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November 25, 1988

Major Craig C. Brenton
Oregon State Police
107 Public Service Building
Salem, OR 97310

Mr. David A. Battaglia
1400 Tahiti Way, Apt. P-34
Marina Del Rey, CA 90292

Re: Petition for Public Records Disclosure Order; Oregon Department of State Police

Dear Major Brenton and Mr. Battaglia:

This letter is the Attorney General's order on Mr. Battaglia's petition for disclosure of records under the Public Records Law, ORS 192.410 to 192.205. The petition, which we received on November 17, 1988, asks the Attorney General to direct the Oregon Department of State Police to disclose a number of records pertaining to the radar equipment used by the State Police in connection with Traffic Citation No. 97916, which was issued on October 14, 1988. The Oregon Department of State Police has not provided Mr. Battaglia with the documents requested. For the reasons that follow, we grant the petition.

The Public Records Law confers a right on the public to inspect and receive copies of any public record of a public body in Oregon, subject to certain exceptions. ORS 192.420. We find that the state agency, the Oregon Department of State Police, has not demonstrated that the requested records fall within any exceptions to the general rule of public accessibility to government records. We conclude that those records are subject to disclosure under the Public Records Law. Therefore, we direct the Oregon Department of State

Police to allow Mr. Battaglia a reasonable opportunity to inspect records in its possession that are listed in Mr. Battaglia's October 28, 1988 letter to the State Police. We further direct the State Police to provide Mr. Battaglia with copies of those records, subject to the following condition.

The Department of State Police may charge Mr. Battaglia for its actual cost in providing copies of the records to him. That cost includes not only the cost of photocopying and mailing, but also the cost of employe time necessary to compile those records. ORS 192.440(2). Due to the extent of Mr. Battaglia's request, the Oregon State Police may estimate its actual costs in complying with the disclosure request, and may require prepayment of the estimated charges before it furnishes Mr. Battaglia with copies of the requested documents. See Attorney General's Public Records and Meetings Manual, at I-2 (1985).

The Department of State Police should contact Mr. Battaglia and make the arrangements necessary to furnish him with the requested copies, within seven days of this order. ORS 192.450(2).

Very truly yours,

James E. Mountain Jr.

JAMES E. MOUNTAIN, JR.
Special Counsel to the
Attorney General

JEM:cm
cc: Charles E. Pritchard, Division Administrator, Criminal Justice Division
Richard Wasserman, Assistant Attorney General
Donald D. Abar, Deputy District Attorney, Lincoln County
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