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July 24, 2026

Ryan Brooks, SID #23539551
Deer Ridge Correctional Institution
3920 E Ashwood Rd
Madras, OR 97741

Re: Petition for Public Records Disclosure Order
Oregon Department of Corrections
DOJ File No.: 291200-GA0135-26

Dear Mr. Brooks:

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 review the Oregon Department of Corrections' (ODOC) response to two records requests made by you. 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).

The first part of your petition stems from a June 17, 2026, request to ODOC for a copy of a grievance submitted by another adult in custody (AIC). In response to your request, ODOC cited the exemption for corrections records found at ORS 192.355(5).

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After receiving your petition, we contacted Toby Tooley, ODOC's Public Records Program Manager. He informed us that ODOC's internal grievance review and appeal system was established to permit and encourage AICs to seek resolution of disputes with employees, contractors, or volunteers of ODOC or Oregon Corrections Enterprises. If ODOC were to disclose one AIC's grievances in response to a different AIC's public records requests, it could have a chilling effect on the candor and willingness of AICs to report their concerns. Mr. Tooley explained that by rule, an AIC's grievance must concern an incident or issue regarding institutional life that directly and personally affects that AIC. In other words, grievances are personal to the AICs that file them. Mr. Tooley stated that generally speaking (and without disclosing the contents of the particular grievance sought here), grievances may include an AIC's medical information, Prison Rape Elimination Act (PREA) information, and other sensitive information. Given the sensitive information that grievances contain, ODOC believes that disclosing one AIC's grievances to different AIC would place AICs and ODOC staff at greater risk of harm, thereby impairing ODOC's ability to rehabilitate those AICs and keep AICs and staff safe.

We have reviewed the grievance report you seek, and we accept ODOC's position that disclosure could place certain AICs and ODOC staff at greater risk of harm by other persons in custody, thereby impairing ODOC's ability to rehabilitate and protect those AICs and staff. We also find that disclosure could have a chilling effect upon the willingness of AICs to report concerns impacting their institutional life. 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).

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 if disclosure would threaten or impair ODOC's ability to preserve internal order and discipline in its correctional facilities." *Attorney General's Public Records and Meeting Manual* at 90 (2024). After reviewing the grievance report you seek, we conclude that its disclosure would impair the interests identified above. We also note that your petition does not identify a public interest that would be advanced by the disclosure of this material. Because your petition does not identify any public interest in the report 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 investigative report under ORS 192.355(5). We therefore respectfully deny your petition.

The second part of your petition concerns a request for a list of all ODOC staff who have been disciplined by ODOC for the introduction of contraband. ODOC asserts that this information is exempt pursuant to ORS 192.345(12), a provision that conditionally exempts from disclosure "[a] personnel discipline action, or materials or documents supporting that action," unless the public interest requires disclosure in the particular instance. We agree that the requested records reflect personnel discipline actions subject to the exemption, which means ODOC is permitted to withhold them unless the public interest requires disclosure in this instance.

In evaluating whether the public interest requires disclosure in this instance, we must determine whether the public's interest in disclosure outweighs the competing interests in confidentiality, with the presumption favoring disclosure when the parties' interests are of equal value. *See ACLU v. City of Eugene,* 360 Or 269, 280 (2016). The Oregon Court of Appeals has described the public interest in disclosure as the right of the public at large to monitor how public business is conducted and how public officials are performing their jobs. *See Guard Publishing Co. v. Lane County School Dist.*, 96 Or App 463, 469 (1989); and *Jensen v. Schiffman*, 24 Or App 11, 17 (1976). And in making this determination with respect to disciplinary records, the "typical interest in confidentiality is to 'protect[] the public employee from ridicule for having been disciplined.'" *Manual* at 53 (quoting *City of Portland v. Rice,* 308 Or 118, 24 n 5 (1989)).

Your petition does not identify any public interest that would be advanced through disclosing to you information about disciplinary actions involving ODOC staff. On balance, we find that the public interests in nondisclosure – which include the need to protect the subjects of the discipline from potentially unwarranted embarrassment – outweigh the public's interest in disclosure at this time. We therefore conclude that the public interest does not require ODOC to disclose the information, and we respectfully deny your petition

Sincerely,

BENJAMIN GUTMAN
Deputy Attorney General

DEP/pjn
c via email only: Toby Tooley, Records Manager, Oregon Department of Corrections