

FROM Robert Samuel White <rsw@rswfire.com>
TO "Hubbard, Micah E" <Micah.Hubbard@osp.oregon.gov>
CC "Bolton, Holly R" <Holly.Bolton@osp.oregon.gov>, Governor Kotek * GOV
<governor.kotek@oregon.gov>
DATE July 27, 2026, 1:37 PM PT
SUBJECT **Re: PR27478 - Public**

Ms. Hubbard,

I acknowledge receipt of your message today stating that a thorough review has identified additional records, that PR27478 is reopened, and that production is estimated at three weeks.

I am writing to record four things.

First, on the characterization that the additional records were "not in our system at the time of the original request." My request concerns a single event: OSP CAD event SP26097765, which was created, dispatched, and closed on March 24, 2026. Every record responsive to that request is a record of an event that concluded eleven days before I submitted the request on April 3, 2026, and 121 days before today. Dispatch communications, unit assignments, vehicle records, duty logs, and any communication by which the event was conveyed to the dispatcher who created it all came into existence on or before March 24, 2026. None of them could have been generated afterward.

If the Department's position is that responsive records were created after April 3, 2026, I ask that it identify each such record, state the date it was created, and state the basis for its creation. If instead these records existed on April 3 and were not located, that is a statement about the search conducted that day, not about the contents of the Department's systems. I do not ask you to characterize which it was. I ask that the Department state it plainly, because it bears directly on Count 2 of the petition now before the Attorney General.

Second, the petition stands. Your message does not address the matters raised in it: no description of the April 3 search has been provided; no exemption has been cited for any record; the fee waiver requested April 3 and April 13 has never been granted or denied; and no statement has been made as to whether the recorded dispatch communications for March 24, 2026 still exist. A statement that records will be produced in three weeks is not a disposition of any of those matters. I will inform the Attorney General of your message today and provide it as a supplemental exhibit.

Third, preservation. The litigation preservation notice served on April 2, 2026, in the body of the original request, applies to all records now identified. I ask that you confirm the notice has been distributed to the custodians of the newly identified records, including the custodians of recorded dispatch communications and CAD audit trail data.

Fourth, and most urgently: recorded dispatch communications for March 24, 2026 are subject to a retention schedule and are now more than four months old. I ask that the Department state, in writing and without waiting three weeks, whether those recordings still exist; what retention schedule applies to them; and whether any responsive record has been destroyed, purged, overwritten, or allowed to age off a schedule since April 2, 2026. That question can be answered in a sentence and does not depend on the collection and review now underway.

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