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ATTORNEY GENERAL OF TEXAS

December 29, 2016

Ms. Andrea D. Russell
Counsel for the City of Weatherford
Taylor Olson Adkins Sralla Elam
6000 Western Place, Suite 200
Fort Worth, Texas 76107-4654

OR2016-28536

Dear Ms. Russell:

You ask whether certain information is subject to required public disclosure under the Public Information Act (the "Act"), chapter 552 of the Government Code. Your request was assigned ID# 640075.

The Weatherford Police Department (the "department"), which you represent, received a request for the names of officers involved in a specified officer-involved shooting. You claim the submitted information is exempted from disclosure under sections 552.108 and 552.152 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

Initially, we note the requestor only seeks the names of the officers involved in the incident at issue. Accordingly, any other information is not responsive to the request for information. This ruling does not address the public availability of non-responsive information, and the department need not release non-responsive information to the requestor.

Section 552.108(a)(2) of the Government Code exempts from disclosure information dealing with the detection, investigation, or prosecution of crime only in relation to an investigation that concluded in a result other than conviction or deferred adjudication. Gov't Code § 552.108(a)(2). Section 552.108, however, does not exempt from disclosure basic

information about an arrested person, an arrest, or a crime. *Id.* § 552.108(c). Basic information refers to the information held to be public in *Houston Chronicle Publ'g Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.—Houston [14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976). *See* Open Records Decision No. 127 (1976) (summarizing types of information made public by *Houston Chronicle*). We note basic information includes the names of investigating officers. *See id.* Basic information must be released even if it does not literally appear on the front page of a police report. *See id.* Therefore, because the requestor only seeks basic information pertaining to the specified incident, the department may not withhold any of the responsive information under section 552.108(a)(2).

The department asserts section 552.152 of the Government Code applies to the responsive information. Section 552.152 provides:

Information in the custody of a governmental body that relates to an employee or officer of the governmental body is excepted from [required public disclosure] if, under the specific circumstances pertaining to the employee or officer, disclosure of the information would subject the employee or officer to a substantial threat of physical harm.

Gov't Code § 552.152. The department asserts releasing the names of investigating officers in the submitted information would subject the officers to a substantial threat to physical harm “because of the current political climate and current attitudes towards law enforcement[.]” However, we find you have not demonstrated release of the responsive information would subject an employee or officer to a substantial risk of physical harm. Accordingly, the department may not withhold any portion of the responsive information under section 552.152 of the Government Code. Thus, the department must release the responsive information.

This letter ruling is limited to the particular information at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other information or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For more information concerning those rights and responsibilities, please visit our website at http://www.texasattorneygeneral.gov/open/orl_ruling_info.shtml, or call the Office of the Attorney General's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Act may be directed to the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,



Kelly McWethy
Assistant Attorney General
Open Records Division

KSM/sb

Ref: ID# 640075

Enc. Submitted documents

c: Requestor
(w/o enclosures)