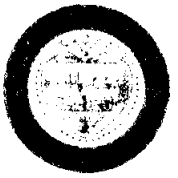
DAVE FROHNMAYER
ATTORNEY GENERAL
STATE OF OREGON

JAMES E. MOUNTAIN, JR.
DEPUTY ATTORNEY GENERAL



DEPARTMENT OF JUSTICE

Justice Building
Salem, Oregon 97310
Telephone: (503) 378-4400

January 31, 1989

Carl Michael Brown
Box 52039
Oregon State Penitentiary
2605 State Street
Salem, OR 97310

Re: **Request for Public Records Disclosure Order; Oregon State Penitentiary Records**

Dear Mr. Brown:

This letter is the Attorney General's order on your petition for disclosure of records under the Oregon Public Records Law, ORS 192.410 to 192.505. Your petition, which we received on January 24, 1989, asks the Attorney General to order the Oregon State Penitentiary (OSP) to make available for inspection OSP's rules and regulations governing the screening and placement of inmates in double cells. For the reasons stated below, we deny your petition.

In your petition, you state that you asked Corporal Hepler, the group living clerk, for access to those records. Under OSP's administrative rules governing disclosure of institution records (a copy of which we enclosed with our January 30, 1989, public records order addressed to you), Corporal Hepler is not the proper person from whom to obtain the records you want. Because OSP did not deny a proper request for records, we have no authority to order OSP to make those documents available for inspection. See ORS 192.450(1).

We understand that OSP has written procedures governing the screening and placement of inmates in double cells. OSP

staff informs us that you should direct your request for those records to Ms. Carolyn Schnoor, the Policies and Procedures Officer. Under ORS 192.440(2) and OAR 291-37-010, OSP may charge you for copies of the records.

Very truly yours,

JAMES E. MOUNTAIN, JR.
Deputy Attorney General

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cc: Carolyn Schnoor, Policies and Procedures Officer, Oregon State Penitentiary
Jim G. Russell, Assistant Attorney General