DAVE FROHNMAYER
ATTORNEY GENERAL
STATE OF OREGON

WILLIAM F. GARY
DEPUTY ATTORNEY GENERAL

DEPARTMENT OF JUSTICE

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

March 9, 1988

Lynn R. Simpson
56059-065
Boron Federal Prison Camp
P.O. Box 1000
Boron, CA 93516-1000

Dear Mr. Simpson:

This letter responds to the public records disclosure request, dated March 2, 1988, which you sent to the Oregon Department of Justice. You request information from the "State Criminal Archives" or documents "in the possession or control of any state, county, city, or local law enforcement agencies in the State of Oregon."

We are treating your request both as a request for Department of Justice records relating to you and a request for a disclosure order to other state agencies and local government bodies having records relating to you. We respectfully deny your request on the grounds that the Department of Justice has no records relating to you and because the Attorney General does not have jurisdiction under ORS 192.450 to issue a disclosure order in this instance.

The Attorney General lacks jurisdiction in this matter because you have not been denied access by the state agencies holding these records and because the Attorney General has no authority to order public bodies other than state agencies to disclose records.

Under the state public records law, ORS 192.410-.505, the Attorney General has the authority to order state agencies to disclose public records incorrectly withheld from public disclosure. In order for the Attorney General to have jurisdiction to issue such an order, however, the state agency

holding the records must have denied access to the person seeking to inspect or receive copies of those records. District attorneys have similar jurisdiction over requests to public bodies other than state agencies.

The Department of Justice has no records relating to you. The state Department of Corrections does have records relating to a Lynn Richard Simpson, who was incarcerated during the 1950s. We have forwarded a copy of your letter to the Department of Corrections for an appropriate response. I expect that you will hear from the Department of Corrections in the near future.

Requests to the Oregon State Police, the Secretary of State's Office Archives Division, or any other state or local agency also should be addressed directly to that agency. I am enclosing for your information statutes that govern access to criminal history information held by the Oregon State Police.

I hope this information helps you in your search for public records.

Sincerely,

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

JEM:pl
Enclosures
cc: Evelyn Meeks, Assistant to the Director, Department of Corrections (with incoming correspondence)
2264a