

Dear Judges,

"7/7: The Heroes Perspective" is the product of a five-year battle using the Texas Public Information Act to get records from the city of Dallas documenting the deadliest attack on law enforcement since 9/11.

Investigative reporter Tanya Eiserer and investigative producer Jason Trahan relied on their decades of combined experience covering law enforcement in North Texas to overcome stonewalling by city officials and force them to comply with the TPIA. It eventually took a formal complaint with the Texas Attorney General, but in the end, public records documenting the attack were indeed made public, and a critical story was told.

Background

On July 7, 2016, thousands of demonstrators took to the streets of Dallas to protest a rash of police killings around the country.

Around 9 p.m., as the peaceful demonstration ended, a lone gunman, Micah Johnson, opened fire on police supervising the protest, killing four before fleeing into a downtown community college building. He killed a fifth officer on the street by shooting from a second-floor window. He barricaded himself at the end of a hallway inside the college, and for hours continued to fire at officers with a semiautomatic assault rifle.

The standoff ended when then-Dallas Police Chief David Brown ordered that a robot fitted with explosives be used. It remains the only time that a robot has been used to kill a suspect in the United States.

Our special report, "7/7: The Heroes' Perspective," documents the tragedy using never-before-seen images, including video from eyewitnesses, police body-worn and patrol car dashboard cameras, crime scene photos, and audio recordings of the suspect. We also got exclusive interviews with officers who lived through the tragedy.

Open records battle

In the aftermath of the deadly ambush, WFAA and other members of the media filed open records requests seeking the Dallas Police Department's investigation into the events of that night. All of our requests were denied, initially because of the ongoing criminal investigation. Later, when a grand jury, as expected, cleared SWAT officers in the gunman's death, the department again refused to release the materials because of a quirk in Texas public information law that allows records related to a criminal investigation be withheld when no one is prosecuted.

It appeared the public would never have access to the department's investigative records or video from that night.

We decided that could not stand.

Even though we had no reason to believe officers had done anything wrong, we knew there was a story to tell – that must be told – if for no other reason than to honor the sacrifices of five men who gave their lives protecting those there to protest them. Plus, it did not seem right that there not be a full accounting of the decision to take the extraordinary step of using a police robot to kill a man.

Through their years of covering police agencies, Eiserer and Trahan knew that while law enforcement was entitled to withhold records of criminal investigations, *they are not permitted to withhold records of internal investigations*. Eiserer learned from her sources that most, if not all, of the material gathered in the criminal investigation had been turned over to internal investigators.

On Oct. 4, 2018, we filed a request for the internal investigation. Again, the department sought to withhold the material. But, the Texas Attorney General's office sided with us and on March 5, 2019, ordered the police department to release the material to WFAA. The department dragged its feet for more than a year, at times using the pandemic as its excuse for the delays.

With the fifth anniversary of the tragedy approaching, Trahan filed a complaint on Feb. 11, 2021, with the Attorney General's office, arguing that the police department was in violation of the AG's order to release the video. Within weeks, the department began releasing a mountain of video – in no particular order. The last of the material arrived in mid-May, just a few weeks before the fifth anniversary of the tragedy.

Eiserer spent those weeks wading through hours of video, pulling out the most compelling material. She painstakingly identified specific officers on the body cam and dash cam videos, and began reaching out to them.

Buried in the video, we found moments of heroism, unthinkable violence and glimpses of the personalities of those officers who died.

- Dash cam video showed that Officer Patricio Zamarripa was listening to a Texas Rangers baseball game in his patrol car when he heard gunfire. He immediately ran toward it. Moments later, he was shot dead in the street as bystanders fled.
- The moment when officers finally found Johnson's hideout on the second floor of a community college, body cam captured the chaos and deafening roar as officers and the gunman exchanged rifle fire in a small hallway. The moment gave viewers a sense of what officers experienced, and the immense danger they were in the entire time.
- Body cam video also captured critical police conversations as they came up with the plan to use a robot to end the standoff.

We also obtained an audio recording of conversations between the gunman and a Dallas SWAT negotiator. Micah Johnson gives insight into his motives, the recordings also document the pleas of police to end the standoff peacefully. The recording, which had never been heard publicly, made it clear that Johnson had no intention of surrendering.

We believe our efforts are worthy of the prestigious Headliner's Showcase Award for Enterprise and Innovation, and we thank you for considering our work.



WFAA's 7/7: *The Heroes' Perspective* was only possible because of open records laws, and the tenacity of an investigative team that knew how to use them.

Here is a timeline of events that led to the making of this story:

2016

- July 7, 2016 – Ex-Army soldier Micah Johnson shot and killed four Dallas police officers and one Dallas Area Rapid Transit officer near the end of a protest over police killings nationwide. Nine others were injured in the attack. SWAT officers killed Johnson at the end of a standoff inside a community college by setting off explosives wired to a police robot. WFAA and other media outlets filed requests for documents and videos related to the case. All were denied while the investigation into what happened was pending.

2017

- June 26, 2017 – Katrina Ahrens, widow of Dallas Sr. Cpl. Lorne Ahrens, one of the five slain officers, filed a lawsuit to keep her husband's name and image from being released publicly.

2018

- Jan. 31, 2018 – A grand jury determined that no crime was committed by any officers in the killing of Micah Johnson, officially ending the criminal investigation of the incident.
- Feb. 1, 2018 – WFAA filed an open records request for all videos and documents related to the shooting.
- April 20, 2018 – The Texas Attorney General, which interprets state laws determining what records governmental entities can release, denied WFAA's request. The AG noted

that the “information at issue relates to a closed case that did not result in conviction or deferred adjudication,” and by Texas law ([Section 552.108\(a\)\(2\)](#)) the materials can be withheld. The intent of this part of the open records law was to protect wrongly accused private citizens from being labeled as criminals; it was now being used to keep police documents in an historic shooting secret.

- Oct. 4, 2018 – WFAA filed an open records request for the Internal Affairs Division files. The Texas law enabling entities to withhold investigative materials if they don’t result in a conviction does not apply to Internal Affairs Division materials. This is because an IAD investigation seeks to determine if department rules were violated, not whether a crime was committed.

2019

- March 5, 2019 – The Texas AG ruled in WFAA’s favor, and mandated the release of documents and video.
- April 11, 2019 – After WFAA pressed the city to comply with the AG’s order, Dallas City Attorney Chris Caso said a judge’s order in lawsuit filed by the widow of slain Dallas Sr. Cpl. Lorne Ahrens prohibited the city from releasing any records or videos with Ahrens’ name or image on them. The city said it would have to scrub every document and frame of video for any reference to Ahrens.
- April 18, 2019 – A week later, the police department began releasing documents, but no video or pictures.

2020

- March 13, 2020 – Nearly a year and a half after WFAA first filed the request for IAD materials, the police department released the first video in the investigation. It consisted of an hour of video of an empty interrogation room. Over the next few weeks, the department released actual interrogation video, but no video of the shooting.
- Dec. 19, 2020 – More than two years after the 2018 IAD request, the first dash cam videos were released.

2021

- Feb. 11, 2021 – After several months passed with no relevant video released, WFAA filed a formal complaint with the Texas AG’s office, alleging the police department was in violation of the Texas Public Information Act by withholding public records in the shooting.
- March 11, 2021 – A month after the AG complaint, and two and a half years after the 2018 IAD request was filed, the police department released the first body cam video images.
- May 17, 2021 – Less than two months shy of the 5th anniversary of the shooting, the police department released the final piece of video in the investigation.
- July 7, 2021 – WFAA aired *7/7: The Heroes’ Perspective*.

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From: Trahan, Jason P
To: ["openrecords@dallascityhall.com"](mailto:openrecords@dallascityhall.com)
Subject: Open Records Request - city of Dallas
Date: Friday, July 15, 2016 12:05:00 PM

Under the Texas Public Information Act, I request access to, or a copy of, the following:

+Any and all emails, texts, instant messages, and/or social media messages to and from Dallas Mayor Mike Rawlings related to the Black Lives Matter protest and subsequent shooting incident involving Micah Xavier Johnson from 7/7/16 through 7/15/2016.

As provided by law, I expect your response as soon as possible.

I request all information responsive to this request be provided in digital format.

If you choose to seek an Attorney General's decision on the release of the requested information, please quickly provide all segregable portions of otherwise exempt material.

Please send me information as it becomes available, rather than wait to compile all the information before sending.

I am not requesting any material that the courts have previously determined to be private. For instance, I am not interested in bank account or credit card numbers.

As a news media representative acting on behalf of the public, I ask that all fees associated with this request be waived as this information is sought in the public interest.

If fees to produce these records are, for any reason, not waived, notify me in advance of the copying or labor costs if you believe they will be more than \$40.

In the interest of expediency, I prefer to be contacted by phone (214-773-2052) or email (jptrahan@wfaa.com).

Thanks,

Jason Trahan

Investigative Producer

WFAA-TV | Dallas, Tx.

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REGISTER OF ACTIONS

CASE No. DC-C201700365

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RELATED CASE INFORMATION

Related Cases

DC-C201800704 (Companion Case)

PARTY INFORMATION

Defendant	City of Dallas	Lead Attorneys Charles A. Estee <i>Retained</i> 214-670-3519(W)
Defendant	Dallas Police Association	Jennifer W. Johnson <i>Retained</i>
Defendant	Devine, Brenda S	Michael J Rogers <i>Retained</i> 817-558-4323(W)
Defendant	Devine, Ronald C	Michael J Rogers <i>Retained</i> 817-558-4323(W)
Defendant	DPA's Assist the Officer Foundation, Inc.	Fernando P Arias <i>Retained</i> 214-987-9600(W)
Defendant	Frazier, Frederick	Fernando P Arias <i>Retained</i> 214-987-9600(W)
Defendant	Gorsky, Bob	JAMES W GRAU <i>Retained</i> 214-521-4145(W)
Defendant	Lyon, Gorsky & Gilbert, LLP	
Defendant	Mata, Michael	
Defendant	ZAK Products II, LLC	Jordan A. Mayfield <i>Retained</i> 254-755-4349(W)
Plaintiff	Ahrens, Katrina	Casey Griffith <i>Retained</i> 214-446-6020(W)

EVENTS & ORDERS OF THE COURT

OTHER EVENTS AND HEARINGS		
06/27/2017	Original Petition (OCA) <i>Plaintiff's Verified Original Petition, Application for Temporary Restraining Order, Application for Temporary Injunction, and Request for Disclosure-Iss 5cit/3TRO</i>	
06/27/2017	Civil Case Information Sheet	
06/27/2017	Citation <i>atty picked up</i>	
	Dallas Police Association	Served 06/27/2017 Returned 06/28/2017
	DPA's Assist the Officer Foundation, Inc.	Served 06/27/2017 Returned 06/28/2017
	Frazier, Frederick	Served 06/27/2017 Returned 06/29/2017
	ZAK Products II, LLC	Served 06/29/2017

	City of Dallas	Returned	07/05/2017
		Served	06/28/2017
		Returned	06/30/2017
06/27/2017	Citation Issued <i>to City of Dallas</i>		
06/27/2017	Citation Issued <i>to Dallas Police Association</i>		
06/27/2017	Citation Issued <i>to DPA's Assist the Officer Foundation, Inc</i>		
06/27/2017	Citation Issued <i>to Frederick Frazier</i>		
06/27/2017	Citation Issued <i>to ZAK Products II, Inc</i>		
06/27/2017	Letter <i>to Mr. Griffith RE: Distribution of funds from DPA's Assist the Officer Foundation, Inc.</i>		
06/27/2017	Temporary Restraining Order		
06/27/2017	Temporary Restraining Order Issued <i>to Frederick Frazier</i>		
06/27/2017	Temporary Restraining Order Issued <i>to Dallas Police Association</i>		
06/27/2017	Temporary Restraining Order Issued <i>to DPA's Assist the Officer Foundation, Inc</i>		
06/27/2017	Temporary Restraining Order <i>atty picked up</i>		
	Dallas Police Association	Unserved	
	Frazier, Frederick	Served	06/27/2017
		Returned	07/05/2017
	DPA's Assist the Officer Foundation, Inc.	Unserved	
06/27/2017	Jury Fee Paid		
06/27/2017	Notice <i>Notice of Appearance of Additional Counsel for Plaintiff</i>		
06/28/2017	Citation Returned <i>Served 06/27/2017</i>		
06/28/2017	Citation Returned <i>Served 06/27/2017</i>		
06/29/2017	Citation Returned <i>Citation Executed on 06/27/17 Frederick Frazier</i>		
06/30/2017	Citation Returned <i>Citation Returned Executed on 06/28/17-City of Dallas</i>		
07/03/2017	Subpoena <i>SUBPOENA TO APPEAR AND GIVE TESTIMONY AT A HEARING-Michael Mata</i>		
07/03/2017	Subpoena <i>SUBPOENA TO APPEAR AND GIVE TESTIMONY AT A HEARING-Frederick Frazier</i>		
07/05/2017	Citation Returned <i>Served 06/29/2017</i>		
07/05/2017	Service <i>Return of Service Executed on 06/30/17-PLAINTIFF'S NOTICE OF INTENT TO TAKE THE ORAL AND VIDEOTAPED DEPOSITION OF MICHAEL MATA</i>		
07/05/2017	Service <i>Return of Service Executed on 06/30/17-PLAINTIFF'S NOTICE OF INTENT TO TAKE THE ORAL AND VIDEOTAPED DEPOSITION OF FREDERICK FRAZIER</i>		
07/05/2017	Temporary Restraining Order Returned <i>TRO Returned Executed on 06/27/17 Frederick Frazier</i>		
07/05/2017	Letter Confirming Hearing <i>Hearing Reset to August 23, 2017</i>		
07/10/2017	CANCELED Temporary Restraining Order (1:30 PM) (Judicial Officer Bridewell, Wayne) <i>Other</i>		
07/19/2017	Motion <i>Plaintiff's Unopposed Motion to Extend Temporary Restraining Order</i>		
07/19/2017	Order Extending Temporary Restraining Order		
07/24/2017	Answer <i>Defendant ZAK Products, II, LLC's Motion to Transfer Venue and Subject Thereto, Original Answer</i>		
07/24/2017	Motion to Transfer <i>Defendant Dallas Police Association's Motion to Transfer Venue and, Subject Thereto, Original Answer</i>		
07/24/2017	Motion to Transfer <i>Motion to Transfer Venue and Subject Thereto Original Answer of Defendant City of Dallas</i>		
07/24/2017	Answer <i>DEFENDANTS DPA'S ASSIST THE OFFICER FOUNDATION, INC. AND FREDERICK FRAZIER'S MOTION TO TRANSFER VENUE AND, SUBJECT THERETO, ORIGINAL ANSWER</i>		
08/14/2017	Motion <i>Defs DPA and Frederick Frazier's Motion to Quash Plaintiff's Deposition Notices of K. Mayfield and F. Frazier Subject to Motion to Transfer Venue</i>		
08/14/2017	Proposed Order <i>Proposed Order to Defs DPA and F. Frazier's Motion to Quash Plt's Depo Notices of K. Mayfield and F. Frazier-ret unsigned</i>		
08/15/2017	Notice of Hearing <i>on Motion to Quash</i>		
08/16/2017	CANCELED Motion to Quash (4:00 PM) (Judicial Officer Bridewell, Wayne) <i>Agreed Resolution</i>		
08/16/2017	Notice <i>Notice of Cancellation of Hearing on Motion to Quash</i>		
08/17/2017	Letter <i>Letter to Counsel of Record</i>		
08/17/2017	Notice of Hearing		
08/17/2017	Notice <i>Amended Notice of Hearing on Plaintiff's Application for Temporary Injunction</i>		

08/17/2017 **Notice**
Notice of Hearing on Motion to Quash

08/17/2017 **Notice**
Notice of Hearing on City's Motion to Transfer Venue

08/18/2017 **Notice of Hearing**

08/23/2017 **Motion to Quash** (9:00 AM) (Judicial Officer Bridewell, Wayne)
Plaintiffs hearing on Defendants DPA's Assist the Officer Foundation, Inc. and Frederick Frazier's Motion to Quash Plaintiff's Deposition Notices of Kimberly Mayfield and Frederick Frazier
Result: Held

08/23/2017 **Letter**
Notice of Depos of Mayfield & Frazier on Sept. 20, 2017

09/14/2017 **Subpoena Return**
RETURN OF SERVICE for Subpoena to Thomas Stephen & Co, LLP served 09/11/2017

09/15/2017 **Motion**
Non-Party Thomas Stephen & Company, LLP's Objections to and Motion to Quash Plaintiff's Subpoena Duces Tecum

09/15/2017 **Motion**
Defendant Dallas Police Association's Objections, Motion to Quash and Motion for protective Order Regarding Plaintiff's Notice of Intention to Take Deposition by Written Questions and Subpoena to Non-Party Thomas Stephen & Company, LLP

09/15/2017 **Answer**
Plaintiff's Omnibus Response to Defendant's Motions to Transfer Venue

09/25/2017 **Motion**
Emergency Motion for Protective Order

09/26/2017 **Notice of Hearing**

10/02/2017 **Appearance of Counsel**

10/03/2017 **Hearing** (4:00 PM) (Judicial Officer Bridewell, Wayne)
EMERGENCY MOTION FOR PROTECTIVE ORDER - DPA s Assist the Officer Foundation, Inc. (ATO), and Frederick Frazier
10/02/2017 Reset by Court to 10/03/2017
10/03/2017 Reset by Court to 10/02/2017
Result: Held

10/03/2017 **Appearance of Counsel**
First Amended Appearance of Counsel

10/03/2017 **Order**
Granting Emergency Motion for Protective Order

10/06/2017 **Motion**
Opposed Motion for Entry of Protective Order

10/06/2017 **Amended Petition**
Plaintiff's Verified First Amended Petition and Application for Temporary Injunction

10/10/2017 **Motion**
Defendants DPA's Assist the Officer Foundation, Inc. and Frederick Frazier's Motion to Show Cause

10/12/2017 **Notice**
Notice of Hearing on Defendants DPA's Assist the Officer Foundation, Inc. and Frederick Frazier's Motion to Show Cause

10/12/2017 **Notice**
Notice of Hearing on Defendants DPA's Assist the Officer Foundation, Inc. and Frederick Frazier's Motion to Transfer Venue

10/12/2017 **Letter**
Letter to All Counsel of Record - Hearing Reset

10/12/2017 **Notice of Hearing**
Amended Notice of Hearing on The City's Motion to Transfer Venue

10/12/2017 **Notice of Hearing**
Notice of Hearing on Zak Products II, LLC's Motion to Transfer Venue

10/13/2017 **Notice**
Notice of Withdrawal of Defendant Zak Products II, LLC's Motion to Transfer Venue

10/13/2017 **Notice**
NOTICE OF CANCELLATION OF HEARING ON PLAINTIFF'S APPLICATION FOR TEMPORARY INJUNCTION

10/13/2017 **Notice**
Notice of Appeal

10/13/2017 **Amended Petition**
Defendants DPA's Assist the Officer Foundation, Inc. and Frederick Frazier's First Amended Answer Subject to Defendants' Motion to Transfer Venue

10/16/2017 **CANCELED Hearing** (1:30 PM) (Judicial Officer Bridewell, Wayne)
Other
Plaintiff's Application for Temporary Injunction
08/23/2017 Reset by Court to 10/16/2017

10/16/2017 **CANCELED Motion to Transfer** (1:30 PM) (Judicial Officer Bridewell, Wayne)
Other
ZAK Products Motion to Transfer Venue. Request from attorney's legal assistant 3pm 10/12/17 to move Mo. to Transfer hearing to December 18. Pl. counsel had already set their hearing on Zak's Mo to Transfer. Advised counsel for ZAK to file Motion for Continuance of their Motion to Transfer Venue.

10/16/2017 **CANCELED Hearing** (1:30 PM) (Judicial Officer Bridewell, Wayne)
Other
DEFENDANTS DPA S ASSIST THE OFFICER FOUNDATION, INC. AND FREDERICK FRAZIER S MOTION TO SHOW CAUSE

10/16/2017 **CANCELED Motion to Transfer** (1:30 PM) (Judicial Officer Bridewell, Wayne)
Other
Katrina Ahrens hearing on Zak's Motion to Transfer

10/16/2017 **Notice**
Notice of CANCELLED Hearing on ATO-Frazier Mtn Show Cause

10/17/2017 **Answer**
Defendant Dallas Police Association's Supplemental Answer Subject To Its Motion To Transfer Venue

10/19/2017 **Letter**
from 10th Court of Appeals - Notice of Appeal has been filed

10/24/2017 **Request**
Request for Reporter's Records-gave to Tina

10/24/2017 **Request**

Request for Clerk's Records-gave to Tina

10/25/2017 **Letter**
from 10th Court of Appeals - Case is subject to dismissal

10/27/2017 **Docket Sheet**

11/06/2017 **Motion**
Defendants Dallas Police Association, DPA's Assist the Officer Foundation, Inc. and Frederick Frazier's Joint Motion to Compel Plaintiff to Add Indispensible Parties for Just Adjudication

11/07/2017 **Notice of Hearing**
on Motion for Protective Order

11/08/2017 **Letter**
to 10th Court of Appeals - Asking for a 30 extension to finish appeal due to unexpected work load.

11/15/2017 **Letter**
from 10th Court of Appeals - Request for extension time has been granted

11/15/2017 **Reporter's Certification**
Reporter's Certification Deposition of Frederick Frazier September 20, 2017

11/16/2017 **Order**

11/16/2017 **Letter**
from 10th Court of Appeals - an Order has been entered

11/16/2017 **Reporter's Certification**
Reporter's Certification Deposition of Kimberly Mayfield 09/20/2017

11/20/2017 **Reporter's Certification**
Reporter's Certification Deposition of Frederick Frazier September 20, 2017

12/04/2017 **Notice**
Notice of RESET Hearing - Sent to Court

12/04/2017 **Letter Confirming Hearing**

12/05/2017 **Taxes Trace Number**
SENT APPEAL THRU TAXES #5918

12/07/2017 **Letter**
from 10th Court of Appeals - Clerk's record has been filed

12/07/2017 **Motion**
Plaintiff's Opposed Motion for Appointment of Auditor

12/12/2017 **Notice of Hearing**
on Motion for Appointment of Auditor

12/18/2017 **Motion to Transfer** (1:30 PM) (Judicial Officer Bridewell, Wayne)
(Fletcher Farley for DPA's Assist the Officer Foundation)
10/16/2017 Reset by Court to 12/18/2017

Result: Other

12/18/2017 **Motion to Transfer** (1:30 PM) (Judicial Officer Bridewell, Wayne)
(Jennifer Johnson for Dallas Police Association)
10/16/2017 Reset by Court to 12/18/2017

Result: Other

12/18/2017 **Motion to Transfer** (1:30 PM) (Judicial Officer Bridewell, Wayne)
City of Dallas by Attorney James Pinson Motion to Transfer Venue
10/16/2017 Reset by Court to 12/18/2017

Result: Other

12/18/2017 **Hearing** (1:30 PM) (Judicial Officer Bridewell, Wayne)
Plaintiff's Opposed Motoin for Entry of Protective Order

Result: Held

12/18/2017 **Motion to Show Cause** (1:30 PM) (Judicial Officer Bridewell, Wayne)
DEFENDANTS DPA S ASSIST THE OFFICER FOUNDATION, INC. AND FREDERICK FRAZIER S MOTION TO SHOW CAUSE

Result: Held

12/18/2017 **Hearing** (1:30 PM) (Judicial Officer Bridewell, Wayne)
DEFENDANTS DALLAS POLICE ASSOCIATION, DPA'S ASSIST THE OFFICER FOUNDATION, INC. AND FREDERICK FRAZIER'S JOINT MOTION TO COMPEL PLAINTIFF TO ADD INDISPENSIBLE PARTIES FOR JUST ADJUDICATION

Result: Held

12/18/2017 **Hearing** (1:30 PM) (Judicial Officer Bridewell, Wayne)
Plaintiff's Opposed Motion for Appointment of Auditor

Result: Held

12/18/2017 **Answer**
Plaintiff's Omnibus Response to Defendants' Motion to Compel and Motion to Show Cause

12/18/2017 **Answer**
Response of Defendants DPA's Assist the Officer Foundation, Inc. and Frederick Frazier to Plaintiff's Motion for Audit

12/18/2017 **Proposed Order**
Order Denying Plaintiff's Opposed Motion for Appointment of Audit-ret unsigned

12/18/2017 **Agreed Order**
Agreed Protective Order

01/05/2018 **Letter**
Brief

01/12/2018 **Response**
Plaintiff's Response to Defendant's Supplemental Briefing on Defendants' Motion to Compel Plaintiff to Add Indispensable Parties and to Show Cause -sent to court via que

01/12/2018 **Proposed Order**
Order -ret unsigned

01/19/2018 **Letter**
Letter to The Honorable Wayne Bridewell

02/08/2018 **Change of Address**
Notice of Change of Firm Affiliation and Address

02/12/2018 **Amended Petition**
Plaintiff's Second Amended Petition and Application for Temporary Injunction -sent to court via que

02/12/2018 **Application**
Plaintiff's Supplemental Application for Temporary Injunction and Brief in Support

02/12/2018 **Proposed Order**

	<i>Temporary Restraining Order - unsigned</i>		
02/12/2018	Answer		
	<i>The City's Response to Plaintiff's Supplemental Application for Temporary Restraining Order -sent to court via que</i>		
02/12/2018	Temporary EX Parte (11:30 AM) (Judicial Officer Bridewell, Wayne)		
	Result: Held		
02/12/2018	Temporary Restraining Order		
02/12/2018	Temporary Restraining Order		
	City of Dallas	Served	02/14/2018
		Returned	02/19/2018
02/12/2018	Temporary Restraining Order Issued		
	<i>to City of Dallas - atty pd bond and picked up TRO</i>		
02/13/2018	Notice of Appearance		
	<i>Notice of Appearance of Additional Counsel for Plaintiff-Sent to Court</i>		
02/14/2018	Letter		
	<i>Letter to Mr Griffith from City of Dallas Asst City Attorney</i>		
02/15/2018	Appearance of Counsel		
02/16/2018	Motion		
	<i>Motion Plea to the Jurisdiction of Counts 14 Through 16 (Sensitive Death Records) on Plaintiff's Second Amended Petition</i>		
02/19/2018	Temporary Restraining Order Returned		
	EXECUTED 2-14-18		
02/19/2018	Notice of Hearing		
	<i>on City's Plea to the Jurisdiction of Sensitive Death Records Claims in Plts 2nd Amnd Pet</i>		
02/20/2018	Docket Entry		
	<i>Supplemental Brief in Support of City's Plea to the Jurisdiction of Count 15 in Plaintiff's Second Amended Petition</i>		
02/21/2018	Response		
	<i>Defendant, City of Dallas's Response to Plaintiff's Application for Temporary Injunction</i>		
02/23/2018	Temporary Restraining Order (2:30 PM) (Judicial Officer Bridewell, Wayne)		
	Result: Held		
02/23/2018	Hearing (2:30 PM) (Judicial Officer Bridewell, Wayne)		
	<i>City of Dallas Plea to the Jurisdiction</i>		
	Result: Held		
02/23/2018	Response		
	<i>Plaintiff's Response to the City's Plea to the Jurisdiction</i>		
02/23/2018	Order		
	<i>on City's Plea to the Jurisdiction of Counts 14 Through 16 (Sensitive Death Records) in Plaintiff's Second Amended Petition</i>		
02/23/2018	Temporary Injunction		
	<i>Order</i>		
03/15/2018	Motion to Compel		
	<i>Production of Documents and Request for Hearing on Objections with Exhibits</i>		
03/20/2018	Notice		
	<i>Notice of Hearing on Plaintiff's Motion to Compel Production of Documents and Request for Hearing on Objections</i>		
04/11/2018	Motion for Withdrawal of Counsel		
	<i>Defendant City of Dallas' Motion for Withdrawal of Counsel</i>		
04/11/2018	Order on Motion for Withdrawal of Counsel		
	<i>Order on Defendant City of Dallas' Motion for Withdrawal of Counsel</i>		
04/16/2018	Motion to Compel (2:30 PM) (Judicial Officer Bridewell, Wayne)		
	Result: Held		
04/17/2018	Objections		
	<i>Def DPA's Assist the Officer Foundation, Inc.'s 1st Amended Objections & Responses to Pltf's 1st Req for Production</i>		
05/08/2018	Notice		
	<i>Notice Regarding Plaintiff's Motion to Compel</i>		
05/14/2018	Amended Petition		
	<i>Plaintiff's Third Amended Petition and Request for Disclosure</i>		
05/17/2018	Request		
	<i>Letter Requesting Citations for New Defendants</i>		
05/18/2018	Citation Issued		
	<i>to Brenda S. Devine - mailed to atty</i>		
05/18/2018	Citation Issued		
	<i>to Lyon, Gorsky & Gilbert, LLP - mailed to atty</i>		
05/18/2018	Citation Issued		
	<i>to Ronald C. Devine - mailed to atty</i>		
05/18/2018	Citation Issued		
	<i>to Bob Gorsky - mailed to atty</i>		
05/18/2018	Citation Issued		
	<i>to Michael Mata - mailed to atty</i>		
05/18/2018	Citation		
	Mata, Michael	Served	05/29/2018
	Gorsky, Bob	Unserved	
	Lyon, Gorsky & Gilbert, LLP	Unserved	
	Devine, Ronald C	Served	06/16/2018
		Returned	06/20/2018
	Devine, Brenda S	Served	06/04/2018
05/30/2018	Citation Returned		
	<i>Michael Mata - EXECUTED 5/29/2018</i>		
05/31/2018	Order		
	<i>on Motion to Compel</i>		
06/01/2018	Order of Recusal		
06/01/2018	Letter from Court		
	<i>Re: Recusal</i>		
06/05/2018	Order to Transfer		
	<i>Order of Transfer Due to Recusal - emailed</i>		
06/07/2018	Letter from Court		
06/14/2018	Citation Returned		
	<i>Served 06/04/2018 - Brenda S Devine</i>		

06/18/2018 **Answer**
Defendant Michael Mata's Original Answer

06/20/2018 **Citation Returned**
Citation Returned Executed on 06/16/18 Ronald C. Devine

06/25/2018 **Answer**
Motion to Transfer Venue and Subject to That, Original Answer of Defendants Bob Gorsky and Lyon, Gorsky & Gilbert, LLP

06/26/2018 **Report**
Defendant's DPA's Assist the Officer Foundation, Inc's and Frederick Frazier's Status Report

06/27/2018 **Status Conference Hearing** (1:30 PM) (Judicial Officer Neill, John E.)
Result: Held

06/28/2018 **Letter from Court**

06/28/2018 **Agreed Scheduling Order**

06/29/2018 **Letter from Court**

07/02/2018 **Letter**
Parties have not agreed on an independent auditor

07/06/2018 **Letter from Court**

07/09/2018 **Appearance**
Defendant's Special Appearance

07/16/2018 **Letter**
Letter to Judge-Sent to Court-ret

07/17/2018 **Letter**
Det. Ahrens' Letter to Court regarding Appointment of Auditor/Order-Sent to Court

07/17/2018 **Letter**
to the Judge re filing Auditor Recommendation-Sent to Court

07/19/2018 **Letter**
to the Judge RE:Def ATO Supplemental Ltr to Ct re Appointment of Auditor - sent to court via que

07/30/2018 **Order**
Order Granting Deft Assist the Officer Foundation & M/Show Cause, joint M/Compel to add parties - sent

08/01/2018 **Letter**
Letter to Judge Neill Regarding Appointment of an Auditor - sent to court via que

08/01/2018 **Letter**
from 10th Court of Appeals, Order Rendered

08/01/2018 **Order**
from 10th Court of Appeals

08/10/2018 **Original Answer**
Original Answer of Attorney Ad Litem

08/14/2018 **Amended Petition**
Plaintiffs' Fourth Amended Petition

08/22/2018 **Letter**
Letter from 10th Court of Appeals - Order Issued (Abatement)

08/22/2018 **Order**
Abatement Order

08/28/2018 **Letter from Court**

08/29/2018 **Motion**
Agreed Motion to Vacate Order Granting Emergency Motion for Protective Order

09/11/2018 **Motion**
Agreed Motion to Continue Hearing on Special Appearance to Conduct Jurisdictional Discovery

09/14/2018 **Answer**
Defendants DPA's Assist the Officer Foundation, Inc. and Frederick Frazier's Brief in Response to Plaintiff's Motion to Compel Production of Documents

09/14/2018 **Docket Entry**
Defendants DPA's Assist the Officer Foundation, Inc. and Frederick Frazier's PA GE/Line Designations of the Deposition of Frederick Frazier

09/14/2018 **Docket Entry**
Defendants DPA's Assist the Officer Foundation, Inc. and Frederick Frazier's PA GE/Line Designations of the Deposition of Kimberly Mayfield

09/14/2018 **Response**
Defendants DPA's Assist the Officer Foundation, Inc. and Frederick Frazier's Brief in Response to Plaintiff's Motion to Compel Production of Documents, Pursuant to the Abatement Order of the Tenth Court of Appeals

09/17/2018 **Hearing** (9:30 AM) (Judicial Officer Neill, John E.)
Result: Held

09/17/2018 **Order**
8-29-18 HRG

09/17/2018 **Order**
9-11-18 HRG

09/20/2018 **Order**
Order Granting Severance

09/24/2018 **Letter**
Letter to Hon. John Neill - Sent to Court

09/25/2018 **Proposed Order**
Letter to Court-Proposed Order on Motion to Reconsider

09/28/2018 **Letter**
to Judge - sent to court via que

09/28/2018 **Proposed Order**
- Order - sent to court via que

10/09/2018 **Vacation Letter**
R. Brian Shields-Sent to Court

10/17/2018 **Notice of Appearance**
- Ryan Funderburg

10/17/2018 **Letter**
Letter from 10th Court of Appeals - Order Issued

10/17/2018 **Order**
Abatement Order

10/19/2018 **Motion**
Defendant City of Dallas's Motion for Withdrawal of Counsel - sent to court via que-ret

10/22/2018 **Order on Motion for Withdrawal of Counsel**

10/25/2018 **Letter from Court**
10/25/2018 **Letter from Court**
corrected - emailed

11/06/2018 **Motion to Strike**
Defendant DPA's Assist the Officer Foundation, Inc's Motion to Strike Plaintiff's Objections to Defendant's Discovery and Motion to Compel Plaintiff's Responses to Same

11/06/2018 **Vacation Letter**
- James W. Grau - sent to court via que-ret

11/07/2018 **Letter**
Letter from 10th Court of Appeals - Judgment and Opinion Issued

11/07/2018 **Memorandum Opinion**

11/07/2018 **Judgment**
- Dismissed as Moot

11/08/2018 **Notice of Hearing**
11/15/2018 - sent to court via que-ret

11/15/2018 **Motion to Compel** (2:30 PM) (Judicial Officer Neill, John E.)
Result: Held

11/16/2018 **Cover Letter**
for Filings

11/20/2018 **Order**
Granting Deft DPA's M/Strike pltf obj to deflt discovery & M/Compel pltf resp - emailed

11/27/2018 **Vacation Letter**
Vacation Letter Justin H. Roy - Sent to Court-ret

11/29/2018 **Petition**
in Intervention - Justin Dart

12/10/2018 **Amended Petition**
Plaintiffs' Fifth Amended Petition

12/10/2018 **Motion**
Defendant City of Dallas's Motion to Quash DRA's Assist the Officer Foundation, Inc., and Frederick Frazier's Second Amended Notice of Oral and Videotaped Deposition of Plaintiff Katrine Ahren, Alternatively, Motion for Protective Order

12/19/2018 **CANCELED Hearing** (9:00 AM) (Judicial Officer Bridewell, Wayne)
Other
Hearing on Application for Permanent Injunction

12/19/2018 **Vacation Letter**
Vacation letter - Cal Estee, City of Dallas-Sent to Court-RET

12/26/2018 **Answer**
Plaintiff Katrina Ahrens' General Answer to and Motion to Strike Intervenor Justin Dart's Petition in Intervention

12/28/2018 **Answer**
Defendant City of Dallas's Answer to Plaintiffs' Fifth Amended Petition

01/11/2019 **Letter**
Letter from 10th Court of Appeals - Mandate Issued

01/11/2019 **Bill of Cost**

01/11/2019 **Mandate**

02/01/2019 **Notice**
Notice of Filing Rule 11 Agreement - sent to court via que RET

02/08/2019 **Motion to Dismiss**
Defendant City of Dallas's Motion to Dismiss

02/21/2019 **Notice**
Notice of Hearing (of City of Dallas's Motion to Dismiss)

03/06/2019 **Notice of Hearing**
Sent to Court Via Que-ret

03/20/2019 **Vacation Letter**
- sent to court via que-ret

03/25/2019 **Motion to Dismiss** (3:30 PM) (Judicial Officer Chrestman, Don)
Result: Held

03/25/2019 **Objections**
- Plaintiff Katrina Ahrens' Objections to the Affidavit of Jeramy Mills

03/25/2019 **Response**
- Plaintiff Katrina Ahrens' Response to Defendant City of Dallas' Motion to Dismiss

03/25/2019 **Motion to Dismiss**
Defendant City of Dallas reply to Plaintiffs Response to City of Dallas Motion to Dismiss and Motion to Strike

03/27/2019 **Order**
EMAILED

03/29/2019 **Counter/Cross Petition**
Intervenor's Petition in Intervention

04/01/2019 **Amended Petition**
Intervenors' First Amended Petition in Intervention

04/02/2019 **Notice**
- Notice of Defendant DPA's Assist the Officer Foundation, Inc.'s Non-Compliance with Court Order

04/03/2019 **Temporary Ex Parte**
Restraining order & OSH - emailed

04/03/2019 **Notice**
Notice of Change of Address

04/08/2019 **Motion to Quash**
Intevenors Motion to Quash and Motion for Protective Order

04/08/2019 **Notice of Hearing**
4-11-19 - sent to court via que-ret

04/10/2019 **Response**
- Plaintiff Katrina Ahrens' Response to Intervenors' Motion to Quash and for Protective Order

04/10/2019 **Motion**
- Plaintiff Katrina Ahrens' Emergency Motion for Expedited Discovery - sent to court via que

04/10/2019 **Notice of Hearing**
- Re-Notice of Hearing - May 16, 2019 @3:30p - sent to court via que ret Emailed attys/Brenda

04/11/2019 **Motion to Quash** (8:30 AM) (Judicial Officer Ray, Jerry)

Result: Other

04/11/2019 **Rule 11 Agreement**

04/11/2019 **Notice**
Plaintiff Katrina Ahrens Amended Notice of Deposition of Intervenor Heidi Smith

04/15/2019 **Notice**
Defendant City of Dallas's Notice of Accelerated Appeal - handed to Carly

04/16/2019 **Request**
Request for Reporter's Record via Letter - emailed to Reporter

04/16/2019 **Motion for Substitution of Counsel**
- sent to court via que

04/16/2019 **Request**
Request to Prepare Clerk's Record - gave to Carly

04/17/2019 **Docket Entry**
Notice of Appeal issued to The 10th Court of Appeals via TAMES trace#7866

04/17/2019 **Bill of Cost**
Issued and emailed and mailed to Atty Charles A. "Cal" Estee

04/17/2019 **Letter**
Letter from The 10th Court of Appeals - Notice of Appeal was filed

04/17/2019 **Docket Entry**
File marked copy from The 10th Court of Appeals - Defendant City of Dallas's Notice of Accelerated Appeal

04/17/2019 **Designation**
Designation letter issued and sent to Atty with dates sent via email and mail - Record request received

04/17/2019 **Order On Motion For Substitution of Counsel**
emailed

04/22/2019 **Docket Entry**
Clerk's Record submitted to The 10th Court of Appeals via TAMES trace #7884

04/23/2019 **Letter**
Letter from The 10th Court of Appeals - Clerk's Record was filed

05/03/2019 **Motion**
Intervenors' Motion to Lift Stay and Extend Ex Parte Restraining Order

05/03/2019 **Notice of Hearing**
- May 7, 2019 @8:30a - sent to court via que

05/07/2019 **Hearing (8:30 AM)** (Judicial Officer Chrestman, Don)
Result: Held

05/07/2019 **Order Extending Temp Ex Parte Restraining Order & OSH**

05/09/2019 **Supplement**
Supplement to Defendants' Special Appearance

05/09/2019 **Motion for Substitution of Counsel**
- sent to court via que RET

05/09/2019 **Proposed Order**
- Order on Motion for Substitution of Counsel - sent to court via que

05/10/2019 **Letter Removing Hearing**
- sent to court via que-ret

05/13/2019 **Order On Motion to Substitute Counsel**
MICHAEL J. ROGERS REPLACES JAMES SHIELDS FOR BRENDA DEVINE - Emailed to Attys & Mailed to A. Petrocchi

05/16/2019 **Temporary Restraining Order (8:30 AM)** (Judicial Officer Chrestman, Don)
Result: Held

05/16/2019 **Order Extending Temp Ex Parte Restraining Order & OSH**
EMAILED

05/30/2019 **Temporary Restraining Order (2:30 PM)** (Judicial Officer Hewlett, Sydney B)
Result: Held

06/26/2019 **Letter**
Letter from The 10th Court of Appeals - order rendered

06/26/2019 **Order**
Order from The 10th Court of Appeals

08/13/2019 **Notice**
- Nonsuit Without Prejudice

08/14/2019 **Letter to Court**
Letter to court regarding error filing - sent to court via que-ret

09/23/2019 **Notice**
Notice of Stay - emailed

10/17/2019 **CANCELED Pre-Trial Announcement (9:00 AM)** (Judicial Officer Hewlett, Sydney B)
Other

10/21/2019 **CANCELED Jury Trial (9:00 AM)** (Judicial Officer Hewlett, Sydney B)
Other

01/22/2020 **Letter**
Letter from The 10th Court of Appeals - Court entered order (Mediation)

01/22/2020 **Order**
Referral to Mediation Order

02/25/2020 **Letter**
Letter from The 10th Court of Appeals - Order rendered

02/25/2020 **Order**

03/05/2020 **Letter from Court**

03/17/2020 **Returned Mail**
B Shields

03/25/2020 **Returned Mail**
Austin Champion

04/02/2020 **Returned Mail**
Katherine Weber

04/02/2020 **Returned Mail**
Ryan Funderburg

04/15/2020 **Returned Mail**
J Shields

FINANCIAL INFORMATION

	Defendant City of Dallas			
	Total Financial Assessment			75.00
	Total Payments and Credits			75.00
	Balance Due as of 07/06/2021			0.00
07/24/2017	Transaction Assessment			75.00
07/24/2017	E-File	Receipt # 2017-04924	City of Dallas	(75.00)
	Defendant Dallas Police Association			
	Total Financial Assessment			75.00
	Total Payments and Credits			75.00
	Balance Due as of 07/06/2021			0.00
07/24/2017	Transaction Assessment			75.00
07/24/2017	E-File	Receipt # 2017-04921	Dallas Police Association	(75.00)
	Intervenor Dart, Justin			
	Total Financial Assessment			80.00
	Total Payments and Credits			80.00
	Balance Due as of 07/06/2021			0.00
11/30/2018	Transaction Assessment			80.00
11/30/2018	E-File	Receipt # 2018-09361	Dart, Justin	(80.00)
	Intervenor SMITH, HEIDI			
	Total Financial Assessment			80.00
	Total Payments and Credits			80.00
	Balance Due as of 07/06/2021			0.00
04/01/2019	Transaction Assessment			80.00
04/01/2019	E-File	Receipt # 2019-02779	SMITH, HEIDI	(80.00)
	Plaintiff Ahrens, Katrina			
	Total Financial Assessment			606.50
	Total Payments and Credits			606.50
	Balance Due as of 07/06/2021			0.00
06/27/2017	Transaction Assessment			371.00
06/27/2017	E-File	Receipt # 2017-04294	Ahrens, Katrina	(371.00)
06/27/2017	Transaction Assessment			62.00
06/27/2017	Payment	Receipt # 2017-04302	Ahrens, Katrina	(62.00)
12/06/2017	Transaction Assessment			102.00
12/06/2017	Payment	Receipt # 2017-08393	Ahrens, Katrina	(102.00)
02/12/2018	Transaction Assessment			9.50
02/12/2018	Payment	Receipt # 2018-01066	Ahrens, Katrina	(9.50)
05/18/2018	Transaction Assessment			62.00
05/18/2018	E-File	Receipt # 2018-03797	Ahrens, Katrina	(62.00)

Police Records Request 3 years ago
D002331-020218



Under the Texas Public Information Act, I request access to, or a copy of, the following: +Images, moving or still, from body worn cameras of Dallas police officers in the vicinity of the Black Lives Matter protest in downtown Dallas (near the intersection of Lamar and Main streets and in and around El Centro College) from approximately 8 p.m. on 7/7/16 to approximately 3 a.m. on 7/8/16. The subject of the videos are officers, civilians and others shot, injured and in harms way during the Micah Johnson shooting. In short, I am requesting all body worn camera video gathered in the shooting investigation. +Images, moving or still, gathered in the Micah Xavier Johnson shooting investigation from: any and all surveillance cameras, city-owned or otherwise; dashboard cameras in DPD vehicles; Air One helicopter camera(s); and Remotec robot camera(s); any drone cameras; witnesses or other persons who shot video or took still images on their cell phones or private camera devices that were later seized or given to police. As provided by law, I expect your response as soon as possible. I request all information responsive to this request be provided in digital format. If you choose to seek an Attorney General's decision on the release of the requested information, please quickly provide all segregable portions of otherwise exempt material. Please send me information as it becomes available, rather than wait to compile all the information before sending. I am not requesting any material that the courts have previously determined to be private. For instance, I am not interested in exempt email addresses or bank account or credit card numbers. As a news media representative acting on behalf of the public, I ask that all fees associated with this request be waived as this information is sought in the public interest. If fees to produce these records are, for any reason, not waived, notify me in advance of the copying or labor costs if you believe they will be more than \$40. In the interest of expediency, I prefer to be contacted by phone (214-773-2052) or email (jptrahan@wfaa.com). Thanks, Jason Trahan Investigative producer WFAA-TV | Dallas, Tx. 214-773-2052 jptrahan@wfaa.com www.wfaa.com/local/investigates @wfaaiteam facebook.com/News8Investigates

Status : Sent to Attorney General

 **Jason Trahan**

Details



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

April 20, 2018

Ms. P. Armstrong
Assistant City Attorney
City of Dallas
1400 South Lamar, 6th Floor, 6W
Dallas, Texas 75215

OR2018-09245

Dear Ms. Armstrong:

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# 704387 (ORR Nos. D002162-013118; D002199-13118; D002200-13118; D002231-020118; D002279-020118; D002331-020218; D003578-022018; D003709-022118; D003727-022118; and D004269-022818).

The Dallas Police Department (the "department") received ten requests from seven different requestors for information pertaining to a specified incident. You claim some of the submitted information is excepted from disclosure under sections 552.101, 552.103, 552.107, 552.108, 552.1085, 552.117, 552.1175, 552.130, 552.136, 552.137, 552.139, and 552.147 of the Government Code. Further, the department states release of the information at issue may implicate the privacy interests of the deceased individuals' families. Accordingly, the department states it notified the family members of the requests for information and of their right to submit arguments to this office as to why the information at issue should not be released. Additionally, the department states it has notified Dallas Area Rapid Transit ("DART") of the request pursuant to section 552.304 of the Government Code. *See* Gov't Code § 552.304 (permitting interested third party to submit to attorney general reasons why

requested information should or should not be released). We have received comments from a family member of a deceased individual, a representative of some of the deceased individuals' family members, and DART. We have considered the submitted arguments and reviewed the submitted representative sample of information.¹

Initially, we note the information we have indicated is not responsive to some of the instant requests for information because it was created after the date the department received the requests at issue. This ruling does not address the public availability of non-responsive information, and the department is not required to release non-responsive information in response to the requests for information we have indicated.

Next, we note some of the submitted responsive information was previously released in response to a previous request for information. The Act does not permit the selective disclosure of information. *See id.* §§ 552.007(b), .021; Open Records Decision No. 463 at 102 (1987). Section 552.007 of the Government Code provides if a governmental body voluntarily releases information to any member of the public, the governmental body may not withhold that exact information from further disclosure unless its public release is expressly prohibited by law or the information is confidential under law. *See Gov't Code* § 552.007; Open Records Decision Nos. 518 at 3 (1989), 490 at 2 (1988). Accordingly, pursuant to section 552.007, the department may not now withhold any previously released information unless its release is expressly prohibited by law or the information is confidential under law. *See Open Records Decision No. 400* (1983) (governmental body may waive right to claim permissive exceptions to disclosure under the Act, but it may not disclose information made confidential by law). Although you raise section 552.103 of the Government Code for this information, we note this exception does not expressly prohibit release of the information at issue or make information confidential. *See Gov't Code* § 552.007; Open Records Decision No. 665 at 2 n.5 (2000) (discretionary exceptions generally). Thus, the department may not withhold the information at issue under section 552.103. However, because section 552.101 of the Government Code can make information confidential under the Act, we will consider its applicability to the information at issue. Furthermore, we will consider the exceptions to disclosure the department raises for the submitted responsive information that has not been previously released.

Next, we note the submitted information includes police officers' body worn camera recordings. Body worn cameras are subject to chapter 1701 of the Occupations Code. Chapter 1701 provides the procedures a requestor must follow when seeking a body worn camera recording. Section 1701.661(a) provides:

¹We assume 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.

A member of the public is required to provide the following information when submitting a written request to a law enforcement agency for information recorded by a body worn camera:

- (1) the date and approximate time of the recording;
- (2) the specific location where the recording occurred; and
- (3) the name of one or more persons known to be a subject of the recording.

Occ. Code § 1701.661(a). In this instance, some of the requestors do not provide the requisite information under section 1701.661(a). As the body worn camera recordings at issue were not properly requested by these requestors pursuant to chapter 1701, our ruling does not reach this information as to the these requestors and it need not be released to them.² However, pursuant to section 1701.661(b), a “failure to provide all the information required by [s]ubsection (a) to be part of a request for recorded information does not preclude the requestor from making a future request for the same recorded information.” *Id.* § 1701.661(b). As the remaining requestors did provide the requisite information under section 1701.661(a), we will address your arguments for the body worn camera recordings as to the remaining requestors.

Section 552.108(a)(2) of the Government Code excepts from disclosure information concerning an investigation that did not result in conviction or deferred adjudication. *See* Gov’t Code § 552.108(a)(2). A governmental body claiming section 552.108(a)(2) must demonstrate the requested information relates to a criminal investigation that has concluded in a final result other than a conviction or deferred adjudication. *See id.* § 552.301(e)(1)(A) (governmental body must provide comments explaining why exceptions raised should apply to information requested). You state the information at issue relates to a closed case that did not result in conviction or deferred adjudication. Based on your representation and our review, we agree section 552.108(a)(2) is applicable to the information at issue.

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However, we note section 552.108 does not except from disclosure basic information about an arrested person, an arrest, or a crime. *Id.* § 552.108(c). Basic information refers to the information held to be public in *Houston Chronicle Publishing Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.—Houston [14th Dist.] 1975), *writ ref’d n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976). *See* Open Records Decision No. 127 at 3-4 (1976) (summarizing types of information deemed public by *Houston Chronicle*). We note basic information includes, among other items, a sufficient portion of the narrative to include a detailed description of the charged offense. *See* ORD 127 at 3-4. Thus, with the exception of basic

²As we are able to make this determination, we need not address your argument against disclosure of the information at issue with respect to these requestors.

information, the department may withhold the information you marked under section 552.108(a)(2) of the Government Code.³

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 the doctrine of common-law privacy, which protects information that is (1) highly intimate or embarrassing, the publication of which would be highly objectionable to a reasonable person and (2) not of legitimate concern to the public. *Indus. Found. v. Tex. Indus. Accident Bd*, 540 S.W.2d 668, 685 (Tex. 1976). To demonstrate the applicability of common-law privacy, both prongs of this test must be satisfied. *Id.* at 681-82. The types of information considered intimate and embarrassing by the Texas Supreme Court are delineated in *Industrial Foundation*. *Id.* at 683. Upon review, we find you have failed to demonstrate any of the remaining information you marked is highly intimate or embarrassing and not of legitimate concern to the public. Therefore, none of the remaining responsive information may be withheld under section 552.101 of the Government Code in conjunction with common-law privacy.

Section 552.136 of the Government Code provides, “[n]otwithstanding any other provision of [the Act], a credit card, debit card, charge card, or access device number that is collected, assembled, or maintained by or for a governmental body is confidential.” Gov’t Code § 552.136(b); *see id.* § 552.136(a) (defining “access device”). You state the employee identification numbers you marked also serve as access device numbers. Accordingly, the department must withhold the remaining information you marked under section 552.136 of the Government Code.

Section 552.147 of the Government Code provides that “[t]he social security number of a living person is excepted from” required public disclosure under the Act. *Id.* § 552.147(a). We note the information at issue consists of a deceased individual’s social security number. Because the right of privacy lapses at death, social security numbers of deceased individuals may not be withheld under section 552.147. *See Moore v. Charles B. Pierce Film Enters., Inc.*, 589 S.W.2d 489, 491 (Tex. App.—Texarkana 1979, writ ref’d n.r.e.); *see also* Attorney General Opinions JM-229 (1984); H-917 (1976); Open Records Decision No. 272 (1981) (“the right of privacy is personal and lapses upon death”). Accordingly, the decedent’s social security number may not be withheld under section 552.147 of the Government Code.

In summary, as some of the requestors did not properly request the body worn camera recordings at issue pursuant to chapter 1701 of the Occupations Code, our ruling does not reach this information, and the department need not release the submitted body camera

³As our ruling is dispositive, we need not address the remaining arguments against disclosure of this information, except to note basic information held to be public in *Houston Chronicle* is generally not excepted from public disclosure under section 552.103 of the Government Code. *See* Open Records Decision No. 597 (1991).

recordings in response to the requests we have indicated. With the exception of basic information, the department may withhold the information you marked under section 552.108(a)(2) of the Government Code. The department must withhold the remaining information you marked under section 552.136 of the Government Code. The department must release the remaining responsive 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,



Sidney M. Pounds
Assistant Attorney General
Open Records Division

SMP/gw

Ref: ID# 704387

Enc. Submitted documents

c: 7 Requestor
(w/o enclosures)

c: 2 Third Parties
(w/o enclosures)

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Police Records Request 3 years ago

D025616-100418

I request files related to Internal Affairs Division investigation into the death of Micah Xavier Johnson on July 7, 2016. This includes but is not limited to all officer statements, and recordings and images, still and moving, created and/or collected in the inquiry.

Status : Full Release



 **Jason Trahan**

 View Invoice(s)

View File(s)

Details



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

[Back to top](#)

March 5, 2019

Ms. P. Armstrong
Assistant City Attorney
City of Dallas
1400 South Lamar, 6FL. 6W
Dallas, Texas 75215

OR2019-06129

Dear Ms. Armstrong:

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# 750747 (COD ORR# D025616-100418).

The Dallas Police Department (the "department") received a request for information pertaining to a specified internal affairs investigation. The department states it will withhold or release some of the requested information pursuant to our decision in Open Records Letter No. 2018-09245 (2018). *See* Open Records Letter No. 673 (2001) (so long as law, facts, and circumstances on which prior ruling was based have not changed, first type of previous determination exists where requested information is precisely same information as was addressed in prior attorney general ruling, ruling is addressed to same governmental body, and ruling concludes information is or is not excepted from disclosure). The department claims some of the submitted information is excepted from disclosure under sections 552.101, 552.102, 552.108, 552.130, and 552.136 of the Government Code. We have considered the exceptions the department claims and reviewed the submitted representative sample of information.¹

¹We assume 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 those records contain substantially different types of information than that submitted to this office.

Initially, we note, and the department acknowledges, the department has not complied with the time periods prescribed by section 552.301 of the Government Code in seeking an open records decision from this office. *See* Gov't Code § 552.301. When a governmental body fails to comply with the procedural requirements of section 552.301, the information at issue is presumed public and must be released unless there is a compelling reason to withhold it. *See id.* § 552.302; *Simmons v. Kuzmich*, 166 S.W.3d 342, 350 (Tex. App.—Fort Worth 2005, no pet.); *Hancock v. State Bd. of Ins.*, 797 S.W.2d 379, 381-82 (Tex. App.—Austin 1990, no writ) (governmental body must make compelling demonstration to overcome presumption of openness pursuant to statutory predecessor to section 552.302); *see also* Open Records Decision No. 630 (1994). The need of a governmental body, other than the governmental body that failed to timely seek an open records decision, to withhold information under section 552.108 of the Government Code can provide a compelling reason sufficient to overcome the presumption of openness. *See* Open Records Decision No. 586 (1991). Because the department informs us, and provides documentation showing, the Dallas County District Attorney's Office (the "district attorney's office") and the Dallas Area Rapid Transit Police Department ("DART PD") object to the release of the information at issue, we will consider whether the department may withhold the submitted information under section 552.108 of the Government Code on behalf of the district attorney's office and DART PD. Additionally, the department raises sections 552.101, 552.102, 552.130, and 552.136 of the Government Code for some of the submitted information. Because these sections can provide compelling reasons to overcome the presumption of openness, we will also address the department's arguments under these sections for the information at issue. However, we find the department has failed to establish a compelling reason to address its remaining exception.

Section 552.108(a)(2) of the Government Code excepts from disclosure information concerning an investigation that did not result in conviction or deferred adjudication. Gov't Code § 552.108(a)(2). A governmental body claiming section 552.108(a)(2) must demonstrate the requested information relates to a criminal investigation that has concluded in a final result other than a conviction or deferred adjudication. *See id.* § 552.301(e)(1)(A); Open Records Decision No. 434 (1986). Section 552.108 may be invoked by the proper custodian of information relating to an investigation or prosecution of criminal conduct. *See* Open Records Decision Nos. 474 at 4-5 (1987), 372 (1983). Where a governmental body has custody of information relating to a case of a law enforcement agency, the custodian of the records may withhold the information if it provides this office with a demonstration the information relates to the law enforcement agency's case and a representation from the law enforcement agency that it wishes to have the information withheld. However, we note section 552.108 is generally not applicable to records of an internal investigation that is purely administrative in nature and does not involve the investigation or prosecution of crime. *See City of Fort Worth v. Cornyn*, 86 S.W.3d 320 (Tex. App.—Austin 2002, no pet.); *Morales v. Ellen*, 840 S.W.2d 519, 525-26 (Tex. Civ. App.—El Paso 1992, writ denied) (statutory predecessor to section 552.108 not applicable to internal investigation that did not

result in criminal investigation or prosecution); *see also* Open Records Decision No. 350 at 3-4 (1982).

The district attorney's office and DART PD object to release of the submitted information because it pertains to a closed case that did not result in conviction or deferred adjudication. Based on this representation and our review, we agree section 552.108(a)(2) is applicable to portions of the submitted information, which we have marked. However, the remaining information consists of internal affairs investigation materials and is not information that deals with the detection, investigation, or prosecution of crime only in relation to a criminal investigation that did not result in conviction or deferred adjudication. Therefore, we conclude section 552.108(a)(2) is not applicable to the remaining information, and the department may not withhold any of it on that basis.

We note, however, section 552.108 does not except from disclosure "basic information about an arrested person, an arrest, or a crime." Gov't Code § 552.108(c). Section 552.108(c) refers to the basic "front-page" information held to be public in *Houston Chronicle Publishing Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.—Houston [14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976). *See also* Open Records Decision No. 127 (1976) (summarizing types of information considered to be basic information). Accordingly, with the exception of basic information, the department may withhold the information we marked under section 552.108(a)(2) of the Government Code on behalf of the district attorney's office and DART PD.²

Section 552.102(a) of the Government Code excepts from disclosure "information in a personnel file, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy." Gov't Code § 552.102(a). The Texas Supreme Court held section 552.102(a) excepts from disclosure the dates of birth of state employees in the payroll database of the Texas Comptroller of Public Accounts. *Tex. Comptroller of Pub. Accounts v. Attorney Gen. of Tex.*, 354 S.W.3d 336 (Tex. 2010). Accordingly, the department must withhold the employees' dates of birth it marked under section 552.102(a) of the Government Code.

Section 552.136 of the Government Code provides, "[n]otwithstanding any other provision of [the Act], a credit card, debit card, charge card, or access device number that is collected, assembled, or maintained by or for a governmental body is confidential." Gov't Code § 552.136(b); *see id.* § 552.136(a) (defining "access device"). The department states the employee identification numbers it marked also serve as access device numbers. Accordingly, the department must withhold the information it marked under section 552.136 of the Government Code.

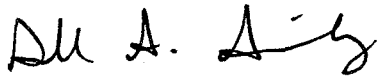
²As our ruling is dispositive, we need not address the department's remaining arguments against disclosure of this information.

In summary, with the exception of basic information, the department may withhold the information we marked under section 552.108(a)(2) of the Government Code on behalf of the district attorney's office and DART PD. The department must withhold the employees' dates of birth it marked under section 552.102(a) of the Government Code. The department must withhold the information it marked under section 552.136 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 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,



Gerald A. Arismendez
Assistant Attorney General
Open Records Division

GAA/eb

Ref: ID# 750747

Enc. Submitted documents

c: Requestor
(w/o enclosures)

KATRINA AHRENS,

Plaintiff,

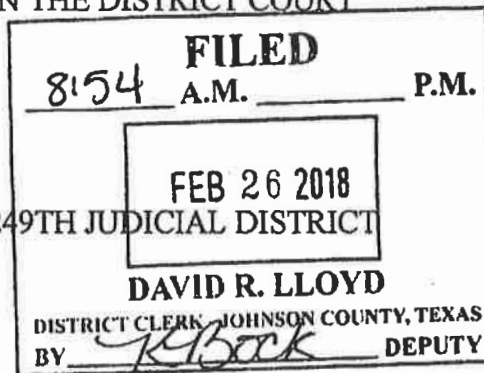
v.

DALLAS POLICE ASSOCIATION,
DPA'S ASSIST THE OFFICER
FOUNDATION, INC., FREDERICK
FRAZIER, CITY OF DALLAS, and ZAK
PRODUCTS II, LLC,

Defendants.

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IN THE DISTRICT COURT



JOHNSON COUNTY, TEXAS

TEMPORARY INJUNCTION ORDER

On this day, the Court considered Plaintiff Katrina Ahrens' Second Amended Petition and Supplemental Application for Temporary Restraining Order and Temporary Injunction and Brief in Support, filed February 12, 2018 (the "Amended Petition and Application for TI"), which seeks to enjoin Defendant the City of Dallas.

Based upon the record, including the evidence presented at the February 23, 2018 hearing on Plaintiff's Amended Petition and Application for TI, and upon consideration of the arguments of counsel, the Court finds as follows:

Plaintiff has established a probable right to the relief she seeks in connection with counts 14, 15, and 16 of her Amended Petition and Application for TI. Plaintiff has presented evidence tending to show she has a right to control any images, autopsy photos, videos, audio recordings, transcripts, or other materials depicting or ^{documenting} ~~recording~~ the shooting, injuries, suffering, or death of her late husband, DPD Senior Corporal Lorne Ahrens (the "Death Records"), that disclosure and use of Death Records would deprive her of privacy under Article I of the Texas Constitution and common law, and that the Death Records are confidential under Tex. Gov't Code § 552.101 and

exempt from disclosure under the Texas Public Information Act.

If the City is not enjoined from publicly disclosing or otherwise using the Death Records, Plaintiff will suffer irreparable injury, loss, or damage. Disclosure of the Death Records would likely cause Plaintiff severe and irreparable emotional distress. Once disclosed, the harm would be irreparable given the Death Records could not somehow be undisclosed again and would likely appear on local and national television, the Internet, and social media for world consumption. It is probable that Plaintiff would be exposed to encounters with her loved one's gory demise and the tragic but possible torment of those fueled by others' grief. And given the criminal investigation into Sr. Cpl. Ahrens' murder was officially closed on January 31, 2018, and all evidence related to the case was turned over to the City, potential disclosure of the Death Records is imminent.

The Death Records should be held in the status quo and preserved from disclosure pending a trial on the merits.

Plaintiff requests the Court preserve the status quo by temporarily enjoining the City and all other persons in active concert or participation with them who receive actual notice of this order by personal service or otherwise from directly or indirectly publicly disclosing or using any Death Records.

IT IS THEREFORE ORDERED that Defendant the City of Dallas, and all other persons in active concert or participation with the City who receive actual notice of this Order by personal service or otherwise, are hereby enjoined until further order of this Court, on the following terms:

The City and all other persons in active concert or participation with the City who receive actual notice of this Order by personal service or otherwise are enjoined from publicly disclosing or using any images, autopsy photos, videos, audio recordings, transcripts, or other materials depicting or ^{documenting} recording the shooting, injuries, suffering, or death of DPD Senior Corporal Lorne

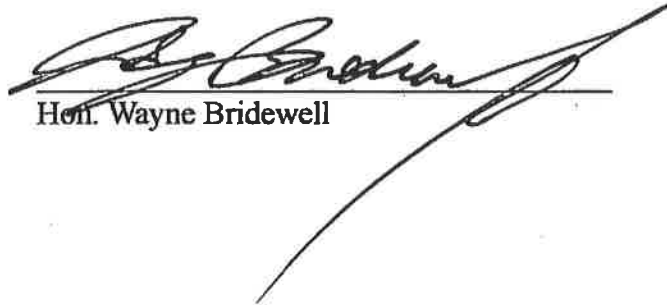
Ahrens.

IT IS FURTHER ORDERED that trial on the merits of Plaintiff's claims shall commence beginning on the 19th day of December, 2018, at 9:00 AM o'clock in the m, in the 249th District Court, Johnson County, Texas.

IT IS FURTHER ORDERED that the bond heretofore filed with the Clerk upon issuance of the temporary restraining order herein be, and hereby is, continued in full force and effect as a temporary injunction bond.

The Clerk of the above-titled Court shall forthwith issue a Temporary Injunction Order in conformity with the law and the terms of this Order.

SIGNED this 23rd day of February, 2018, at 5:54 o'clock m.


Hon. Wayne Bridewell

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From: no-reply@oag.texas.gov on behalf of [Office of the Attorney General](#)
To: [Trahan, Jason](#)
Subject: OAG Complaint Form Confirmation
Date: Thursday, February 11, 2021 5:48:41 PM

CAUTION - EXTERNAL EMAIL - Please use caution opening attachments and never share your password. Send suspicious email to infosec@tegna.com.

This e-mail will confirm receipt of your submission to the Office of the Attorney General regarding your open records complaint. If you have any questions regarding this complaint or the Public Information Act, please call the Open Government Hotline at (512) 478-6736 or toll free at 1-877-673-6839.

Submitted on Thu, 02/11/2021 - 17:30

Submitted values are:

Requestor Information

Requestor Contact Information

Jason Trahan
8108 Woodhue Rd
Dallas, Texas. 75228
jptrahan@wfaa.com
214-773-2052

Governmental Body Information

Governmental Body Contact Information

City of Dallas
Pavala Armstrong
1400 S. Lamar St
Dallas, Texas. 75215
pavala.armstrong@dallascityhall.com
214-671-3430

Public Information Request at issue in Complaint

How did you submit your public information request to the governmental body?

Online form

Date of your public information request:

10/04/2018

Did the governmental body ask you to pay for the requested information?

Yes

How much did the governmental body ask you to pay for the information?

\$37.90

How much have you paid for the information at this time?

\$37.90

Background Information about Complaint

Have you contacted the governmental body about your complaint?

Yes

When did you contact the governmental body about your complaint?

Starting March 11, 2019 and continuously since then, most recently, today.

How did the governmental body respond to your complaint?

or201906129 stated we were owed information, but the city has stalled on releasing relevant materials. We have some, but not even close to all that we're owed.

Have you contacted another agency about your complaint?

No

Complaint based on Public Information Request

Which of the following options best describes the nature of your complaint?

The Office the Attorney General issued a ruling to release information, but I have not received my information. (Please include the ruling number in your comments below.)

Open Government Hotline

Yes

Upload Initial Request

[city-of-dallas-open-records-center.pdf](#)

Supporting Document

[re_wfaa-overdue-open-records-information---d025616-100418.pdf](#)