. We find that disclosure of information about AICs' medical conditions and religious beliefs could place those AICS at greater risk of harm or ridicule by other persons in custody, thereby impairing ODOC's ability to rehabilitate and protect those AICs. We therefore conclude that disclosure would "interfere with the rehabilitation of a person in custody of the department or substantially prejudice ODOC from carrying out the functions of the department." ORS 192.355(5).

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Next, we assess whether "the public interest in confidentiality clearly outweighs the public interest in disclosure" in this instance. *Id*. 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 90 (2024). We note that your petition does not identify a public interest that would be advanced by the disclosure of this material; rather, it demonstrates that your interest in the package authorization requests is personal to you. Because your petition does not identify any public interest that would overcome the strong public interest in preserving ODOC's ability to rehabilitate and protect AICs, we conclude that ODOC was permitted to withhold the package authorization requests under ORS 192.355(5).[1] We therefore respectfully deny your petition.

Sincerely,

Lisa M. Udland

LISA M. UDLAND
Deputy Attorney General

DEP/pjn
c via email only: Michelle Dodson, Records Officer, Oregon Department of Corrections

[1] ODOC also asserted that these records are exempt under ORS 192.355(2), which addresses unreasonable invasions of privacy. Because we conclude ODOC was permitted to withhold these records under ORS 192.355(5), we need not address ODOC's alternative claim.