

TEXAS DEPARTMENT OF PUBLIC SAFETY

5805 N LAMAR BLVD • BOX 4087 • AUSTIN, TEXAS 78773-0001
512/424-2000

www.dps.texas.gov



STEVEN C. McCRAW
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DALE WAINWRIGHT

June 9, 2022

Via Email

Jason Koebler
MuckRock News
129445-34190361@requests.muckrock.com

RE: Public Information Request for photographs and audio as well as video records related to a May 24, 2022 school shooting in Uvalde, Texas. (PIR 22-1592)

Mr. Koebler,

The Department received your above-referenced request on June 8, 2022. The Department has located records responsive to your request; however, we believe the records may be excepted from required public disclosure at this time. We are seeking a ruling from the Office of the Attorney General (“OAG”) with respect to disclosure of these records, and a copy of our request letter is enclosed. You will be notified directly by the OAG when a ruling is issued.

If you have any questions regarding this request, please contact the Media and Communications office at media@dps.texas.gov. Thank you.

Cordially,

A handwritten signature in black ink, appearing to read "Brian Sears".

Brian Sears
Assistant General Counsel

cc: Attorney General of Texas
Open Records Division
209 West 14th Street, 6th Floor
Austin, Texas 78701

MUCKROCK NEWS
DEPT MR 129445
263 HUNTINGTON AVE
BOSTON, MA 02115

TEXAS DEPT. OF PUBLIC SAFETY
OFFICE OF GENERAL COUNSEL

JUN 08 2022

*****AUTO**ALL FOR AADC 786
TEXAS DEPARTMENT OF PUBLIC SAFETY
TEXAS PUBLIC INFORMATION ACT OFFICE
PO BOX 4087
AUSTIN TX 78773-0140



May 31, 2022

To Whom It May Concern:

Pursuant to the Texas Public Information Act, I hereby request the following records:

Any and all video footage recorded at Robb Elementary School on May 24, 2022. I am requesting all footage recorded by dash cameras, body cameras, surveillance cameras, cell phone cameras, or other cameras owned or accessed by the Texas Department of Public Safety, as well as any audio recorded by Texas Department of Public Safety during and after the incident, as well as any photos taken at the scene.

The requested documents will be made available to the general public, and this request is not being made for commercial purposes. It will be used in the course of reporting for Motherboard, VICE Media's science and technology site. In the past few days we have run multiple articles about the Uvalde Shooting and police response to it. I am requesting these on a rolling basis as they can be reviewed for public release.

The requested documents will be made available to the general public, and this request is not being made for commercial purposes. It will be used in the course of reporting for Motherboard, VICE Media's science and technology site. In the past few days we have run multiple articles about the Uvalde Shooting and police response to it. I am requesting these on a rolling basis as they can be reviewed for public release.

The requested documents will be made available to the general public, and this request is not being made for commercial purposes.

In the event that there are fees, I would be grateful if you would inform me of the total charges in advance of fulfilling my request. I would prefer the request filled electronically, by e-mail attachment if available or CD-ROM if not.

Thank you in advance for your anticipated cooperation in this matter. I look forward to receiving your response to this request within 10 business days, as the statute requires.

Sincerely,

Jason Koebler

View request history, upload responsive documents, and report problems here:
<https://www.muckrock.com/respond/1298094/>

0101300010853



MuckRock News
DEPT MR 129445
263 Huntington Ave
Boston, MA 02115
129445-34190361@requests.muckrock.com

If prompted for a passcode, please enter:
KYNHLHMX

Filed via MuckRock.com
E-mail (Preferred): 129445-34190361@requests.muckrock.com

PLEASE NOTE OUR NEW ADDRESS

For mailed responses, please address (see note):

MuckRock News
DEPT MR 129445
263 Huntington Ave
Boston, MA 02115

PLEASE NOTE: This request is not filed by a MuckRock staff member, but is being sent through MuckRock by the above in order to better track, share, and manage public records requests. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.

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June 9, 2022

Via First Class Mail

Attorney General of Texas
Open Records Division
209 West 14th Street, 6th Floor
Austin, Texas 78701

RE: Public Information Requests for records related to the May 24, 2022 school shooting in Uvalde, Texas. (PIR 22-1413, 22-1422, 22-1452, 22-1453, 22-1454, 22-1457, 22-1458, 22-1460, 22-1464, 22-1466, 22-1467, 22-1471, 22-1472, 22-1473, 22-1476, 22-1477, 22-1478, 22-1479, 22-1480, 22-1484, 22-1486, 22-1487, 22-1489, 22-1492, 22-1496, 22-1498, 22-1499, 22-1501, 22-1516, 22-1533, 22-1534, 22-1537, 22-1560, 22-1592)

DATE REQUESTS FOR INFORMATION RECEIVED: 5/25; 5/26; 5/27; 5/31; 6/02; 6/03; 6/06 & 06/08/2022
DATE REQUESTS FOR RULING SUBMITTED TO ATTORNEY GENERAL: 6/09/2022

Dear Open Records Division:

The Department of Public Safety received the above-referenced requests for information from multiple requestors on May 25, 2022; May 26, 2022; May 27, 2022; May 31, 2022; June 2, 2022; June 3, 2022; June 6, 2022, and June 8, 2022. On May 30, 2022, our offices were closed in observance of Memorial Day. Therefore, we believe this request for a ruling on disclosure is timely made in accordance with section 552.301 of the Government Code. We believe the requested information is excepted from required public disclosure pursuant to section 552.108(a)(1) and 552.108(b)(1) of the Government Code. Accordingly, we are requesting a ruling regarding the release of these records.

An investigation into the above-referenced incident is ongoing. Thus, the Department believes the requested information is excepted from required public disclosure pursuant to section 552.108(a)(1) of the Government Code, which states:

- (a) Information held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime is excepted from the requirements of Section 552.021 if:
 - (1) release of the information would interfere with the detection, investigation, or prosecution of crime.

Because this is an ongoing investigation, the release of potential evidence would interfere with the investigation and prosecution of this case. *See Houston Chronicle Publ'g Co. v. City of Houston*, 531 S.W.2d 177, 184-85 (Tex. Civ. App.—Houston [14th Dist.] 1975), *writ ref'd n.r.e.*, 536 S.W.2d 559 (Tex. 1976) (per curiam). Consequently, the Department believes the responsive records are excepted from required public disclosure at least until the investigation is complete.

The Department also believes this information is excepted from required public disclosure pursuant to section 552.108(b)(1) of the Government Code, which states:

- (b) An internal record or notation of a law enforcement agency or prosecutor that is maintained for internal use in matters relating to law enforcement or prosecution is excepted from the requirements of Section 552.021 if:
 - (1) release of the internal record or notation would interfere with law enforcement or prosecution.

Section 552.108(b)(1) is intended to protect “information which, if released, would permit private citizens to anticipate weaknesses in [a law enforcement agency], avoid detection, jeopardize officer safety, and generally undermine [law enforcement] efforts to effectuate the laws of this State.” *City of Ft. Worth v. Cornyn*, 86 S.W.3d 320 (Tex. App.—Austin 2002, no pet.). Your office has stated that under the statutory predecessor to section 552.108(b), a governmental body may withhold information that would reveal law enforcement techniques or procedures. *See, e.g.*, Open Records Decision Nos. 531 (1989) (release of detailed use of force guidelines would unduly interfere with law enforcement), 456 (1987) (release of forms containing information regarding location of off-duty police officers in advance would unduly interfere with law enforcement), 413 (1984) (release of sketch showing security measures to be used at next execution would unduly interfere with law enforcement), 409 (1984) (if information regarding certain burglaries exhibit a pattern that reveals investigative techniques, information is excepted under predecessor to section 552.108), 341 (1982) (release of certain information from Department of Public Safety would unduly interfere with law enforcement because release would hamper departmental efforts to detect forgeries of drivers’ licenses), 252 (1980) (predecessor to section 552.108 is designed to protect investigative techniques and procedures used in law enforcement), 143 (1976) (disclosure of specific operations or specialized equipment directly related to investigation or detection of crime maybe excepted).

Revealing the marked records would provide criminals with invaluable information concerning Department techniques used to investigate and detect activities of suspected criminal elements; how information is assessed and analyzed; how information is shared among partner law enforcement agencies and the lessons learned from the analysis of prior criminal activities. Knowing the intelligence and response capabilities of Department personnel and where those employees focus their attention will compromise law enforcement purposes by enabling criminals to anticipate weakness in law enforcement procedures and alter their methods of operation in order to avoid detection and apprehension. Consequently, the Department believes the records should also be excepted from required public disclosure under section 552.108(b)(1) of the Government Code at least until the investigation is complete.

Please find enclosed the received requests, the notice of our request for a ruling sent to each requestor, and a representative sample of the responsive records we wish to except from required disclosure. Please feel free to contact me at (512) 424-2890 if you have any questions.

Cordially,

A handwritten signature in black ink, appearing to read "B. Sears".

Brian Sears
Assistant General Counsel

Enclosure(s)

cc: Requestors
VIA EMAIL