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DEPARTMENT OF JUSTICE

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Telephone: (503) 378-4400

January 30, 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 25, 1989, asks the Attorney General to order the Oregon State Penitentiary (OSP) to make available for inspection and/or copying "documentary evidences, warrants, reports, ect. [sic], leading too [sic] denials of my CDRC maintain application." OSP informs us, however, that it already has provided you with a copy of the Texas detainer and any other institution documents that set forth the reasons for your administrative removal from CDRC. Because you apparently have lost or did not receive copies of these documents, we understand that OSP staff will provide you with a second copy of these documents, without charge in this instance, to assist you. Accordingly, OSP has not denied you the right to inspect or receive copies of public records, and we have no authority to order OSP to provide copies of those documents to you. See ORS 192.450(1).

For any future occasion on which you want access to public records of OSP, you should be aware of the following. The Public Records Law authorizes state agencies to adopt reasonable rules concerning the inspection and examination of agency records as necessary for the protection of the records, and to prevent interference with the records custodian's regular discharge of his or her duties. To this end, the Department of Corrections has adopted an administrative rule

establishing procedures for obtaining department records and files, or parts thereof. We have enclosed a copy of the applicable rule, which sets out the procedures you must follow in order to have the administration at OSP consider your request. We trust that, upon your proper written request to the "functional unit manager" at OSP, who in this instance is the superintendent, Manfred (Fred) Maass, the agency properly will consider your request.

Very truly yours,

James E. Mountain Jr

JAMES E. MOUNTAIN, JR.
Deputy Attorney General

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Enclosure

cc: R.S. Peterson, Acting Director, Department of Corrections
Manfred Maass, Superintendent, Oregon State Penitentiary
Jefry J. Van Valkenburgh, Assistant Attorney General