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DEPARTMENT OF JUSTICE
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November 27, 1991

George M. Jempty
SID # 7757070
Eastern Oregon Correctional Institution
2500 Westgate
Pendleton, OR 97801

Re: **Petition for Public Records Disclosure Order; Board of Parole and Post-Prison Supervision Records**

Dear Mr. Jempty:

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 21, 1991, describes several documents that you believe are contained in an October 24, 1990, report from Eastern Oregon Correctional Institution, and asks the Attorney General to order the Board of Parole and Post-Prison Supervision (board) to acknowledge that those documents are contained in the report. You also ask that, if the report contains other materials, the Attorney General order the board to disclose those materials.

The board acknowledges that the "4/90 evaluation for sex offender treatment/sexual history," the "6/90 psychiatric evaluation," and a "10/90 Termination of Treatment report" are contained in the October 24, 1990 report. The "6, 7 and 10/90 sexual arousal assessments" are not. Because you have not asked for disclosure of these documents, this acknowledgment satisfies the first part of your petition, and renders it moot.

The October 24, 1990, report also contains a cover memorandum from the Department of Corrections. That memorandum is exempt from disclosure pursuant to ORS 192.502(4), which exempts from disclosure:

> Information or records of the Department of Corrections, including the State Board of Parole and Post-Prison Supervision, to the extent that disclosure thereof would * * * substantially prejudice or prevent the carrying out of the functions of the department, if the public interest in confidentiality clearly outweighs the public interest in disclosure[.]

We conclude that disclosure of that memorandum would substantially prejudice the carrying out of the functions of the department, because it could discourage department employees from submitting candid parole release recommendations to the board. We also conclude that this public interest in confidentiality clearly outweighs the public interest in disclosure. Accordingly, we deny your petition to order disclosure of this memorandum.

Sincerely,

Richard Wasserman
Assistant Attorney General

RDW:JR/jaa00452
c: A. H. Samuelson, Vice Chair
Oregon Board of Parole and
Post-Prison Supervision
2575 Center Street NE
Salem, OR 97310