



February 9, 1999

Ms. Katheryn H. West  
Assistant City Attorney  
Criminal Law and Police Division  
City of Dallas  
2014 Main Street, Room 206  
Dallas, Texas 75201

OR99-0386

Dear Ms. West:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 122072.

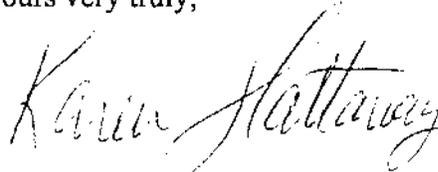
The Dallas Police Department received a request for “[a]ll reports, records, notes, diagrams, interviews, photographs, videotapes, audio tapes and any other recording and/or documentation regarding the death of Blake, Douglas.” You state that you only seek to withhold one photograph that depicts a police officer. You contend that this photograph is excepted from disclosure pursuant to section 552.119 of the Government Code. We assume that you have released all other responsive information to the requestor.

Except in limited circumstances that do not appear to apply here, section 552.119(a) protects from disclosure “a photograph that depicts a peace officer as defined by Article 2.12, Code of Criminal Procedure.” A photograph that depicts a peace officer may be released only if the peace officer consents to the disclosure in writing. Gov’t Code § 552.119(b). Thus, you must withhold the submitted photograph from disclosure unless the peace officer has given his written consent for release.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous

determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink that reads "Karen Hattaway". The signature is written in a cursive style with a large, sweeping initial "K".

Karen E. Hattaway  
Assistant Attorney General  
Open Records Division

KEH/ch

Ref: ID# 122072

Enclosures: Submitted photograph

cc: Ms. Yolanda Moses  
Moses Investigations, Inc.  
P.O. Box 28072  
Dallas, Texas 75228  
(w/o enclosures)