

From: Thornton, Megan [<mailto:MThornton@westlinnoregon.gov>]
Sent: Tuesday, August 21, 2012 7:54 AM
To: Jann Carson
Cc: Tracy, Toni; Mollusky, Kathy; Zak, Teresa; Schwartz, Ron
Subject: West Linn Public Records Request for Taser, ALPR, cell phone data, & photo and video policy

Dear Ms. Carson,

Please see the attached letter and PDF in response to your public records request. I feel like it would be easier to discuss this over the phone, but I did not have a contact number for you; if you have any questions, please feel free to call me.

Sincerely,
Megan Thornton

CITY OF
West Linn
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CITY OF West Linn

Sent via email only

August 20, 2012

Jann Carson
Associate Director
ACLU of Oregon
jcarson@aclu-or.org

RE: Public Records Request for Taser, ALPR, cell phone data, and public photo and video procedures

Dear Ms. Carson:

In accordance with ORS 192.440(2), this is to acknowledge that your request dated July 30, 2012, has been received and processed. The City's response to your records request is as follows:

1. The City's Taser policy is attached in a PDF.
2. The City does not own or use ALPR.
3.
 - a. The City does not have a policy or procedure regarding how it obtains cell phone data.
 - b. There is no existing record that compiles expenditures for cell phone data by the police department. The records for the police department are not electronic; therefore, an automated search is not possible. The City cannot show the amount of funds, if any, expended to acquire cell phone data without going through the criminal cases for 2009, 2010, and 2011 and pulling any cases for which search warrants issued regarding cell phone data. After the cases are pulled, each case would need to be reviewed to see if cell phone data was obtained and to determine the cost or evidence of a fee waiver from the cell phone provider. Then, costs for those cases would need to be redacted and provided to the ACLU. There are 2146 for 2009, 2157 cases for 2010, and 1575 cases for 2011. The City estimates that it would take approximately 30 hours to separate the files that include search warrants and/or cell phone data, locate the relevant data in each file, track down any expenditures, and redact and copy or scan the documents. This is just an estimate, but it suggests that the public records request could cost a minimum of \$1,800. Please let the City know if you would like to proceed with the search given the estimated cost.
4. The City does not have a policy regarding public photographing or video recording of officers.

Your public records request also includes a request for a waiver of the public records request fees. The City does consider record request fee waivers and reductions in accordance with Oregon Public Records Law and the City's Master Fee Schedule, General Information 1.2, Fee Variance & Waiver Statement, which states:

Based upon an unusual circumstance or event, past practices, demonstrated hardship, or public benefit, the City Manager is authorized to waive or decrease a fee(s) or charge(s) in a particular matter or establish a fee not yet authorized in this schedule...The request for a waiver or reduction may be in writing. If the City Manager or his designee agrees to said waiver or reduction, he/she may inform the City Council, in writing, of the request and his/her decision, except in minor matters (defined as waivers or reductions valued at \$500 or less).

The City is willing to waive the fee for the Taser policy that is enclosed; however, the burden on the City with regards to the time, expense, and interference with the business of the City would not allow for a waiver of the fee if the ACLU requires the City to complete the search for the cell phone documents.



CITY OF
West Linn

Please let the City know as soon as possible if you would like the City to complete your request for cell phone records.

Sincerely,

Megan Thornton
Assistant City Attorney