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March 29, 1994

Bruce Williams
KOIN TV
222 SW Columbia
Portland, OR 97201

Re: Petition for Public Records Disclosure Order
Clackamas County District Attorney Records

Dear Mr. Williams:

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 March 29, 1994, asks the Attorney General to direct the Clackamas County District Attorney's office to produce copies of certain records concerning a 911 phone call.[1] For the reasons that follow, we deny your petition.

Your petition alleges that the district attorney's office denied your request for the records. The District Attorney is an elected official. Under the Public Records Law, when a request to inspect or copy a public records is in the custody of an elected official, or in the custody of any other person but as to which an elected official claims the right to withhold disclosure, the Attorney General may not consider the petition. ORS 192.480. The person requesting the record must institute proceedings in the appropriate circuit court to seek relief from that claim of right to withhold disclosure. Id.

Accordingly, we deny your petition.

Sincerely,

Elizabeth S. Harchenko

ELIZABETH S. HARCHENKO
Special Counsel to the Attorney General

ESH:jpl/JAA00D80.W51
cc w/encl.: The Honorable James W. O'Leary, Clackamas County District Attorney

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[1] We also received a petition to order disclosure of the same information from the Oregon State Police. We will issue a separate order on that petition.