

Houston Police Department

ID: SPIR-2016-TX-0011

Public Affairs Division,

1200 Travis, 21st Floor,

Houston, Texas 77002

[hpd.openrecords@houstonpolice.org](mailto:hpd.openrecords@houstonpolice.org)

Sent via: Electronic mail

April 14<sup>th</sup>, 2016

**Re: Open Records Request**

Houston Police Department,

Under the Texas Public Information Act, §6252-17a et seq., I am requesting an opportunity to obtain copies of records that the Houston Police Department has in its possession. I hereby request the following records:

1. Police body camera video footages of the shooting of Mr. Roland Vincent Carnaby that occurred on April 29<sup>th</sup>, 2008 in Houston, Texas.
2. A copy of the police vehicle video recordings of Officer C. Foster's patrol vehicle and of Officer C. Stark's patrol vehicle that is in regards to the chase of Mr. Roland Vincent Carnaby vehicle and involving his death.
3. A copy of all written documents that the Houston Police Department has obtained from Mr. Roland Vincent Carnaby's vehicle. Please note that an official with the Houston Police Department had admitted several years ago to members of the press that he has read some of the written documents that were in the vehicle of Mr. Roland Vincent Carnaby.
4. A copy of the internal affairs investigation records that the Houston Police Department has on Mr. Roland Vincent Carnaby's death and the officer's conduct.
5. A copy of the call to service report, witness statements, written statements of the facts and notes that were and are pertaining to Mr. Roland Vincent Carnaby's death.
6. The first and the last names, including the badge numbers as to the police officers who chased Mr. Roland Vincent Carnaby in his vehicle.
7. Emails, letters and other written correspondence that the Houston Police Department has sent to and received from federal governmental agencies regarding Mr. Roland Vincent Carnaby and Mr. Roland Vincent Carnaby's death.

Please note that virtually all of the information that is in a governmental body's physical possession constitutes public information that is subject to the Act. Id. § 552.022(a)(1); see also Open Records Decision Nos. 549 at 4 (1990), 514 at 1-2 (1988). The Act also is applicable to information that a governmental body does not physically possess, if the information is collected, assembled, or

maintained for the governmental body, and the governmental body owns the information or has a right of access to it. Gov't Code § 552.002(a)(2); see also Open Records Decision No. 462 at 4 (1987).

I would like to request a waiver of all fees in that the disclosure of the requested information is in the public interest and will contribute significantly to the public's understanding of the way in which the government operates the professionalism as to the Houston Police Department, the death of Mr. Carnaby and et cetera. The death of Mr. Roland Vincent Carnaby was featured on the news and throughout several news sources. The public has an interest in obtaining the records regarding this open records request.

The Texas Public Information Act requires that you "promptly produce" the requested records unless, within 10 days, you have sought an Attorney General's Opinion. As provided by the Texas Public Information Act, I will expect your response within ten (10) business days. Twenty (20) days if my request requires substantial programming or manipulation of data. See Tex. Gov't Code Ann. Secs. 552.221(d) and 231(c). If you expect a significant delay in responding to this request, please contact me with information about when I might expect copies or the ability to inspect the requested records. You can reach me via email at: [iscampaign@usa.com](mailto:iscampaign@usa.com).

If you deny any or all of this request, please provide a written explanation for the denial and cite each specific statutory exemption(s) you feel justifies the refusal to release the information and notify me of the appeal procedures available to me under the law. If your "governmental body" wants to seek the Attorney General's Opinion regarding any of our request, I ask that you immediately notify me and then seek a formal decision from the Texas Attorney General not later than ten (10) calendar days from your receipt of this request, as required by the Texas Public Information Act. See Sec. 552.301. I would then ask your governmental body to release to me all of the items in which you have not sought the Attorney General's Opinion on. **See Sec. 552.301, 302; see also Open Records Decision No. 664 (2000)(if a governmental body concludes that no exceptions apply to the requested information, it must release the information as soon as possible).**

As you may already know that violation of the open records law can result in a fine of up to \$1,000, imprisonment of up to six months, or both. See Tex. Gov't Code Ann. Sec. 552.353(e). Litigation costs and reasonable attorney fees may also be assessed against you. See Sec. 552.323.

I would prefer to receive all of the records by electronic mail. You can reach me at the following email address: [iscampaign@usa.com](mailto:iscampaign@usa.com). However if that is not possible please send all of my requested records to the following mailing address:

Isaiah X. Smith

Isaiah Smith Campaign

P.O Box 163411

Fort Worth, Texas, 76161

Respectfully,

Isaiah X. Smith

Isaiah Smith Campaign

P.O Box 163411

Fort Worth, Texas, 76161

[www.isaiahsmith.com](http://www.isaiahsmith.com)