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September 12, 1989

John R. Faust, Jr.
Schwabe, Williamson & Wyatt
Pacwest Center, Suites 1600-1800
1211 SW Fifth Avenue
Portland, OR 97204-3795

Re: **Petition for Public Records Disclosure Order; Department of Corrections Records**

Dear Mr. Faust:

After receiving your September 1, 1989, letter, we have revisited your petition, on behalf of Mr. Hass, for an order directing the Department of Corrections (department) to disclose a video tape involving the use of the "taser" dart gun. We appreciate your persistence in pursuing this inquiry, because as a result we uncovered an error in the facts originally presented to us by the department. That error, however, does not affect our resolution of the petition. For the reasons stated below, we respectfully deny the petition.

In our August 30, 1989, order on your petition, we noted, "Contrary to your client's apparent understanding, * * * the department does not have, and never has had, a training video tape involving the use of the 'taser' dart gun." (Emphasis added.) On that basis, we denied the petition. Since that time, we have talked again with department communications manager Robey Eldridge, the department's training office, and the staff at each institution. Through these discussions we have reconfirmed that the department has no video tapes of any actual prison disturbances in which the "taser" dart gun or any similar technology was used.

We also have determined, however, that at one time (not contemporaneous with Mr. Hass' public records request) the department briefly had in its possession a manufacturer's video tape demonstrating the use of the "taser" dart gun. At the

time of your client's request, the department already had returned the tape to the manufacturer. We understand that you may obtain a copy of the tape by contacting Roy Butler at Adamson Industries in Clackamas, Oregon.

Because we understand that the department no longer has the record your client seeks, we must respectfully reaffirm our earlier denial of your petition.

Sincerely,

PAMELA L. ABERNETHY
Special Counsel to the
Attorney General

PLA:RDW:EDJ/2326Y
cc: Fred Pearce, Director
Department of Corrections