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March 4, 1988

Trish Neiworth
News Department-KPTV 12
735 SW 20th Place
P.O. Box 3401
Portland, Oregon 97208

**Re: Request for Public Records Disclosure Order
Oregon Corrections Department and/or Oregon Executive Department**

Dear Ms. Neiworth:

On February 26, 1988, this office recieved your February 25, 1988 petition for a public records disclosure order of the Attorney General. Your petition asks the Attorney General:

> " . . . to order the Oregon Corrections Department and/or the Oregon Executive Department and its employees to make available for inspection the following records:
>
> "1. Documents prepared in 1987 and 1988 by the Oregon Corrections Division for submission to the Legislative Emergency Board. These documents detail a plan or plans to expand the number of beds and physical space in the Oregon Correctional Division System and other systems, as well as other methods of dealing with the corrections crisis.
>
> " . . . ." (Emphasis added.)

We conclude that your petition is moot. The Oregon Executive Department voluntarily will make available for your inspection final and draft documents, in its possession, which were prepared by the Corrections Department for submission to the Legislative Emergency Board.

I acknowledge that in our phone conversation of March 4, 1988, you told me that you intended that your petition include any documents prepared by the Corrections Department in 1987 and 1988 that relate to plans to expand correctional facilities. Neither the Corrections Department, the Executive Department, nor I interpreted your petition so broadly. Upon notification of the filing of your petition, the Executive Department had in its possession certain documents that were prepared by the Corrections Department for possible or actual submission to the Legislative Emergency Board, and we interpreted your petition as focusing on those documents. Because the Executive Department voluntarily will disclose those documents to you, we respectfully deny your petition as moot. However, in light of your remarks in our March 4 phone conversation, I make the following proposal.

Please review the final and draft documents that the Executive Department will make available for your inspection. We expect that your review reasonably will narrow the broad disclosure request you communicated to me over the phone. Your review of the disclosed material and your specification of points for further inquiry will enable you and the Corrections Department to focus valuable time and resources on particular issues and documents. Moreover, I am informed that Corrections Department Director Michael Francke would be pleased to discuss with you particular matters relating to the development of correctional facilities plans which are being submitted to the Emergency Board.

Please call me if you have any questions about this order or my proposal.

Very truly yours,

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

JEM:cm
cc: Michael Francke, Director, Department of Corrections
Dave Fiskum, Assistant to the Director for Communications, Executive Department
Jefry VanValkenburg, Assistant Attorney General
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