



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

April 1, 2015

Ms. Cathy Cunningham  
Counsel for the City of Hurst  
Boyle & Lowry, LLP  
4201 Wingren Drive, Suite 108  
Irving, Texas 75062-2763

OR2015-06212

Dear Ms. Cunningham:

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# 560304.

The Hurst Police Department (the "department"), which you represent, received a request for two specified call reports, all 9-1-1 calls related to those call reports, all video recordings pertaining to a specified incident, the legal first names of five specified officers, a copy of the department's policy regarding racial profiling, and the name of a specified neighborhood crime watch captain. You state you will release most of the responsive information to the requestor. You claim portions of the submitted information are excepted from disclosure under sections 552.127 and 552.152 of the Government Code. You further state release of this information may implicate the interests of the neighborhood crime watch captain. Accordingly, you state you notified the neighborhood crime watch captain of the request for information and of his or her right to submit arguments to this office as to why the submitted information should not be released. *See* Gov't Code § 552.304 (providing that interested party may submit written comments regarding why information should or should not be released). We have received comments from the neighborhood crime watch captain. We have considered the submitted arguments and reviewed the submitted information.

Section 552.127 of the Government Code excepts from disclosure information that "identifies a person as a participant in a neighborhood crime watch organization and relates to the name, home address, business address, home telephone number, or business telephone

number of the person.” Gov’t Code § 552.127(a); *see also id.* § 552.127(b) (defining “neighborhood crime watch organization”). You assert the information you have marked and indicated identifies an individual who is a member of a neighborhood crime watch organization. Upon review, we agree some of the submitted information identifies a person as a participant in a neighborhood crime watch organization. Accordingly, the department must withhold the information we have marked and indicated under section 552.127 of the Government Code. However, we find none of the remaining information identifies a person as a participant in a neighborhood crime watch organization. Therefore, the department may not withhold any of the remaining information under section 552.127 of the Government Code.

Section 552.152 of the Government Code provides the following:

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.

*Id.* § 552.152. Upon review, we find you have not demonstrated how any of the remaining information would subject an employee or officer of the department to a substantial risk of physical harm. Accordingly, the department may not withhold any of the remaining information under section 552.152 of the Government Code.

We note the remaining information contains motor vehicle record information subject to section 552.130 of the Government Code.<sup>1</sup> Section 552.130 provides information relating to a motor vehicle operator’s license, driver’s license, motor vehicle title or registration, or personal identification document issued by an agency of this state or another state or country is excepted from public release. *See* Gov’t Code § 552.130(a). The department must withhold the motor vehicle record information we have indicated under section 552.130 of the Government Code.

In summary, the department must withhold the information we have marked and indicated under section 552.127 of the Government Code. The department must withhold the motor vehicle record information we have indicated under section 552.130 of the Government Code. The remaining information must be released.

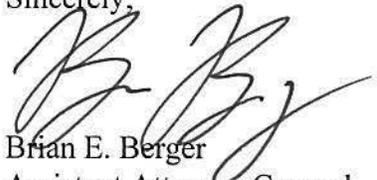
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<sup>1</sup>The Office of the Attorney General will raise a mandatory exception on behalf of a governmental body, but ordinarily will not raise other exceptions. *See* Open Records Decision Nos. 481 (1987), 480 (1987), 470 (1987).

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](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,



Brian E. Berger  
Assistant Attorney General  
Open Records Division

BB/akg

Ref: ID# 560304

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

Third Party  
(w/o enclosures)