



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

May 17, 2022

Mr. Joe R. Zapata
Administration Manager
Houston Police Department
1200 Travis, 10th Floor
Houston, Texas 77002-6000

OR2022-14076

Dear Mr. Zapata:

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# 947770 (Ref. Nos. P025960-022522, P025984-022822, P026080-030122).

The Houston Police Department (the "department") received three requests from different requestors for information pertaining to Houston Crime Stoppers. You state you have released information pertaining to the first and third requests. You claim the submitted information is excepted from disclosure under sections 552.101 and 552.152 of the Government Code. We have considered the exceptions you claim and reviewed the submitted representative sample of information.¹

Section 552.152 of the Government Code 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.

¹ We assume that the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. *See* Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

Gov't Code § 552.152. The department represents the release of the undercover officers' identities would subject the officers to a substantial threat of physical harm. Therefore, we find section 552.152 is applicable to the identities of the undercover officers within the information at issue. Accordingly, the department must withhold the identifying information of the undercover officers under section 552.152 of the Government Code.²

Section 552.101 of the Government Code excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Gov't Code § 552.101. Section 552.101 encompasses section 414.007 of the Government Code, which reads as follows:

A record relating to a tip received under Section 414.0015(a) maintained by the [Texas Crime Stoppers Council], a crime stoppers organization, a law enforcement agency, a school district, or an open-enrollment charter school, including the identity of the person who submitted the tip, is confidential and is not subject to disclosure under Chapter 552.

Gov't Code § 414.007. Upon review, we find you have failed to demonstrate any of the remaining information relates to a tip made to a crime stoppers organization pursuant to section 414.0015 of the Government Code. *See id.* § 414.001(2)(B) (defining "crime stoppers organization" as public organization operated on local or statewide level, that pays rewards to persons who report to organization information about criminal activity, and that forwards information to appropriate law enforcement agency); *see also id.* § 414.0015 (establishing procedures for accepting and forwarding crime stoppers tips). Therefore, the department may not withhold any of the remaining information under section 552.101 of the Government Code in conjunction with 414.007 of the Government Code.

Section 552.101 of the Government Code also encompasses section 414.009(a) of the Government Code, which reads as follows:

A person who is a member or employee of the [Texas Crime Stoppers Council], a crime stoppers organization, a law enforcement agency, a school district, or an open-enrollment charter school or who accepts a tip under Section 414.0015(a) on behalf of the [Texas Crime Stoppers Council] or a crime stoppers organization commits an offense if the person intentionally or knowingly discloses to a person not a member of or employed by the [Texas Crime Stoppers Council], a crime stoppers organization, a law enforcement agency, a school district, or an open-enrollment charter school the identity of a person who submitted a tip or the content of that tip without the person's consent, unless:

² As our ruling is dispositive, we need not address your remaining argument against disclosure of this information.

(1) the person disclosing the information has received authorization to disclose the information from the chief executive of the crime stoppers organization that originally received the tip, and the chief executive has reasonably determined that failing to disclose the identity of a person who submitted the tip creates a probability of imminent physical injury to another; or

(2) the disclosure is otherwise required by law or court order.

Id. § 414.009(a); *see id.* § 414.001(2)(B) (defining “crime stoppers organization”). Upon review, we find the department failed to demonstrate any of the remaining information reveals either the content of a crime stopper’s report or the identity of a person who made a crime stopper’s report. Thus, the department may not withhold any of the remaining information under section 552.101 of the Government Code in conjunction with section 414.009(a) of the Government Code.

In summary, the department must withhold the identifying information of the undercover officers under section 552.152 of the Government Code. The department must release the remaining 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 <https://www.texasattorneygeneral.gov/open-government/members-public/what-expect-after-ruling-issued> or call the OAG’s Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Public Information Act may be directed to the Cost Rules Administrator of the OAG, toll free, at (888) 672-6787.

Sincerely,

Meredith L. Coffman
Assistant Attorney General
Open Records Division

MLC/jxd

Ref: ID# 947770

Enc. Submitted documents

c: Requestor
(w/o enclosures)