CHARLES S. CROOKHAM
ATTORNEY GENERAL

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

January 14, 1992

Vicki Guarino
Mail Tribune
P.O. Box 1108
Medford, Oregon 97501

Re: Petition for Public Records Disclosure Order: Jackson County Trial Court Administrator Records

Dear Ms. Guarino:

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 January 7, 1992, asks the Attorney General to direct the Jackson County Trial Court Administrator to make available for public inspection all affidavits for release consideration and probable cause affidavits in the court's files. For the reasons that follow, the petition is denied as premature.

The Public Records Law requires a custodian of public records, unless otherwise expressly provided by statute, to furnish proper and reasonable opportunities for inspection and examination of records upon demand. ORS 192.440(1). We have been informed by the Trial Court Administrator that he has not received a specific request to inspect the records you describe in your petition, nor has he denied such a request for inspection. Absent such a request and denial, the Attorney General lacks authority to order disclosure. ORS 192.450(1). The fact that the Trial Court Administrator may have issued a policy to his staff concerning limits on access to certain court records does not mean that the records would not be released pursuant to a public records request which complies with any reasonable agency requirements concerning such requests, subject to any appropriate exemptions under the Public Records Law.

For these reasons, we respectfully deny your petition to compel disclosure as premature.

Sincerely,

PAMELA L. ABERNETHY
Special Counsel to the
Attorney General

PLA:LR:JGG
c: Jim Adams
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