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November 6, 2026

VIA E-MAIL ONLY: jbial@opb.org

Jon Bial
jbial@opb.org

Re: Petition for Public Records Disclosure Order
Oregon State Police
DOJ File No.: 257001-GA0212-26

Dear Mr. Bial:

This letter is the Attorney General's response to Oregon Public Broadcasting's (OPB) petition for disclosure under the Oregon Public Records Law, ORS 192.311 to 192.478. OPB's petition indicates that it did not receive a timely response to a public records request submitted to the Oregon State Police (OSP). OPB's petition also challenges OSP's decision to deny OPB's fee waiver request.

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). Agencies may establish fees reasonably calculated to recover actual costs in making public records available, but "may furnish copies without charge or a substantially reduced fee if the custodian determines that the waiver or reduction of fees is in the public interest because making the record available primarily benefits the general public." ORS 192.324(4)–(5). A requester who believes there has been an unreasonable denial of a fee waiver or reduction may petition the Attorney General for review. ORS 192.324(6).

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We contacted OSP's assigned contact counsel, and we reviewed the correspondence attached to OPB's petition and additional correspondence provided by OSP, which shows the following:

1. OPB submitted a request for 37 STRmix reports on August 7, 2026, which OSP acknowledged that day.
2. On August 28, 2026, OSP sent OPB a letter indicating that the request was still being processed and extending the estimated completion date by three weeks.
3. On September 14, 2026, OSP provided OPB with a fee estimate of $2,245 to provide the records. OSP also provided OPB with a fee waiver reduction request form.
4. On September 15, 2026, OPB returned the completed fee waiver form to OSP and also requested that OSP "do just the first two" of the 37 requested reports "to see what they yield before proceeding with the entire request."
5. OPB then agreed to provide a partial fee waiver and provided a new fee estimate of $116 for the two reports.
6. OPB paid the fee, and OSP has now produced the two reports responsive to the narrowed request.

With respect to the fee waiver decision, we respectfully dismiss the petition as moot. The petition challenges the $2,245 estimate that was provided on September 14, 2026. After that decision was made and prior to the filing of the petition, OSP offered a partial reduction to the narrowed request for two reports and subsequently produced those reports. On November 5, 2026, OPB confirmed that it was still interested in requesting the additional 35 reports. On the same day, OSP stated that it will provide a fee estimate of $925 for these reports, which has already been discounted by 55%. OSP estimates a new date of completion that is five weeks from payment of this fee. OPB is now free to renew its request for a complete fee waiver or further reduction concerning the 35 additional reports and challenge any response to that request provided by OSP.

We do, however, believe that the timeliness of OSP's response is ripe for determination. Upon receipt of a written public records request by an individual identified in an agency's published procedures for submitting requests, the agency is obligated to respond to the request "as soon as practicable and without unreasonable delay." ORS 192.329(1). An agency that is unable to complete its response within fifteen business days of receiving a written request is required to provide the requester with a reasonable estimated completion date. ORS 192.329(5). A requester may petition the Attorney General if they believe an agency has failed to comply with the processing timelines contained in ORS 192.329. ORS 192.407(1). The agency carries the burden of sustaining its actions. ORS 192.411(1).

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OSP's September 14, 2026, response was sent more than fifteen business days after the request, and OSP has the burden to explain why this delay was reasonable. In this instance, OSP broadly asserts that its Forensic Services Division does not have staff dedicated to responding to public records requests and that any response would require the redirection of time away from the staff's normal operational responsibilities. OSP also claims that the number of requested reports was high and such records are specialized. While these explanations may explain why OSP would be reasonably delayed in disclosing records, none of these reasons adequately explain why OSP was unable to provide a fee estimate until September 14, 2026. For this reason, we grant the petition with respect to the unreasonable delay, and we order OSP to pay a $200 penalty to the requester pursuant to ORS 192.407(3)(b). If OSP elects not to comply with this order, it has seven days to announce its intention to seek judicial review. *See* ORS 192.407(3) and 192.411(2).

Sincerely,

BENJAMIN GUTMAN
Deputy Attorney General

DEP:KG9:pjn
c via e-mail only: Laura Heathcock (OSP)