

Kathryn Davis  
City Attorney

Charla Thomas  
Assistant City Attorney

Nan Rodriguez  
Deputy City Attorney



Amanda Rice  
Deputy City Attorney

Christina Demirs  
Deputy City Attorney

Nicole Warren  
Deputy City Attorney

December 17, 2019

Justin Gordon  
Chief, Open Records Division  
Office of the Attorney General  
P. O. Box 12548  
Austin, Texas 78711-2548

Re: Open Records Request – Roland Richter/Photo of officer, dash and Body-worn camera video recordings of an officer involved shooting on December 2, 2019

Dear Mr. Gordon:

- On December 10, 2019, the City received the attached request from Roland Richter for: a picture of Officer Carmen DeCruz and restate our request when it is available for any body cam or dash cam video of the incident involving a shooting December 2 near SE HK Dodgen Loop and Little River Road that left Michael Dean deceased. We also request any autopsy results returned for Dean and request the name of the Justice of the Peace who pronounced him dead. See *Exhibit A*.
- On December 17, 2019, the City received the attached request from Roland Richter for: Pursuant to the Open Records Act, we would like to formally request a picture of Officer Carmen DeCruz and restate our request when it is available for any body cam or dash cam video of the incident involving a shooting December 2 near SE HK Dodgen Loop and Little River Road that left Michael Dean deceased. See *Exhibit B*.

The City requests a ruling from the Attorney General's office whether the responsive information attached hereto as *Exhibit C*, is subject to an exception to disclosure pursuant to § 552.108(a)(1) of the Texas Government Code because the release of that information would interfere with the detection, investigation, or prosecution of a crime. The criminal matters documented in the attached report are pending and have not yet been resolved. Release of the witnesses' identities may subject those witnesses to intimidation or harassment or harm the prospect of their future cooperation in the ongoing investigation.

The City also requests a ruling from the Attorney General's office whether the responsive information attached hereto as *Exhibit D*, is subject to an exception to disclosure pursuant to § 552.101 of the Texas Government Code in conjunction with 1701.661(a) of the Texas Occupations Code because the requestor did not provide all of the required information necessary to obtain a copy of the Body Worn Camera video recording.

Finally, the City requests a ruling from the Attorney General's office whether the responsive information attached hereto as *Exhibit E*, is subject to a mandatory exception to disclosure pursuant to § 552.101 of the Texas Government Code in conjunction with 1701.660(a) of the Texas Occupations Code because it includes a recording created with a body worn camera documenting an incident that involves the use of deadly force by a peace officer or that is otherwise related to an administrative or criminal investigation of an officer which may not be released to the public until all criminal matters have been finally adjudicated and all related administrative investigations have concluded; the disclosure of the requested recordings is prohibited by statute and the City may not disclose them as a matter of law.

Lastly, the City requests a ruling from the Attorney General's office whether the responsive information attached hereto as *Exhibit F*, is subject to an exception to disclosure pursuant to § 552.119(a) of the Texas Government Code because the release of that information would endanger the life or physical safety of the officer as shown in the attached examples of social media commentary. See *Exhibit G*.

The City appreciates the Attorney General's time and attention to this important matter.

Kindest Regards,



Charla Thomas  
Assistant City Attorney

Cc: Roland Richter  
*Via email*