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December 14, 1998

James S. Evans
OSP # 4552287
2605 State Street
Salem, OR 97310

Re: *Public Records Disclosure Order:*
State Office for Services to Children and Families Records
Multnomah County Juvenile Court Records
Multnomah County Department of Community Corrections Records
Multnomah County Sheriff's Office, Close Street Supervision Records

Dear Mr. Evans:

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 December 7, 1998, asks the Attorney General to direct four entities to produce copies of various records. Those entities and records requested are:

(1) The Childrens' Services Division (now named the State Office for Services to Children and Families) (SOSCF) -- a copy of you and your son's case files.

(2) The Multnomah County Juvenile Court -- a copy of your son's case file.

(3) The Multnomah County Community Corrections Office -- a copy of your case file.

(4) The Multnomah County Sheriff's Office, Close Street Supervision -- a copy of your case records.

For the reasons that follow, we respectfully deny your petition.

The first set of records that you request are held by SOSCF. The Attorney General may order a state agency to disclose records only when the agency has denied a request for the records. *See* ORS 192.450(2). We are informed by Clyde Ellis, Young Children's Unit

Supervisor at the SOSCF East Branch, that the agency has not denied your request. That is consistent with your statement in the petition that the agency has not responded to your request.

The Public Records Law allows a public body a "reasonable" time to respond to a records request. What is "reasonable" will depend on many factors, including the volume of the records requested, the staff available to respond to the records request and the difficulty in determining whether any of the records are exempt from disclosure. OREGON ATTORNEY GENERAL'S PUBLIC RECORDS AND MEETINGS MANUAL at 7 (1997). Mr. Ellis informs us that SOSCF did not respond to your request because the caseworker who was assigned to your case at the time of your request is no longer with the agency. Mr. Ellis further states that a new caseworker has been assigned to your case and the agency will be contacting you shortly regarding your request for records.

Absent a denial of a records request by a state agency, the Attorney General has no authority to order disclosure. Because SOSCF has not denied your request for records, your petition to this office is premature. *See Morse Bros., Inc. v. ODED*, 103 Or App 619, 798 P2d 719 (1990) ("The Public Records Law clearly contemplates that agencies have the opportunity to review the requested records and to act on the request before the Attorney General or the courts can review the matter.") Accordingly, we deny your petition for disclosure of SOSCF records as premature.

The second request you have made is for an order directing the Multnomah County Juvenile Court to provide you with a copy of your son's juvenile court file. You state that no response has been given to your letters of September 15, September 30 and November 12, 1998. We understand that the Clerk of the Multnomah County Juvenile Court denied your request by letter on November 25, 1998, stating that you should direct all future inquiries for information to your attorney.

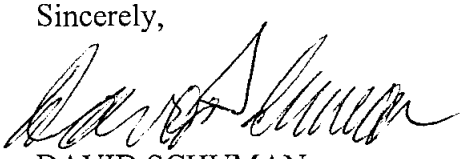
The Public Records Law exempts from disclosure records or information the disclosure of which is "prohibited or restricted or otherwise made confidential or privileged under Oregon law." ORS 192.502(9). That exemption incorporates ORS 419A.255, which makes privileged and restricts the disclosure of juvenile court records. Under ORS 419A.255, copies of the "legal" record in the file (motions, petitions, order and other pleadings) and the "social" record in the file (records of the child's history or prognosis) may be provided only to persons specified in that statute. A child's parent is not a person specified in that statute as to whom copies of the records

may be provided. Therefore, copies of the records may not be disclosed to you. Accordingly, we deny your petition for disclosure of copies of your son's juvenile court file.[1/]
ORS 192.502(9), 419A.255.

Your third and fourth requests ask the Attorney General to direct the Multnomah County Community Corrections Office (the Department of Community Corrections) and the Multnomah County Sheriff's Office to provide copies of your case records. A person who is denied the right to inspect or receive a copy of a public record *of a state agency* may petition the Attorney General to review the record, determine if it may be withheld from public inspection, and issue an order granting or denying the petition. ORS 192.450. If a person is denied the right to inspect or receive a copy of a record of a public body *other than a state agency,* the person may petition the district attorney of the county in which the public body is located and the district attorney shall issue an order denying or granting the petition. ORS 192.460.

Neither the Multnomah County Department of Community Corrections nor the Multnomah County Sheriff's Office, Close Street Supervision are state agencies. They are public bodies other than a state agency. Accordingly, under ORS 192.450 and 192.460, the Multnomah County District Attorney, rather than the Attorney General, is authorized to determine whether records of these agencies may be withheld from inspection and, if not, to direct them to disclose the records to you. Therefore, we respectfully deny your petition for records of the Multnomah County Department of Community Corrections and the Multnomah County Sheriff's Office, Close Street Supervision, for lack of jurisdiction.

Sincerely,



DAVID SCHUMAN
Deputy Attorney General

LRY:KMH:AV:lry/JGG1306E
c: Clyde Ellis, Young Children's Unit Supervisor
East Branch, SOSCF

[1/] You may be able to inspect the records, rather than to obtain copies. *See* ORS 419A.255(1), (2). Although we realize that you are in prison, that does not change the statutory prohibition on disclosure of copies of the records as discussed above.