



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

January 24, 2018

Mr. Mark C. Kratovil
Assistant Criminal District Attorney
Tarrant County
401 West Belknap
Fort Worth, Texas 76196

OR2018-01602

Dear Mr. Kratovil:

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# 692780.

The Tarrant County Criminal District Attorney's Office (the "district attorney's office") received a request for photographs of named peace officers. The district attorney's office claims the requested information is excepted from disclosure under section 552.119 of the Government Code. We have considered the claimed exception and reviewed the submitted information.

Section 552.119 of the Government Code provides the following:

(a) A photograph that depicts a peace officer as defined by Article 2.12, Code of Criminal Procedure, the release of which would endanger the life or physical safety of the officer, is excepted from [required public disclosure] unless:

(1) the officer is under indictment or charged with an offense by information;

(2) the officer is a party in a civil service hearing or a case in arbitration; or

(3) the photograph is introduced as evidence in a judicial proceeding.

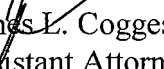
(b) A photograph excepted from disclosure under Subsection (a) may be made public only if the peace officer gives written consent to the disclosure.

Gov't Code § 552.119. Under section 552.119, a governmental body must demonstrate, if the documents do not demonstrate on their face, that release of the photograph would endanger the life or physical safety of a peace officer. We understand the district attorney's office to assert the submitted photographs of peace officers are confidential under section 552.119 because, over the course of the officers' careers, "numerous arrests have been made and they were not always peaceful." However, upon review we find the district attorney's office has not demonstrated, and it is not apparent from our review, that release of the photographs would endanger the life or physical safety of any of the peace officers depicted. Therefore, the district attorney's office may not withhold the photographs of the officers pursuant to section 552.119 of the Government Code. Accordingly, the district attorney's office must release the submitted 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,


James L. Coggeshall
Assistant Attorney General
Open Records Division

JLC/tdw

Ref: ID# 692780

Enc. Submitted documents

c: Requestor
(w/o enclosures)