

THE (ROSEBURG) NEWS-REVIEW

Test of state public records requests shows some documents not always easy to acquire

By JOHN SOWELL
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Janet Judd stepped up to the main counter inside the Douglas County Sheriff's Office not knowing what to expect. The Roseburg resident had been told that copies of concealed weapons permits were public records and legally obtainable, but she wasn't sure how a request for the documents would be met.

Judd approached one of the windows and asked the clerk sitting there for copies of the five most recent applications by county residents seeking a permit to carry a concealed weapon. The employee questioned Judd about why she wanted the information, telling her that some women who obtain guns for protection don't want that information shared.

From the clerk's tone and the questions she asked, Judd was given the impression the woman did not want to turn over the information. "There were lots of questions about why I wanted it. She seemed very concerned about what I was going to do with the information," Judd said.

Judd had been asked by The News-Review to seek public records from several local agencies in January as part of a statewide audit organized by the Associated Press. In all, Judd the wife of a News-Review employee visited four offices throughout Roseburg on Jan. 19, the day picked for all of the statewide audits to take place. At the Roseburg School District, she easily obtained a copy of Superintendent Lee Paterson's employment contract.

From the Roseburg Police Department, Judd received reports from the five most recent drunk driving arrests. At Roseburg City Hall, Judd asked for a copy of the city budget and interim City Manager Jim Johnson's expense account. The budget was available for copying but Judd was told that Johnson did not have an expense account and there was no report.

At the Sheriff's Office, Judd said the clerk told her no one had requested concealed weapons permit records from her before. The clerk telephoned a supervisor before telling Judd she would have to submit her request in writing. Judd left the office without submitting a written request, as that was not part of the exercise. Had she done so, her request would have been acted on and the documents provided, said Dwes Hutson, a Sheriff's Office spokesman.

"We felt we handled the situation properly," Hutson said. "It absolutely wasn't a denial." Although Judd said she asked for only five records, sheriff's officials believe she requested copies of all issued concealed weapons permits and pending applications, which number 4,143 enough to fill 36 file cabinet drawers, Hutson said.

Submitting a written request would have allowed officials to know precisely what she was seeking, Hutson and County Attorney Paul Meyer said. Under Oregon's Public Records Law, an agency has the right to ask for a records request in writing. The information provided in a written request can clarify what is being sought and allow officials to determine whether the records requested are public under the law.

While most documents are considered public, Oregon maintains a list of exemptions, such as reports of open criminal investigations or records containing trade secrets, library

lending records and other information that by law cannot be disclosed. The county rarely receives a request for records of concealed weapon permits, Hutson and Meyer said.

In the two years Sgt. Dave Marshall has headed the records division at the Sheriff's Office, he said this was the first time anyone has asked for them.

"When someone comes in asking for a concealed weapons permit record, it's natural to wonder why a person would want that," Marshall said. "What's the motive? Is it for a story? Is it to steal a person's identity?"

The permit application asks for an applicant's name, address, date of birth and place of birth, but also requires a Social Security number, height, weight, eye color, hair color, place of work and two character references. The address and telephone number is considered public information under Oregon law unless the person has submitted a written request to a public body asking for that information to be withheld.

It can be kept private if the person demonstrates that he or she or another family member residing at the same address might be in danger if that information is available for public inspection. When a request for a documents such as a concealed weapons permit is filed, officials must determine whether any personal information is contained within the record that needs to be stricken from any copies handed out.

It's not always reasonable for that type of review to take place while a person waits, Meyer said. The last time a person sought a copy of a concealed weapons permit, Meyer said he reviewed the document and removed the applicant's Social Security number considered private under the federal Privacy Act from the copy provided to the requester.

Both Meyer and Hutson said the county tries to provide public documents in a timely manner. However, they said they need to be as diligent in protecting records that by law need to remain private as in providing those releasable under the Public Records Law.

At the Roseburg School District office, it took Judd less than five minutes to obtain a copy of Superintendent Lee Paterson's employment contract. Cathy Porter, a district administrative assistant, printed a copy of the contract from her computer as Judd waited. Judd said both Porter and Laurie Simlness, a receptionist she initially spoke with, were very accommodating in responding to her request for the document.

"It's a public record and anything that's public we provide to people who ask," Porter said. "We don't want to make anyone feel like they can't ask for records from us."

The school district doesn't receive a large number of records requests, Porter said, but employees do their best to provide what is requested. They also try to have copies of the district budget and policy manuals on hand for people to browse. When Judd went to Roseburg City Hall, she was asked to fill out a standard form used for all public records requests.

City Recorder Sheila Cox responded by letter two days later, informing Judd that a copy of the budget was available for a copying price of \$30. She was also told she could browse through a copy of the budget without charge if she didn't want to purchase the document. In her letter, Cox explained that Johnson did not have an expense account.

She explained that the city manager was reimbursed for "travel, meals, lodging, etc." and any educational workshops or seminars he attended. Debi Davidson, an administrative assistant for the city of Roseburg, said she questioned Judd the day she came in to clarify what information she was seeking. She did it not to act as a gatekeeper, but to be helpful, she said.

"We didn't care who she was. We just wanted to help her find what she wanted,"

Davidson said. At the Roseburg Police Department, a clerk took down Judd's name and phone number and told her she would pass her request on to a supervisor, who was at lunch. Later that afternoon, when Judd returned home, there was a message on her answering machine telling her that the drunk driving records she had requested were ready to be picked up. Sgt. Aaron Dunbar, a Roseburg Police spokesman, said his department tries to honor every public records request.

Some reports on open criminal investigations where detectives are working to develop enough information to charge a suspect may not be immediately available, he said. Most of the time, if a suspect hasn't been named, reports of even recent crimes will be released, he said. People requesting reports do not need to give a reason for wanting that information, Dunbar said.

Under Oregon law, records are open unless there's a legal exemption why that information is private and he said public agencies should honor that.

"I think the responsibility for articulating a reason is ours to say why we can't release it," Dunbar said. "Otherwise, we need to provide the record."