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August 9, 1996

Alec Weinstein, SID #7057733
Oregon State Penitentiary
2605 State Street
Salem, OR 97310-0505

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

Dear Mr. Weinstein:

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 August 2, 1996, asks the Attorney General to direct the State of Oregon, the Board of Parole and Post-Prison Supervision, the Multnomah County Court Administrator and Multnomah County to make available for inspection or produce copies of judgment orders, police reports, parole field reports, jail conduct, prison conduct, juvenile records, driving records, medical records, psychiatric records, and everything you have "ever been charged with." For the reasons that follow, we respectfully deny your petition.

A. Records of Multnomah County

In your petition you failed to identify the officer or employee in Multnomah County who denied your request for county records, and you likewise did not identify the date you made your request. Assuming, however, that a request was made to Multnomah County, the Attorney General has no authority to review that denial. Under the Public Records Law, the district attorney is the official responsible for reviewing public records decisions by local governments. ORS 192.460. Thus, the district attorney is the proper official to whom to direct your petition. If the Multnomah County District Attorney denies your petition, the Attorney General would not review that denial. Public Records Order, January 21, 1988 (Wright) (under ORS 192.480, Attorney General may not order the district attorney, an elected official, to release public records). Rather, ORS 192.480 and 192.490 establish the procedure to obtain judicial review of a district attorneys's denial of a records request.

B. Records of the State of Oregon

Except as discussed below, we deny your request as directed to records of the "State of Oregon" because you have failed to identify the custodian of record. The custodian is the "public body mandated, directly or indirectly, to create, maintain, care for or control a public record." ORS 192.410(1)(b). "Public body" in turn is defined for state purposes as including "every state officer, agency, department, division, bureau, board and commission." ORS 192.410(3). "State agency" is further defined to include "any state officer, department, board, commission or court" with a limited exception for legislative sessions. ORS 192.410(5). In short, you must make a request to the specific state office or agency that has control of the record you seek. Therefore, we deny as premature your general request for records of the "State of Oregon" because there is no indication that you made your request to a specific custodian or that the custodian has denied your request.

C. Records of the Board of Parole and Post-Prison Supervision

The Attorney General may order a state agency to disclose records only when the agency first has denied a request for public records. ORS 192.450(1). The Board of Parole and Post-Prison Supervision received your request on July 31, 1996, and directed it to Peggy Barber, the board's Management Assistant. Ms. Barber informs us that your request is being processed for response and has not been denied by the board. Because the Attorney General has no authority to order disclosure unless the agency has refused to disclose the records, we deny as premature your petition with respect to the Board of Parole and Post-Prison Supervision.

D. Multnomah County Court Records

We are informed by the Multnomah County Court that your request was not recognized as a request for disclosure of records under the Public Records Act, but instead was filed as a civil case in the Multnomah County District Court because it contained documents appearing to indicate that you were filing some form of civil action. The Multnomah County Court Administrator, Jerome S. Cooper, has received this file. Mr. Cooper informs us that he intends to review the file with Linda Zuckerman, Legal Counsel to the State Court Administrator, with respect to an appropriate response. As discussed in the previous paragraph relating to the records of the Board of Parole and Post-Prison Supervision, the Attorney General may order a state agency to disclose records only when the agency first has denied a request for public records. Mr. Cooper states that your records

request has not been denied by the Multnomah County Court Administrator. Accordingly, your petition with respect to Multnomah County court records is denied as premature.

For all of the above reasons, we deny your petition to compel disclosure.

Sincerely,

Amy Veranth
Opinions Coordinator

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