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Benton County Sheriff's Office

Diana Simpson, Sheriff

180 NW 5th Street, Corvallis, OR 97330

541.766.6858 FAX 541.766.6011

August 21, 2012

Jenn Carson
Associate Director
ACLU of Oregon
P.O. Box 40585
Portland, OR 97240-0585

RE: Records Request 12-08-004

Dear Ms. Carson:

This letter is in response to your records request. In your request you ask for four distinct types of information.

Taser. You specifically requested information about policies and procedures describing our deputies' use of Office equipment sold or manufactured under the Taser brand name. That information is covered under our General Order on *Use of Force*.

ALPR. You also requested a variety of information about the use of ALPR. Our agency neither owns nor uses ALPR, so no records are available.

Cell Phone Data. You further requested all current policies, procedures and accounting documents used to acquire cell phone data during the past three years. Our deputies do obtain cell phone data for investigations and we use specific subpoena or search warrant paperwork dependent to the carrier. In some cases we have paid for that data, however we do not track those payments separately. Researching this would require a review of invoices from the past three years. Please note that some of the information requested may not be disclosable. We will not know that until we gather and review the documents.

Public Photographing or Video Recording. Finally, you requested policies and procedures describing our deputies' appropriate response to members of the public photographing or video recording officers while engaged in their official duties. Our policies do not specifically address this issue, however, we do require deputies to identify themselves if asked while on duty as well as treat members of the public with courtesy. That information is covered in our General Order on *Rules of Conduct*.

The estimate to provide all of this information, which includes labor to locate and review the records, copying costs and handling and postage, is \$974.10. The estimate to provide everything *except* the cell phone data is \$127.95. Prepayment must be received prior to the records being retrieved. If the actual cost of providing the records is less than the estimate, a refund will be given. If the actual cost exceeds the estimate, the balance must be paid prior to us releasing the requested records.

continued



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Since we must recoup the costs to reply to these requests in order to focus on our primary mission for the citizens of Benton County, we will not waive the fees as requested in your letter.

We are currently in possession of your check #6718 in the amount of \$4.00. If you would like to proceed with this records request, we will apply that \$4.00 to your request. If we do not hear from you by October 1, 2012, we will assume that you have chosen not to pursue this request and will return your check to the address listed on the check.

If you would like to proceed with this request, please make out a check for the estimated fee as described in this letter, minus your \$4.00 check. Make the check out to the "Benton County Sheriff's Office" and mail it to:

Benton County Sheriff's Office
ATTN: Sheriff Simpson
180 NW 5th Street
Corvallis, OR 97330

Please reference "Records Request #12-08-004" on your check. Once received, we will research and send you the information requested.

Sincerely,



Diana L. Simpson
Sheriff

