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DEPARTMENT OF JUSTICE

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

June 6, 1990

Steven L. Fox
Box # 12498
Oregon State Correctional Institution
3405 Deer Park Drive, SE
Salem, OR 97310

Re: Request For Public Records Disclosure Order;
Oregon State Penitentiary Records

Dear Mr. Fox:

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 May 30, 1990, asked the Attorney General to order the Oregon State Penitentiary (OSP) to make available to you copies of the following records:

"1) A complete and accurate copy of money order receipts received by the plaintiff at mail call during the month of December, 1988.

"2) A complete and accurate list of any and all items bought by petitioner from the OSP canteen while housed there.

"3) A complete and accurate list of movements that petitioner made to and from each cell, dates, times, and places.

"4) The property officer's name who was working 'S-I' December 1, 1988, through January 9, 1989.

"5) Copies of any commisary [sic] receipts signed by plaintiff.

"6) Complete and accurate copies of all kites and grievance forms written by Petitioner to OSP receiving room, OSP S-I Property Officer, Assistant Supt., and Superintendent of OSP regarding lost property and asking to have it returned to OSCI where I had been returned."

You state in your petition that you asked OSP Superintendent Maass several times for these materials, but have yet to receive a response. OSP informs us, however, that it has received no written request from you for the documents you seek. Because OSP did not deny a proper request for records, we have no authority to order OSP to provide copies of those documents to you. See ORS 192.450(1).

To request copies of public records of OSP, you should be aware of the following. The Public Records Law authorizes state agencies to adopt reasonable rules concerning the inspection and examination of agency records as necessary for the protection of the records, and to prevent interference with the records custodian's regular discharge of his or her duties. To this end, the Department of Corrections has adopted an administrative rule establishing procedures for obtaining department records. We have enclosed a copy of the applicable rule, which sets out the procedures you must follow in order to have the administration at OSP consider your request. We are informed that, upon your proper written request to the "functional unit manager" at OSP, who in this instance is the Superintendent, Manfred (Fred) Maass, the agency will consider your request in a timely fashion.

Sincerely,

PAMELA L. ABERNETHY
Special Counsel to the
Attorney General

PLA:JJVV:RDW:cfs/1624G
Enclosure
c: Manfred Maass, Superintendent
Oregon State Penitentiary
2605 State Street
Salem, OR 97310