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Eugene police, Lane County sheriff's office balk over releasing some information

By Rebecca Nolan
The Register-Guard

Whether Lane County police agencies let you look at their public records can depend in part on who you are and how you ask.

A private citizen helping with an Associated Press statewide review of public-records-law compliance was refused access to routine documents by the Lane County sheriff's office and the Eugene Police Department earlier this year.

In making the requests, the private citizen didn't identify himself as working for The Associated Press. Oregon law does not require a person making a record request to identify himself.

But when a reporter from The Register-Guard made the same requests, the sheriff's office promptly complied, and the police department quickly provided some of the records.

The private citizen had better luck at the Eugene city manager's office, the city recorder's office and the Eugene School District, all of which complied with his requests.

The pattern in Lane County follows the pattern statewide. Police agencies across Oregon were the least likely to comply with state laws governing the release of documents to the public, The Associated Press said.

The local private citizen, Jackson Holtz, a graduate student at the University of Oregon, visited all five offices on Jan. 19, asking for standard records that AP volunteers were seeking at counties statewide.

At the front desk of the Lane County sheriff's office, Holtz asked for the five most recent applications for concealed handgun licenses. The clerk on duty denied his request. The clerk told Holtz that "concealed handgun applications were available only if I could say whose application I wanted to see," Holtz said. "She said for several hundreds of dollars, I could see the entire list."

Oregon law states that "application forms for concealed handgun licenses shall be supplied by the sheriff upon request."

Later, The Register-Guard faxed a written request for the same documents to sheriff's office records custodian Carolyn Kegley and received a response within 30 minutes. A newspaper reporter was able to view the five applications the next business day.

Kegley didn't handle Holtz's request, but she heard about it later from her staff. She said it was the clerk's impression that Holtz didn't seem to know what he wanted. When he left, the clerk thought he'd come back with a more specific request, but he never did, Kegley said.

Kegley said clerks at the front desk may not be fully aware of public records law. She said it helps if people submit requests in writing so the request can be passed to someone more knowledgeable. However, under Oregon law, records requests need not be in

writing.

Holtz also encountered roadblocks when he went to the Eugene Police Department and asked to review the arrest records for the five people most recently arrested and charged with drunken driving.

An arrest record is the multi-page document a police officer prepares after he or she has completed an arrest. It contains the name and address of the arrested person, along with details of the alleged crime and a narrative of the police officer's work in connection with the crime and arrest.

The clerk on duty denied Holtz's request. The clerk said the department did not make arrest records available to the public, Holtz said. He said he was told that if the department had a particular arrest record in its custody, the department considers the case to be still under investigation and will not release the document.

A Register-Guard reporter later faxed the same request to department spokeswoman Pam Olshanski, who provided a small portion of each of the five most recent drunken-driving arrest records. However, Olshanski refused to release the full reports _ an action that an Oregon public records expert said runs contrary to the law.

Olshanski provided the newspaper with the first page of each police report, which states the name of the arrested person, and the charge. She also provided the citation _ the ticket _ each arrested person had been issued. But she refused to provide the narrative text of each report, written by the police officers, which lists such things as the blood alcohol level of the arrested person, and the circumstances of the arrest.

Olshanski said the department won't release that text. She said releasing it could harm prosecution or prevent the suspect from having a fair trial.

Oregon public records law allows a police agency to refuse to release an arrest record only in very specific circumstances. The law reads: "The record of an arrest or the report of a crime shall be disclosed unless and only for so long as there is a clear need to delay disclosure in the course of a specific investigation."

Jack Orchard _ a Portland lawyer who works for the Oregon Newspaper Publishers Association and is working with The Associated Press on its public records survey _ said the Eugene Police Department's blanket refusal to disclose arrest reports is wrong. If a police department wants to keep parts of the report secret, it must go through the report and black out that information before releasing the document, he said.

"The law requires them to release all the material unless there's a specific exemption (in the public records law) that (the agency) can point to. The statute is clear that information which can be legitimately withheld from disclosure can be redacted or excluded, but the remaining information is to be made available."

The newspaper asked Olshanski to provide the missing pages from the reports. Olshanski declined. The newspaper asked if the blood alcohol level of those arrested was secret. She said the department would not release that information.

The next day, however, she said the department might be willing to disclose the blood alcohol level. She also said the department might be willing to go through the reports and black out confidential material. The newspaper on Friday asked Olshanski to do that.