



MICHAEL D. SCHRUNK, District Attorney for Multnomah County

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January 12, 2009

James Pitkin
Willamette Week
2220 NW Quimby
Portland, OR 97210

Jacqueline Ann Weber
Assistant Multnomah County Attorney
Office of the Multnomah County Attorney
501 SE Hawthorne Blvd Ste 500
Portland, OR 97214

Re: Petition of James Pitkin on behalf of Willamette Week, received December 23, 2008 to disclose certain records of the Multnomah County Sheriff's Office

Dear Mr. Pitkin and Ms. Weber:

On this public records petition, ORS 192.410 et. seq., petitioner James Pitkin requests the District Attorney to order the Multnomah County Sheriff to disclose the following records:

[A] copy of the database containing the names of all people with concealed-weapons permits in Multnomah County, their date of birth, and the date they received their permit.

Petitioner emailed his request to the Sheriff's media spokesman, Deputy Paul McRedmond on December 11, 2008. Assistant County Attorney Jacqueline Weber responded by email on December 18, 2008. She declined on behalf of the Sheriff's Office to provide the records and claimed exemption from disclosure under ORS 192.501(23), Security Measures, and ORS 192.502(2), Personal Information. Ms. Weber noted the Sheriff "determined that the public interest in disclosure of this very personal and sensitive information does not outweigh the individuals' interest in personal privacy and personal security."

In a December 22, 2008 letter to this office, petitioner discussed the April 25, 2008 opinion of Circuit County Judge G. Philip Arnold which rejected a similar claim by the Jackson County Sheriff. He also argued there is "a clear interest in maintaining the public's ability to scrutinize the way in which a public agency performs such an important trust."

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January 8, 2008

Petition of James Pitkin

This office had more than one telephone discussion with Ms. Weber concerning the availability of the asserted exemptions. The materials submitted to this office were studied and evaluated. An identity theft expert in the Portland Police Bureau was even consulted. The Attorney General's Manual was researched and the Jackson County decision was reviewed. Preliminary work on the order was completed on January 5, 2008.

Due to the weather and holidays, the time for the County's response was extended and we received Ms. Weber's response by email at the end of the day on January 5, 2008. For the first time, the Sheriff has asserted as an elected official "a claim of right to withhold the requested information pursuant to ORS 193.540." This statute has the effect of foreclosing an appeal to this office and permits the requesting person to "institute injunctive or declaratory relief in the appropriate circuit court..."

Nearly a month has gone by before the invocation of the Sheriff's statutory authority. That is unfortunate and should not happen again. Nevertheless, the District Attorney has no jurisdiction to consider the petition brought by Mr. Pitkin on behalf of Willamette Week and it must be dismissed.

Very truly yours,

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

MICHAEL D. SCHRUNK

District Attorney

Multnomah County, Oregon