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ATTORNEY GENERAL

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DEPARTMENT OF JUSTICE

CRIMINAL JUSTICE DIVISION
Organized Crime Section
240 Cottage Street SE
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Telephone: (503) 378-6347

January 4, 1991

James Patrick McHugh, Jr.
Attorney at Law
222 Promenade Building
421 High Street
Oregon City, Oregon 97045

Re: Public Records Request

Dear Mr. McHugh:

This letter responds to your request of December 27, 1990, that the Attorney General produce copies of the following records:

1. Department of Justice Report on David Knapp;

2. Department of Justice Interview with David Knapp;

3. Copy of FBI report on David Knapp;

4. Department of Justice report of interview with Diane Langhoff; and

5. The FBI report on Ava Avalos.

For the reasons that follow, your request is respectfully denied.

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. The records you wish to inspect fall squarely within an exemption to the general rule of public accessibility to government records.

ORS 192.501(3) exempts investigatory information compiled for criminal law purposes. Generally, ORS 192.501(3) permits public bodies to withhold records of criminal law investigations until the criminal law purpose has ended. Jensen v. Schiffman, 24 Or App 11, 544 P2d 1048 (1976).

All of the materials you have requested fall plainly within this exemption. There are pending criminal prosecutions in both federal and state court directly involving matters covered by these sensitive materials. These criminal proceedings could be impaired by the release of these materials at this time. Ongoing criminal investigations related to these proceedings could also be impaired by a release of the requested documents.

You are correct that during February of 1986 there were court proceedings in Wasco County Circuit Court cases 85-271 and 85-272. The sessions were primarily security release hearings. The materials you request were exhibits in these proceedings. However, these exhibits were sealed at the time by the court upon motions by the State of Oregon. Therefore during the course of these hearings the State did not make the documents you request public, nor waive any exemption arising under ORS 192.501(3).

For these reasons, your public records request is respectfully declined.

Sincerely,

H. Robert Hamilton
Assistant Attorney General

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cc: Richard Wasserman, Assistant Attorney General