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April 1, 1994

Bruce Williams
KOIN TV
222 SW Columbia
Portland, OR 97201

Re: *Petition for Public Records Disclosure Order:*
Oregon State Police 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 Oregon State Police to make available the following records:

> "the audio transcript of the initial 911 calls made on Sunday, March 27, 1994 at 11:41 A.M. to C-Comm and OSP on accident on Highway 224."

We are advised by Lt. Andrew Olson of the Oregon State Police that "C-Comm" is an acronym for Clackamas County Communications Division. Clackamas County Communications Division is an agency of Clackamas County. Petitions for Review of the denial of the right to inspect public records of a public body that is not a state agency must be directed to the district attorney of the county in which the public body is located. ORS 192.460. We therefore treat your petition as a request for a review of the denial of the right to inspect records of or in the possession of the Oregon State Police, and the petition is in that respect properly before the Attorney General. ORS 192.450. 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. ORS 192.501(3) conditionally exempts criminal investigatory material from the disclosure requirements of the Public Records Law. Information compiled in investigations of pending or contemplated criminal prosecutions ordinarily may remain confidential when disclosure

likely would interfere in law enforcement proceedings. Jensen v. Schiffman, 24 Or App 11, 544 P2d 1048 (1976). We are advised by Lt. Andrew Olson and S. Dennis Miller, Chief Deputy District Attorney, Clackamas County, that both agencies are involved in a criminal investigation relating to the information contained on the tapes. They further inform us that disclosure of the requested records would interfere in a pending or contemplated criminal prosecution. Although ORS 192.501(3) is subject to a balancing of the public interest, we do not find that the public interest requires disclosure in this instance. For this reason, we deny your petition to compel disclosure.

Sincerely,

Elizabeth S. Harchenko

ELIZABETH S. HARCHENKO
Special Counsel to the
Attorney General

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c: Lt. Andrew Olson
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