DAN RAYFIELD
ATTORNEY GENERAL

BENJAMIN GUTMAN
DEPUTY ATTORNEY GENERAL

DEPARTMENT OF JUSTICE

Justice Building
1162 Court Street NE
Salem, Oregon 97301-4096
Telephone: (503) 378-6002

November 4, 2026

VIA E-MAIL ONLY: lynn@lynnwalshlaw.com

Lynn Walsh
lynn@lynnwalshlaw.com

Re: Petition for Public Records Disclosure Order
Oregon Department of Corrections
DOJ File No.: 291200-GA0209-26

Dear Ms. Walsh:

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 a staff misconduct investigation. For the reasons discussed below, we respectfully grant 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 stems from a request to ODOC for reports or investigations concerning an ODOC corrections officer. In response to your request, ODOC cited the exemption for personnel discipline actions found at ORS 192.345(12).

You contend that the requested investigation records should be released because the public interest in disclosure outweighs any confidentiality interest in these disciplinary records. You argue that the public has a legitimate interest in evaluating the integrity and fitness of a high-ranking corrections official who was disciplined and demoted. You assert that although the officer was demoted from a captain position, ODOC kept him in a managerial position (lieutenant), raising questions about the adequacy of the discipline.

///

ODOC responds that the exemption protects disciplined employees from unnecessary public embarrassment and preserves the effectiveness of internal investigations by encouraging witness candor and cooperation. ODOC explains that the officer at issue was removed from his captain position, placed on leave, transferred, demoted, and ultimately moved into an administrative role, making any connection between the investigation and his current duties too attenuated to create a significant public interest in disclosure.

ORS 192.345(12) 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. In connection with our review of the petition, we obtained the record at issue, which is an ODOC Office of Inspector General staff misconduct investigation report. We agree that the requested record reflects a personnel discipline action subject to the exemption, which means ODOC is permitted to withhold it unless the public interest requires disclosure in this instance.[1]

In evaluating whether the public interest requires disclosure, 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)). The significance of the public interest in disclosure typically depends on the seriousness of the employee's alleged misconduct and the employee's position. For example, the Oregon Court of Appeals has held that an investigation into a high school principal and vice-principal's alleged misuse and theft of school property was not exempt, and that an investigation into a high-ranking police officer's off-duty conduct was not exempt where the officer's integrity and ability to enforce the law evenhandedly were implicated.[2]

///

///

///

///

[1] One of the allegations was not sustained and therefore did not lead to any discipline. Because the investigated employee is a corrections officer, this portion of the record is also protected. ORS 181A.674(3) ("A public body may not disclose information about a personnel investigation of a public safety employee of the public body if the investigation does not result in discipline of the employee.") Like the personnel discipline exemption, this confidentiality provision is also subject to public interest balancing. ORS 181A.674(4).

[2] *See Manual* at 53 (*citing Oregon Publishing Co. v. Portland School District No. 11*, 144 Or App 180, 187 (1996); *City of Portland v. Anderson*, 163 Or App 500, 553-53 (1999)).

The public interest in disclosure is substantial. The investigation resulted in sustained findings of serious misconduct by an employee who held a managerial position within a correctional institution, including findings concerning truthfulness, inappropriate boundaries, failure to comply with supervisory directives, misuse of ODOC property, and misuse of protected security and criminal-justice information. Those findings bear directly on the employee's fitness to exercise managerial authority in a correctional setting. They also implicate the public's interest in understanding how ODOC supervises and disciplines managers entrusted with institutional security and the welfare of adults in custody. That interest is particularly significant because, after the investigation and resulting discipline, ODOC retained the employee in a lieutenant position for several years.[3] Disclosure will permit the public to evaluate both the conduct of a public employee and the adequacy of the agency's response.

We recognize ODOC's asserted interests in protecting a disciplined employee from ridicule and preserving the effectiveness of future investigations. On balance, however, those interests are outweighed by the public's interest in evaluating both the conduct of a managerial corrections employee and ODOC's response to that conduct. We therefore conclude that the public interest requires disclosure of the investigation report.

We do not, however, conclude that the public interest requires disclosure of the names or other identifying information of adults in custody or witnesses identified in the report. The public interest is adequately served by disclosure of the conduct investigated and the findings reached. Disclosing the identities of adults in custody and witnesses would not significantly advance that interest and could expose those individuals to adverse consequences or discourage others from reporting misconduct or cooperating candidly in future investigations.

For the foregoing reasons, we grant the petition, and we order ODOC to produce the investigation report with redactions made to information that would identify any adults in custody, reporting parties, or witnesses mentioned in the report. If ODOC 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/pjn
c via email only: Toby Tooley, Records Manager, Oregon Department of Corrections

[3]According to ODOC's website, Captain is the highest rank an ODOC corrections officer can obtain. ODOC demoted this officer to Lieutenant, which is the second-highest rank.