DAVE FROHNMAYER
ATTORNEY GENERAL
'E OF OREGON

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DEPUTY ATTORNEY GENERAL



DEPARTMENT OF JUSTICE

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

November 16, 1990

Jose Rodriquez
SID #7521684
2605 State Street
Salem, OR 97310

Re: **Petition for Public Records Disclosure Order; Oregon State Penitentiary Records**

Dear Mr. Rodriquez:

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 November 9, 1990, asks the Attorney General to order the Oregon State Penitentiary (OSP) to make available the following records for your inspection:

> "Detainers, Parole Board action forms and records pertaining (sic) psychological evaluation or psychological evaluation taken or recommended by the institution."

For the reasons that follow we deny your petition as premature.

You state in your petition that you have asked to review these records, but that the Records Office has ignored your request. The Records Office informs us that it has received an interview request from you for access to the documents you seek. They also have informed us, however, that your request did not comply with the Department of Corrections' administrative rule governing access to department records. 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).

For your convenience, we have enclosed a copy of the rule setting out the procedures you must follow in order to request OSP records. 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:RDW:JJVV:bjs/1723G
Enclosure
c: Manfred Maass, Superintendent;
Tamara Felt, Chief Records Officer;
Oregon State Penitentiary
2605 State Street
Salem, OR 97310