



MICHAEL D. SCHRUNK, District Attorney for Multnomah County

1021 SW Fourth Avenue • Room 600 • Portland, OR 97204-1193

Phone: 503 988-3162 • Fax: 503 988-3643 • www.co.multnomah.or.us/da/

January 17, 2006

William Joseph Birhanzl
P.O. Box 86503
Portland, OR 97206

Re: Public Records Petition 06-01

Dear Mr. Birhanzl:

In the letter petition to this office received January 5, 2006, you requested that the District Attorney order

Portland Police Bureau Chief, Derrick Foxworth and his employees to make available for inspection, the following public records:

Current Police Traffic Crash Reports written by Portland Police Officers as they are received in the Records Division each day.

The Portland Police Bureau has established a service for several years for eight to ten subscribers who want daily access to all Police Traffic Crash Reports. We agree with the Police Bureau that the Public Records Law does not mandate providing copies of these reports on such a continuing basis. The available alternative is for you to make a daily public records request and pay the fee necessary to locate, collect and provide you with each original report.

Your petition contends that Records Manager Debra Haugen (now Captain Randall Killinger) refuses to provide access to the records. The question is a simple one: have you been denied the right to inspect the Traffic Crash Reports? The answer is no. Accordingly, your petition must be denied. ORS 192.460.

In a January 12, 2006 letter response to your petition, Captain Killinger notes that you are currently provided a copy of the Traffic Crash Reports "on a daily basis" for a flat fee of \$20 per day. He points out that it is simply not feasible to provide the ten to twenty-five original reports for your inspection. The cost to locate those reports and make them available for your inspection would, in any case, be prohibitive to you.

Page 2
January 17, 2006

Your petition notes that you are required to “pay various fees as a condition of inspection.” The petition does not ask the District Attorney to review the denial of a request for a fee reduction or fee waiver. ORS 192.440(5). Nonetheless, it should be noted that the Public Records Law only requires a public agency to “furnish reasonable opportunity to inspect or copy” a record. ORS 192.440(1). A public agency “may establish fees reasonably calculated to reimburse it for its actual cost in making such records available.” ORS 192.440(3). Providing copies of all Traffic Crash Reports on a continuing basis for a flat fee of \$20 per day appears to be both efficient for the Police Bureau and economical to you.

Very truly yours,

A handwritten signature in black ink, appearing to read "M. D. Schrunck". The signature is written in a cursive style with a large initial "M" and "D".

MICHAEL D. SCHRUNK
District Attorney

MDS:plc
Enclosure
c: Capt. Randall M. Killinger