



# City of Austin Law Department

City Hall, 301 West 2nd Street, P.O. Box 1088  
Austin, Texas 78767-8828  
(512) 974-2268

COPY

Writer's Direct Line  
(512) 974-2154

Writer's Fax Line  
(512) 974-2894

March 16, 2017

## VIA FIRST CLASS MAIL

Honorable Ken Paxton  
Attorney General  
Open Records Division  
MC-014  
P.O. Box 12548  
Austin, Texas 78711 2548

Re: Public Information Request received March 8, 2017, from Jay Cassano (PIR# 33142; related to OAG ID # 655280)

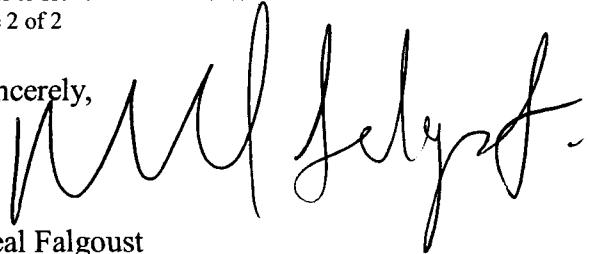
Dear Attorney General Paxton,

The City of Austin (the "City") received the above-referenced public information request. The City has made a good-faith effort to relate the request to information in its custody. The City will release some information to the requestor. The City believes the remaining information is excepted from required public disclosure under section 552.103 of the Government Code. This letter is a request for a determination under section 552.301 of the Government Code that the information at issue is so excepted. A copy of the request is enclosed. By copy of this letter the City is notifying the requestor that it has asked for a decision from the Office of the Attorney General.

We note a representative sample of the information at issue in this request was submitted to your office in response to a previous request for information and is pending a ruling. Your office has assigned that matter ID# 655280 (PIR# 32353). The City reasserts its arguments under section 552.103 of the Government Code and has attached a copy of its previous request for a ruling on this information. The City asks that your office issue a single ruling for both of these requests.

If you have any questions concerning this matter, you may contact me at (512) 974-2154.

Sincerely,

  
Neal Falgoust  
Assistant City Attorney

Enclosure

cc: Jay Cassano  
MuckRock.com  
DEPT MR 34642  
411 A Highland Avenue  
Somerville, Massachusetts 02144-2516

## **Winston, Destiny**

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**From:** 34642-53359591@requests.muckrock.com  
**Sent:** Wednesday, March 8, 2017 15:04  
**To:** APD PIO  
**Subject:** Public Information Act Request: TASER and Axon Body camera records (Austin Police Department)

March 8, 2017  
Austin Police Department  
Austin Police Department

PO Box 689001

Austin, Texas 78768-9001

To Whom It May Concern:

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

All records pertaining to TASER International, Axon body cameras, and Evidence.com. This includes but is not limited to: communications, contracts, invoices, presentations, marketing materials received, training manuals, and usage policies.

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,

Jay Cassano

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Filed via MuckRock.com  
E-mail (Preferred): 34642-53359591@requests.muckrock.com

For mailed responses, please address (see note):

MuckRock  
DEPT MR 34642  
411A Highland Ave  
Somerville, MA 02144-2516

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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February 27, 2017

## VIA FIRST CLASS MAIL

Honorable Ken Paxton  
Attorney General  
Open Records Division  
MC-014  
P.O. Box 12548  
Austin, Texas 78711 2548

Re: Public Information Request received February 6, 2017, from Peter Slover (PIR# 32353)

Dear Attorney General Paxton,

The City of Austin (the "City") received the above-referenced public information request. The City's administrative offices were closed on February 20, 2017, in observance of President's Day. The City has made a good-faith effort to relate the request to information in its custody. The City has released some information. The City believes the remaining responsive information is excepted from required public disclosure under section 552.103 of the Government Code. This letter is a request for a determination under section 552.301 of the Government Code that the information at issue is so excepted. A copy of the request and a representative sample of the information are enclosed. By copy of this letter the City is notifying the requestor that it has asked for a decision from the Office of the Attorney General.

Section 552.103 of the Government Code provides:

(a) Information is excepted from [required public disclosure] if it is information relating to litigation of a civil or criminal nature to which the state or a political subdivision is or may be a party or to which an officer or employee of the state or a political subdivision, as a consequence of the person's office or employment, is or may be a party.

...

(c) Information relating to litigation involving a governmental body or an officer or employee of a governmental body is excepted from disclosure under Subsection (a) only if the litigation is pending or reasonably anticipated on the date that the requestor applies to the officer for public information for access to or duplication of the information.

Gov't Code § 552.103(a), (c). A governmental body has the burden of providing relevant facts and documents to show section 552.103(a) is applicable in a particular situation. The test for meeting this burden is a showing that (1) litigation was pending or reasonably anticipated on the date the governmental body received the request for information, and (2) the information at issue is related to that litigation. *See Univ. of Tex. Law Sch. v. Tex. Legal Found.* 958 S.W.2d 479, 481 (Tex. App.—Austin 1997, orig. proceeding); *Heard v. Houston Post Co.*, 684 S.W.2d 210, 212 (Tex. App.—Houston [1st Dist.] 1984, writ ref'd n.r.e.); Open Records Decision No. 551 at 4 (1990). A governmental body must meet both prongs of this test for information to be excepted under section 552.103(a). *See* ORD 551.

On the date the City received this request for information, it was engaged in litigation concerning the case *City of Austin v. Utility Associates, Inc.*, No. 03-16-00586-CV, in the Third Court of Appeals in Austin, Texas. The City has enclosed a cover sheet and status sheet from that case showing it continues to be engaged in litigation as of the date of this letter. The litigation concerns the City's purchase of body-worn cameras for its police officers, and the request seeks information involved in that litigation. Accordingly, the City may withhold the information at issue under section 552.103 of the Government Code.

If you have any questions concerning this matter, you may contact me at (512) 974-2154.

Sincerely,



Neal Falgoust  
Assistant City Attorney

Enclosure

cc: (without enclosures)  
Peter Slover  
Attorney  
P.O. Box 1565  
Dripping Springs, Texas 78620