THEODORE R. KULONGOSKI
ATTORNEY GENERAL

THOMAS A. BALMER
DEPUTY ATTORNEY GENERAL

DEPARTMENT OF JUSTICE
1162 Court Street NE
Justice Building
Salem, Oregon 97310
Telephone: (503) 378-4400
TDD: (503) 378-5938

February 22, 1995

John W. Neidig
Attorney at Law
415 NW 18th Ave.
Portland, OR 97209

Re: *Request for Public Records Disclosure Order*
Scappoose Police Department and its Employees

Dear Mr. Neidig:

This letter is the Attorney General's order on your petition for disclosure of records under the Oregon Public Records Law for records of the Scappoose Police Department and its employees. We respectfully must deny your petition.

Your petition, which we received on February 21, 1995, asks the Attorney General to direct the Scappoose Police Department and its employees to produce copies of certain records in their possession. Under the Public Records Law, the Attorney General has authority to issue a public records order only to " . . . any person denied the right to inspect or to receive a copy of any public records of a state agency . . . ." (Emphasis supplied.) ORS 192.450(1). The Scappoose Police Department and its employees are not state agencies. Therefore, under the Public Records Law, it is the Columbia County District Attorney's Office, not the Attorney General, who has the authority to review the denial of your request for the information in question.

Should the district attorney deny your petition, your recourse is then to file a lawsuit in Columbia County.

Sincerely,

Elizabeth S. Harchenko

ELIZABETH S. HARCHENKO
Special Counsel to the Attorney General

ESH:AV:jpl/JAA0028E.W51
cc: The Honorable Martin A. Sells
Columbia County District Attorney (w/encl)