PETITION FOR A PUBLIC RECORDS ORDER: OREGON STATE POLICE

TO	Oregon Department of Justice, Public Records Orders
FROM	Robert Samuel White, P.O. Box 334, Reedsport, Oregon 97467
DATE	November 25, 2026
RE	Petition under ORS 192.411, ORS 192.324(6), and ORS 192.407; Oregon State Police; my public records request of October 22, 2026, PR44279

To the Attorney General:

I petition for a Public Records Order under ORS 192.411, ORS 192.324(6), and ORS 192.407 against the Oregon State Police, a state agency, on my public records request of October 22, 2026, PR44279.[1]

On November 5, 2026, the Oregon State Police wrote that it held records "identified as responsive" to my request, set a fee of $350.00, and wrote: "We will require an estimated processing fee to be paid prior to processing."[2] On November 13, the Oregon State Police wrote that "the searches have not yet been conducted," and denied my fee waiver request: "Therefore, we deny your request to waive or further reduce fees."[3] The Oregon State Police sent no form with its denial, gave no reason for its determination, and marked none of the eight factors the State's policy says it "shall consider."[3] [4] The Oregon State Police requires $350.00 "to be paid prior to processing" for records it wrote on November 13 it has not yet searched for.[2] [3]

I filed this petition on November 13, 2026.[8] The Attorney General "shall issue an order denying or granting the petition, or denying it in part and granting it in part, within seven days from the day the Attorney General receives the petition" [ORS 192.411(1)]. In the twelve days since, this office has sent me no order and no acknowledgment. I file it again today.

THE PETITION

- **Petitioner:** Robert Samuel White, P.O. Box 334, Reedsport, Oregon 97467, rsw@rswfire.com.
- **Public body:** Oregon State Police, Central Records Section, 3565 Trelstad Ave SE, Salem, Oregon 97317.
- **Records:** Every request for a "threat assessment" made by or routed through the Government and Media Relations section; every computer-aided dispatch event opened at its request or after its referral; every referral from another state agency that it sent on to the Criminal Investigations Division; and every policy, directive, general order, procedure, and training material that governs those referrals, "threat assessments" of members of the public, and "knock and talk" contacts. From January 1, 2023, to the present.[1] That evening I withdrew item 4 of the request as sent, an alternative to items 1 through 3, and asked that the request "be fulfilled in good faith without a clause that allows for substitution."[5]
- **Requested:** October 22, 2026, through the Oregon State Police's form, PR44279, with a copy by email the same day.[1] [6]
- **Fee:** $350.00, set November 5, 2026, "to be paid prior to processing."[2]

- **Fee waiver:** asked for in my request of October 22, 2026, with my answer on each of five factors,[1] and on November 6, 2026, in a letter answering the eight questions of the State's form. That letter is attached after the last page.[7]
- **Denial:** November 13, 2026.[3]

THE OREGON STATE POLICE SET A FEE FOR RECORDS IT WROTE IT HAD NOT SEARCHED FOR

On November 5, the Central Records Section wrote: "The Department is in possession of the following records which have been identified as responsive to this request," and listed "Public Information Office Records" and "Policies." The Central Records Section set the fee for staff time "to locate, compile, review, redact, copy and prepare materials for mailing as needed," and wrote: "We anticipate releasing the records within 2 weeks from receipt of payment."[2] On November 13, the manager of the same section wrote: "Your fee estimate included the costs for the involved employees to conduct manual searches of their own email. It is not yet known which categories of records will be identified, because the searches have not yet been conducted."[3]

A fee the statute permits is one "reasonably calculated to reimburse the public body for the public body's actual cost of making public records available" [ORS 192.324(4)(a)]. The $350.00 counts eleven hours to "locate, compile, review, redact, copy and prepare" records that the Oregon State Police wrote on November 5 it had identified, and wrote on November 13 it had not yet searched for.[2] [3] The Oregon State Police counted hours to review, redact, copy, and mail records it wrote eight days later it had not searched for. A count of hours for records the Oregon State Police has not found is not "reasonably calculated" from an "actual cost."

The Oregon State Police's letter of November 13 names one place it will search: "the email accounts maintained by each of the Public Information Office staff."[3] My request asks for computer-aided dispatch events, referrals to the Criminal Investigations Division, and the Oregon State Police's policies, directives, general orders, procedures, and training materials.[1] The letter names no search of dispatch records, of the Criminal Investigations Division, or of the Oregon State Police's policies. On November 5, the Oregon State Police listed "Policies" among the records it had "identified as responsive."[2] On November 13, the Oregon State Police wrote that it "has no other system in which to identify responsive records."[3]

In the next paragraph, the Oregon State Police offered "an automated search of the employees' email, through our IT Department," and wrote: "If you would like to submit relevant search criteria such as dates and keywords, we will send up an updated estimate for the cost of the automated IT search." After that search, "a second fee estimate will be provided for the cost to produce the records."[3] That is two more estimates before any record is produced. My request gives the dates and names each record it asks for.[1]

THE OREGON STATE POLICE DENIED THE WAIVER AND NAMED NO CRITERION

The Oregon State Police sent no form with its denial, and its letter does not mention one. The Oregon State Police cited the policy, "DAS Police 107-001-030," and wrote: "The Department has reviewed your request and has determined that it does not meet the necessary criteria, demonstrating that a fee waiver would primarily benefit the general public."[3] My request states what it is for: "This request is not for my own file. It is for the State Police's practice: every instance of it since January 1, 2023."[1] The Oregon State Police's letter does not mention that sentence. The Oregon State Police gave no reason for that determination. The Oregon State Police's letter names no criterion my request fails, marks none of the eight questions my fee waiver request answered, and quotes nothing from it.[3] [7]

Statewide Policy 107-001-030 governs the Oregon State Police, and the Oregon State Police's own letter says so: "A determination is made in accordance with ORS 192.324(5) and DAS Police 107-001-030."[3] The policy "applies to all agencies within the Executive Department, as defined in ORS 174.112," and the Oregon State Police is not among the agencies it excludes.[4] Its Exhibit C, the Public Interest Threshold Evaluation Form, is the form the agency fills out to decide a fee waiver request: "The Public Interest Threshold Evaluation provides agencies with standardized criteria to use when evaluating a request for a fee-reduction/waiver submitted by a public records requestor under ORS 192.440(5). Agencies shall consider each factor to determine whether the public interest in disclosure of the requested records warrants granting a fee-reduction/waiver."[4] On it, the agency answers eight questions, records its "Determination/Decision," and an employee prints a name, signs, and dates it.[4]

The Oregon State Police's letter of November 13 states nothing on any of the five factors my request answered and marks none of the eight questions of the State's form.[3] I had sent the Oregon State Police both. My request asked for a full waiver under ORS 192.324(5), with my answer on each of five factors, and asked the Oregon State Police, for any fee not waived, to "state in writing for each of these five factors why it does or does not weigh in favor of a waiver, and give an itemized estimate by task and hourly rate before any work begins."[1] On November 5, the Oregon State Police sent an estimate that counts hours by rate and none by task, "6 hours @ $25.00 per hour and 5 hours @$40.00 per hour to locate, compile, review, redact, copy and prepare materials for mailing as needed," and wrote: "please see the attached Fee Waiver/ Reduction Request Form, which we welcome you to complete and submit for consideration."[2] On November 6, I sent a fee waiver request answering, in order, the eight questions of the State's Public Interest Threshold Evaluation Form, Exhibit C to Statewide Policy 107-001-030, and asking the Oregon State Police to "Complete the form and send it to me: each of the eight questions marked, and, for any question marked no, what in this letter or in the circumstances supports that mark."[7] It is part of this petition, attached after the last page. The form states that each request is considered "based on the information provided by the requester and the totality of the circumstances at the time of the request."[4] The Oregon State Police's letter of November 13 uses the form's words, "based on the information provided by the requester and the totality of circumstances at the time of the request," states nothing on any of the five factors, and marks none of the eight questions.[3]

The Oregon State Police wrote that "the request is not narrowly construed or well defined and will involve multiple non-records staff members searching for non-specific records, and diverting their attention from other duties."[3] That sentence names no record my request leaves undefined and no duty the work is taken from. My request names each record it asks for, one section of the Oregon State Police, and one date range. [1] On November 5, the Oregon State Police wrote that it held records that had "been identified as responsive" to that request, and counted the work at eleven hours.[2] One paragraph before it wrote of "multiple non-records staff members" and "diverting their attention from other duties," the Oregon State Police's letter of November 13 offers "an automated search of the employees' email, through our IT Department."[3] My fee waiver request had answered the claim before the Oregon State Police made it: "Responding to a public records request is a duty of the office, so the time spent producing records is not diverted from the agency's work. It is that work."[7] The Oregon State Police's letter does not answer it.

COMMUNICATION BETWEEN THE PARTIES

Copy me on every communication between this office and the Oregon State Police about this petition, and copy the Oregon State Police on mine. Send me every statement the Oregon State Police makes to this office on my request of October 22, 2026, when it makes it, and give me a day to answer it. Set the day of the order within the seven days the statute gives [ORS 192.411(1)]. Rest no order on a statement I have not seen.

RELIEF REQUESTED

I ask the Attorney General to issue an order granting or denying this petition on each of its three questions [ORS 192.411(1)]: whether the Oregon State Police's denial of my fee waiver request was unreasonable, whether its fee of $350.00 is a fee the statute permits, and whether the Oregon State Police responded to my request with undue delay [ORS 192.407(3)(b)]. I ask the Attorney General to:

1. Find that the Oregon State Police's denial is an "unreasonable denial of a fee waiver" [ORS 192.324(6)]. The Oregon State Police sent no form with its denial, named no criterion, marked none of the eight questions my fee waiver request answered, and did not mention my request's statement that it "is not for my own file." "The burden is on the agency to sustain its action" [ORS 192.411(1)].
2. Find that the fee of $350.00, set on November 5 for records the Oregon State Police wrote on November 13 it had not yet searched for, is not "reasonably calculated to reimburse the public body for the public body's actual cost of making public records available," and is not a fee the statute permits [ORS 192.324(4)(a)].
3. Order the Oregon State Police to waive all fees on this request [ORS 192.324(6); ORS 192.407(3)(c)]. For any fee the order leaves in place, order it reduced, as my request and my fee waiver request each asked [ORS 192.324(5); ORS 192.324(6)].[1] [7]
4. Order the Oregon State Police to search for the records my request describes, in every system that holds them, and to disclose the nonexempt records within seven days, in their native electronic format, with the systems it searched and the terms of each search [ORS 192.407(3)(a); ORS 192.324(3)].
5. Order the Oregon State Police to pay me the penalty of $200 [ORS 192.407(3)(b)]. I made my request on October 22, 2026, and the Oregon State Police acknowledged it that day.[1] [6] On November 5, the Oregon State Police set a fee of $350.00 "to be paid prior to processing."[2] On November 13, twenty-two days after my request, the Oregon State Police wrote that "the searches have not yet been conducted," and set out two more fee estimates before any record is produced.[3] In the thirty-four days since my request, the Oregon State Police has produced no record.

Every record of this request, and this petition, is published at OpenRecordsOregon.org. The order will be published beside them.

Respectfully,

Robert Samuel White
rswfire.com
openrecordsoregon.org
autonomyrealms.com

Sources

1. My request, October 22, 2026, PR44279
2. The Oregon State Police's letter and estimate, November 5, 2026
3. The Oregon State Police's letter, November 13, 2026
4. Department of Administrative Services, Statewide Policy 107-001-030, Public Records Requests Fees and Charges, effective April 1, 2025, with Exhibit C
5. My letter, October 22, 2026, 6:26 PM
6. The Oregon State Police's acknowledgment, October 22, 2026, PR44279

7. My fee waiver request, November 6, 2026
8. My petition, November 13, 2026

FEE WAIVER REQUEST

TO	Public Records Officer, Oregon State Police
FROM	Robert Samuel White, P.O. Box 334, Reedsport, Oregon 97467
DATE	November 6, 2026
RE	Fee waiver request under ORS 192.324(5), answered on the State's Public Interest Threshold Evaluation Form

Public Records Officer,

I request a waiver of all fees on my public records request of October 22, 2026, under ORS 192.324(5).[1]

The State has a form for this decision: Exhibit C to Statewide Policy 107-001-030, the Public Interest Threshold Evaluation Form.[2] It says: "Agencies are statutorily required to consider and grant reasonable requests to waive or reduce fees associated with fulfilling a public records request when doing so is in the public interest because providing access primarily benefits the general public."[3] It says each request is decided on "the information provided by the requester" and "the totality of the circumstances at the time of the request," and that "Previous requests and evaluations will not be considered as part of the evaluation."[3] The policy binds the agencies of the Executive Department it names.[2] If it does not bind you, these are the State's own questions, and the statute is the same.

This letter is the information provided by the requester. It answers the form's eight questions, in the form's order, in the form's words.

PUBLIC INTEREST

1. "Would disclosure of the requested information, directly impact, affect, or serve an identified interest of the general public?"[4]

Yes. The identified interest is whether a member of the public can write to a state agency without being sent to the police. The records show whether state agencies use the Government and Media Relations section of the state police to handle members of the public who contact them. A member of the public who writes to a state agency is speaking and petitioning the government, under Article I, sections 8 and 26 of the Oregon Constitution and the First Amendment to the United States Constitution. A referral of that person to the police concerns the use of police power against that speech and petition. It also concerns compliance with ORS 181A.250, which bars police from collecting information about a person's political or social views or activities without reasonable suspicion of criminal involvement. No public record shows how often state agencies write to that office about a member of the public.

The interest does not end at the referral. A person sent to the police has one way to learn what was written: to write to the State again, this time for the records. What that person meets is on the record: a form is required, a fee instead of the records, the search is not run, the email is called someone else's. The public has an identified interest in both letters: the one that brought the police, and the one that asks for the record of it. Disclosure directly serves everyone who writes to a state agency.

2. "Would the requested information, advance the welfare or well-being of the general public?"[4]

Yes. On March 3, 2026, the Oregon Parks and Recreation Department forwarded a citizen's public archive to the captain of Government and Media Relations. It alleged no crime and no threat. On March 4, the captain ordered detectives to conduct a "threat assessment." The detectives investigated for three weeks and documented the citizen in multiple state and federal systems. Then three men drove sixty-eight minutes to conduct a "knock and talk" at the citizen's door, behind a locked gate, at a restricted federal facility, posted against public access, to tell him he was "not in trouble."[5]

He then wrote to the State for the records. On April 2, 2026, the Oregon State Police sent him to its form.[6] On April 3, it answered that a search had identified no records.[7] On April 14, it answered his fee waiver request with a form to print and mail.[8] On July 27, five days after his petition, it wrote that it had located additional records.[9] On August 11, it estimated $16,315.00, at 650 hours and release 130 weeks after payment.[10] On September 22, the Office of the Governor denied his fee waiver and estimated $572.50.[11] On October 15, the Department of Justice denied his fee waiver and estimated $599, writing that "the records you seek pertain primarily to you and your private interests."[12]

Not one word of this relies on my words. It is in the State's own records. The welfare and the well-being of the general public are advanced when the public knows what can follow a letter to its government, and what can follow the next one.

3. "Will the requester be able to actually, meaningfully disseminate the requested information?"[4]

Yes. I am already doing it. As of the date of this letter, openrecordsoregon.org has published every request, reply, and production in its four inquiries: 671 filings and 686 documents. They include public records productions from the Oregon State Police, the Department of Administrative Services, the Oregon Parks and Recreation Department, the Office of the Public Records Advocate, the Department of Energy, the Department of Fish and Wildlife, Oregon Housing and Community Services, and the Water Resources Department, each with its files and email headers, free to read and download. Records from this request will be published the same way.

Those records are used to answer one question in public: what happens when a member of the public writes to a state agency, and what happens when that person writes again for the records. Each production stands on its body's line beside the request and every reply, so any reader can hold one agency's answer against another's. The Department of Fish and Wildlife produced six Oregon State Police weekly reports addressed to Captain Kyle Kennedy. Oregon Housing and Community Services produced seventeen Teams messages, with the reports of its search. My petition to the Attorney General set that production beside the Department of Emergency Management's invoice of $1,747.12 for the same search. The next day, that department wrote that "the initial labor estimate was a mistake and should never have been generated," and that "we have changed the way we create labor reimbursement estimates going forward."

PRIVATE OR COMMERCIAL INTEREST

4. "Is the public benefit greater than the individual benefit derived from disclosure?"[4]

Yes. What happened to me is already published.[5] My request excludes any record concerning me.[1] It asks for records about other members of the public, with their names redacted. Every record I receive is published, free, for anyone to read. I receive nothing from disclosure that the public does not receive.

5. "Is there a specifically identified purpose for which the public records are being sought that is wholly unrelated to 1) commercial purposes; or 2) actual or possible use in connection with administrative, judicial or legal proceedings?"[4]

Yes. The question joins two things with "or," so I answer each.

The first is commercial purposes. I have none. The purpose I have identified is to publish these records, free, to show the public what happens when a member of the public writes to a state agency: whether and how state agencies refer that person to the state police, and what that person meets on asking for the record of it.

The second is "actual or possible use in connection with administrative, judicial or legal proceedings." Publication is not a proceeding. My request excludes any record concerning me.[1] Once a record is public, anyone can use it for anything. That is true of every public record any agency releases. The right belongs to every person [ORS 192.314(1)], and the waiver turns on one thing: whether "making the record available primarily benefits the general public" [ORS 192.324(5)].

REASONABLENESS

6. "Is the request targeted at a specifically identified matter (meaning, not overly-broad or -complex)?"[4]

Yes. The matter is what a state agency does with a member of the public who writes to it: whether it writes about that person to the Government and Media Relations section of the state police, and what that person meets on asking for the record of it.

The request is not overly broad. It is limited to the two accounts of that section, five terms, and one date range, and it excludes any record concerning me.[1] It asks for nothing else an agency holds. "Threat assessment" and "knock and talk" are two of the terms, and they are the words in question 2. It is not complex. An agency wrote to those accounts in those terms or it did not, and the search shows which.

What it finds is what it asks about. The Department of Fish and Wildlife sent six Oregon State Police weekly reports addressed to Captain Kyle Kennedy.[13] The Oregon Department of Energy sent four emails, among them "Just here for situational awareness," from the Oregon Parks and Recreation Department.[14] The Water Resources Department sent three Teams messages "captured from weekly meetings between numerous state agencies (which included one of the referenced email addresses)."[15] Oregon Housing and Community Services sent seventeen Teams messages from those meetings: "Gov Comms Office Hours" and "Weekly Agency Comms Call."[16] None of them required a fee.

7. "Can the agency grant a waiver or reduce fees without causing an unreasonable burden on agency resources?"[4]

Yes. What this request requires of you is production: the search, the review, any redaction, and the records. The statute assigns that work to the public body. "Every person has a right to inspect any public record of a public body in this state" [ORS 192.314(1)]. A public body "shall complete its response" to a written request "as soon as practicable and without unreasonable delay" [ORS 192.329(1)]. On review, "the burden is on the public body to sustain its action" [ORS 192.431(1)].

A waiver adds no hour to that work. It decides who pays for it, and the statute lets the custodian furnish copies "without charge" when "making the record available primarily benefits the general public" [ORS 192.324(5)]. A duty the statute already assigns to you does not become an unreasonable burden because a waiver is granted.

The form's guidance allows a denial "if the interest of the general public would be better served by preserving agency resources."[3] Agency resources are the public's. On this matter the State spent them: three weeks of detectives and three men on a sixty-eight-minute drive to one door, on a forwarded public archive that alleged no crime and no threat.[5] The general public is not better served by preserving the time it takes to show what that was, and how often it happens.

If you mark this question no, state the hours you measured, the rate, and the records they cover.

8. "Is the public interest served by disclosure greater than the burden to the agency (amount of staff time diverted to fulfilling a request and costs of subsidization)?"[4]

Yes. The form names two costs. The first is staff time. Responding to a public records request is a duty of the office, so the time spent producing records is not diverted from the agency's work. It is that work. The second is subsidization. The public already pays for the staff who wrote these messages, the systems that hold them, and the detectives in question 2. A waiver asks it to pay nothing new, and the cost is paid once: I publish what you produce, free, so no other member of the public has to request it and you do not have to produce it again.

On the other side is the interest in question 1: whether a person can write to a state agency without being sent to the police, and whether that person can then see the record of it. That interest is greater.

FOLLOW THE STATUTE

Complete the form and send it to me: each of the eight questions marked, and, for any question marked no, what in this letter or in the circumstances supports that mark. Your decision will be published beside this letter and my request, as part of the record question 1 describes.

If you do not grant a full waiver, reduce the fees under the same provision and apply the State's Reduced Fee-Schedule, which sets "$60/hour for Professional (Information Technology, Human Resources, High-level Analyst)" and "$32/hour for Managerial" as the most a body may charge.[17] State the amount of any reduction and its basis, and provide an itemized estimate before any work begins: the tasks, the hours for each, and the hourly rate of the employee performing each.

Decide my fee waiver request on what it says. Follow the statute [ORS 192.324(5)].

Thank you for your public service.

Respectfully,

Robert Samuel White
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Sources

1. My request, October 22, 2026
2. DAS Statewide Policy 107-001-030, Public Records Requests Fees and Charges, effective April 1, 2025, Applicability and Exhibits
3. Statewide Policy 107-001-030, Exhibit C, How to Use This Form, Additional Guidance, and Note
4. Statewide Policy 107-001-030, Exhibit C, Public Interest Threshold Criteria

5. The Oregon State Police production, PR27478
6. Oregon State Police, April 2, 2026
7. Oregon State Police, PR27478, April 3, 2026
8. Oregon State Police, PR27478, April 14, 2026
9. Oregon State Police, PR27478, July 27, 2026
10. Oregon State Police, PR36445, August 11, 2026
11. Office of the Governor, September 22, 2026
12. Oregon Department of Justice, October 15, 2026
13. Department of Fish and Wildlife, production, November 6, 2026
14. Oregon Department of Energy, production, November 4, 2026, and its count, November 5, 2026
15. Water Resources Department, production, November 5, 2026
16. Oregon Housing and Community Services, production, November 3, 2026
17. Statewide Policy 107-001-030, Exhibit C, Reduced Fee-Schedule