DAVE FROHNMAYER
ATTORNEY GENERAL
STATE OF OREGON

WILLIAM F. GARY
DEPUTY ATTORNEY GENERAL

DEPARTMENT OF JUSTICE

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

July 30, 1986

Mark Garber
Editor, Gresham Outlook
P.O. Box 880
Gresham, OR 97030

Dear Mr. Garber:

This letter responds to your undated public records request received in this office July 23, asking that the Attorney General order the Troutdale Police Department or the Oregon State Police to release to you a copy of a Troutdale Police Department crime report dated March 3, 1986.

The Attorney General has no authority to order the Troutdale Police Department to disclose any document. Any request to order disclosure of a document in the possession of a city or county government agency should be addressed to the District Attorney. That portion of your request therefore is denied.

You also asked that we order the Oregon State Police to release the same document. In our view, the records are being withheld for legitimate criminal investigative reasons. The records are relevant to a continuing investigation and therefore are exempt from disclosure under ORS 192.500(1)(c). The second portion of your request therefore is denied.

The provision of the public records law to which you refer in your request is meant to allow disclosure of a complainant's report of a crime to police. The police report prepared in the course of a criminal investigation is exempt from disclosure while the investigation is continuing. That provision of the law applies after an arrest has been made, and only to the extent that such release would not hinder any ongoing investigation.

This order also applies to the duplicate request received in this office July 28.

Sincerely,

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

JEM:pl

cc: The Honorable Mike Schrunk
District Attorney
600 Multnomah County Courthouse
1021 S.W. Fourth Avenue
Portland, OR 97204

Sergeant Walt Wagner
Oregon State Police
3700 S.E. 92nd Avenue
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