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

January 21, 1988

Valerie Wright
Metropolitan Public Defender
710 Center Street
Oregon City, OR 97045

Dear Ms. Wright:

This letter responds to your two petitions, both dated January 15, 1988, for the Attorney General to order the Clackamas County District Attorney and the Milwaukie Police Department to release statistics on individuals charged with violations of ORS 807.570 and 807.010. We respectfully deny your petitions on the ground that the Attorney General has no jurisdiction under the Public Records Law to conduct the review you request.

The Milwaukie Police Department is a public body other than a state agency. ORS 192.460 provides that the district attorney has authority to issue public records orders where a person is denied access to records in the custody of a public body other than a state agency.

Similarly, under the Public Records Law, the Attorney General cannot order the district attorney to release records. ORS 192.480 states that if an elected public official denies

the right to inspect or receive copies of public records, no petition for review may be filed with or entertained by the Attorney General. ORS 192.490 establishes the procedure to obtain judicial review of any elected public official's refusal to allow your inspection of a public record.

Respectfully submitted,

James E. Mountain Jr.

JAMES E. MOUNTAIN, JR.
Special Counsel to
the Attorney General

JEM:pl
cc: The Honorable James W. O'Leary, Clackamas County District Attorney
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