

From: HASSELMAN Erik

Sent: Sunday, July 15, 2018 8:30 AM

To: 'Bob Schaper'

Cc: PERLOW Patty; MILLER Ben J; MCLAUGHLIN Melinda V; HAYWOOD Timothy M; HALL Benjamin D

Subject: RE: KEZI RECORDS REQUEST (OIS 13th & Washington)

Good morning, Bob:

Although I appreciate the interest and curiosity of the public in seeing the actual footage of the confrontation between Mr. Duran and the police during his apprehension, his recorded behavior and statements are squarely relevant to the pending criminal homicide prosecution in Lane County Circuit Court case no. 18CR46188. Unquestionably, the requested records will be presented as evidence in any prospective litigation of that case. Additionally, officer-involved shooting events frequently lead to tort notices by injured parties. As such, this office must deny, at this point, your request for production of those records. This denial is made pursuant to ORS 192.501(3) and ORS 192.501(1).

If this request was made directly to Eugene Police Department (the agency that created and hold the requested records), we would similarly sustain their denial of the request for the same reasons. Because we are the initial point of appeal, your remedy for appeal would be to petition the Lane County Circuit Court directly, pursuant to ORS 192.427, or seek legal advice from counsel. You should consider this denial the appealable order of the District Attorney.

Please let me know if you have any further questions or need for clarification. The criminal prosecution against Mr. Duran has not yet been assigned to a Lane County Circuit Court Judge. When that happens, a schedule of further proceedings will be developed.

Kind regards,

Erik

Erik V. Hasselman

Senior Prosecutor

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