JOHN R. KROGER
ATTORNEY GENERAL

MARY H. WILLIAMS
DEPUTY ATTORNEY GENERAL

DEPARTMENT OF JUSTICE

1162 Court Street NE
Justice Building
Salem, Oregon 97301-4096
Telephone: (503) 378-4400

May 13, 2009

Steven Reynolds
SID # 8814592
Deer Ridge Correctional Institution
3920 E. Ashwood Road
Madras, OR 97741

Re: Petition for Public Records Disclosure Order:
Curry County Circuit Court Records

Dear Mr. Reynolds:

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 May 8, 2009, asks the Attorney General to order the disclosure of certain records that you initially requested from the "Curry County Court Administrator and the Curry County Sheriff Dept. Jail Superintendent":

1. The State or County regulation your department uses in establishing a Curry County Jail library. I would like a copy of this regulation in its entirety.
2. A complete list of all employees who worked in the Curry County Jail in the year 2005 and 06.
3. A complete file of all incident reports involving a Curry County Jail inmate by the name of Robbie Welch.
4. A complete arrest record of Robbie Welch and police reports that your county has in its possession.
5. A complete list, of male names, of all Curry County Sheriff dept. jail detainees in the month of September, 2005 thru January, 2006.
6. A complete list of all court cases (criminally) that was arraigned or decided in the Curry County Circuit court in the months of September, 2005 thru January, 2006.

7. A copy of the Curry County Sheriff Depts. Inmate Manual dated before the year 2005.
8. Requestor would like to have documentation as to when the Curry County jail facility was built. Date and year.
9. A copy of the Annual Budget used by the Curry County jail facility in the years of 2005 thru 2007.

For the reasons that follow, we respectfully deny your petition.

The Public Records Law confers a right to inspect any public records of a public body in Oregon, subject to certain exemptions and limitations. *See* ORS 192.420. If a state agency denies a request for disclosure of records, the requestor may petition the Attorney General for review of the denial. However, the Attorney General may order a state agency to disclose records only when the agency has denied a request for the records. *See* ORS 192.450(1).

Ed Jones, Trial Court Administrator for the Fifteenth Judicial District, responded to your original public records request by letter on April 23, 2009 (copy of letter enclosed). In his letter he noted that the Curry County Circuit Court was the custodian only for the records described in paragraph 6 of your request. He provided you with a list of all arraignments within the identified time period without charge, and informed you of the process and costs of obtaining additional records from the court. Mr. Jones informs us that he has not received any additional inquiries from you.

We conclude that the Curry County Trial Court Administrator's office has not denied your request for any records in its custody. We deny your petition on that basis insofar as you are seeking a Public Records Order directed to the Curry County Trial Court Administrator.

To the extent that you are asking the Attorney General to order disclosure by the Curry County Sheriff's Department or the Curry County District Attorney, the Attorney General is without authority to consider your petition. *See* ORS 192.460 (District Attorney, not Attorney General, reviews decisions of public bodies other than state agencies); ORS 192.480 (Attorney General not to consider petitions with respect to records withheld by elected officials).

For the reasons described above, your petition is respectfully denied.

Sincerely,

Mary Williams
Deputy Attorney General

DM1407172-v2
c: Nori J. McCann Cross, Special Counsel, Office of the State Court Administrator
Ed Jones, Trial Court Administrator, Fifteenth Judicial District
Everett Dial, Curry County District Attorney