

THE BEND BULLETIN

Despite law, public records often not provided

BY Chris Barker
The Bulletin

Media sleuths who fanned out across Central Oregon garnered mixed results in their quest for public records from area governments and law enforcement agencies.

Attempts to obtain information contained in concealed weapons permit applications met with the most resistance, according to reports from auditors testing Oregon's open records law.

"There's a whole lot of personal information on those forms," said Crook County Undersheriff Jim Hensley. "I'm not going to turn that information over, not without going through the proper procedures."

An auditor working on behalf of The Associated Press (AP) was unable to obtain the permit information from Crook County, according to the media company.

The auditor said Hensley denied her request initially and sent her to speak with Crook County Counsel Jeff Wilson. Wilson asked for a written request and pointed out he'd have to check what information was OK to release.

In an interview, Wilson said he remembered his encounter with the auditor. He said the auditor wouldn't reveal why she wanted the records.

He said he told her he needed to check the law to see what portions of the permit applications were not releasable due to privacy concerns.

"I think my intent at that time would have been to redact anything of a personal nature on the permit," Wilson said. "Certainly, I was expecting that the addresses, socials and telephone numbers would all be redacted."

Auditors were successful in getting concealed handgun permit applications from Jefferson County Sheriff's Office, according to the AP. The auditor received a list of the five most recent applicants, along with their ages, gender, race and the dates the permits were issued.

Social Security numbers, driver's license numbers and dates of birth were blacked out, or redacted, on the copies that were provided.

An auditor was unable to immediately obtain concealed weapons permit records from the Deschutes County Sheriff's Office. A receptionist couldn't locate the right person to help and asked the auditor to come back 30 minutes later, according to the AP.

Deschutes County Sheriff Les Stiles said he hadn't heard anybody had asked for the permit information. He said he would have no problem releasing the roughly 5,000 names of people with concealed weapons permits in the county.

He said he would redact Social Security numbers and any personal medical information contained in the files.

"We would never release Social Security numbers ever," Stiles said. "All we would be doing is feeding our identity theft problem."

County budgets were immediately granted to an AP auditor in Crook, Deschutes and Jefferson counties.

City manager expense reports were not immediately released in Prineville and Bend,

according to the AP. Madras officials provided the public record after some initial confusion over what information was being requested, the AP said.

School superintendent contracts were released in Crook and Jefferson counties. A Bend-La Pine School District employee initially denied an auditor's request for the document because she said she wanted to first ensure the record was public, according to the AP.

The auditor should have been referred to the superintendent's office, where the information would have been provided, said Laurie Gould, spokeswoman for the school district.

"Basically, they talked to the wrong person," Gould said.

Reports detailing the last five driving under the influence arrests were not released in Madras and Prineville, according to the AP.

A Madras Police Department clerk told an AP auditor that she wasn't comfortable giving out police reports, but that the auditor might obtain the reports if a request was made in writing, according to the AP.

Madras Police Chief Tom Adams, who questioned his employee about the encounter, said the auditor never put the request in writing. In addition, the auditor, "didn't look like they wanted to pay the \$10 fee," he said.

Typically police refer such requests to the district attorney's office to ensure that private matters such as medical information isn't accidentally released, he said.

"It's kind of a two-edged sword," Adams said. "You want to give out some information but you get hammered if you give the wrong information out as well."

Prineville Police Chief Eric Bush said the auditor was referred to the district attorney's office. Police typically refer records requests there because releasing information while cases are still open could compromise the investigation, he said.

Certain details of arrests including the name of the accused, charges, identity of the accused and the alleged victim and the circumstances of the arrest should be immediately provided unless police can show a "clear need" for delaying disclosure, according to the Oregon Attorney General's Public Records and Meetings Manual.

Prineville police regularly release media logs with that kind of basic information even though the cases have not gone through the court system, Bush said.

Andy Eglitis, a deputy Crook County district attorney, said in an interview that he wasn't clear what his department's policy was on records requests. Requests usually go through Crook County District Attorney Gary Williams, he said.

Williams was out of town and not reachable for comment on Thursday and Friday.

Bend police not only provided the information but gave the auditor free copies of the arrest reports, according to the AP.

Police department staffers are regularly trained on the most recent public records law, said Bend Police Chief Andy Jordan.

"It's kind of a priority for us to make sure that we're doing what's right," Jordan said.