CHARLES S. CROOKHAM
ATTORNEY GENERAL

JACK L. LANDAU
DEPUTY ATTORNEY GENERAL

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

June 23, 1992

Timothy M. Sundeen, SID #6998060
Oregon State Penitentiary
2605 State Street
Salem, Oregon 97310

Re: Petition for Public Records Disclosure Order: Clackamas County District Attorney's Office, Clackamas County Jail, Clackamas County Sheriff's Office, and Oregon Department of Justice Records

Dear Mr. Sundeen:

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,[1] which we received on June 17, 1992, appears to ask the Attorney General to direct the Clackamas County District Attorney, Jail, and Sheriff, as well as a private attorney, to make available to you copies of the following records:

> " . . . police reports, and all material concerning my arrest and conviction in 1987."

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[1] While it is not necessary to use any particular form to petition the Attorney General to order the release of public records, at minimum the petition must identify the requestor, the governmental body or official from whom the records were requested and denied, and the date of the request and denial. The petition must also describe the record sought clearly enough to allow it to be identified. See Public Records Order, May 10, 1982, Kane. Your letter to the Attorney General was particularly vague with respect to whether, when and to whom you have requested and been denied copies of public records. Notwithstanding these deficiencies, we have broadly construed your letter to the Attorney General as a petition for disclosure of public records under the Oregon Public Records Law, ORS 192.410 to 192.505.

In addition, you have enclosed with your petition a generalized request for public records, directed to the Attorney General, for copies of all records pertaining to you contained in this office's files. 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. A person who is denied the right to inspect or receive a copy of a public record by a state agency or official, other than an elected official, may petition the Attorney General to order the release of the public records. See ORS 192.450 to 192.490. Because neither the private attorney, nor any of the Clackamas County bodies and officials you have mentioned as having denied your requests for public records, including the Clackamas County District Attorney (an elected state official), are subject to a public records disclosure order of the Attorney General, we must deny your petition with respect to them.

The additional public records request directed to this office which was enclosed with your petition is the first such request the Oregon Department of Justice has received from you. Therefore, the department will treat this as an initial request for records pertaining to you, if any, which are contained in its files. A separate response to that request will be issued after the department has had an opportunity to review its files. Because this office has not denied a request for public records, the remainder of your petition pertaining to this additional request is denied as premature.

Sincerely,

Amy Vranth
Opinions Coordinator
General Counsel Division

AV:cm/jaa007da