



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

May 3, 2010

Mr. U. H. Specht
Legal Advisor
Carrollton Police Department
2025 Jackson Road
Carrollton, Texas 75006-1739

OR2010-06263

Dear Mr. Specht:

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# 377762.

The Carrollton Police Department (the "department") received a request for a specified dash cam video and audio, as well as copies of all complaints filed with the department by a named individual regarding a specified incident. You claim the submitted information is excepted from disclosure under sections 552.101 and 552.108 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

Initially, we note some of the submitted information, which we have marked, is not responsive to the instant request because it does not consist of the dash cam video and audio or the complaints specified by the requestor. In addition, one of the submitted documents was created after the present request was received. The department need not release non-responsive information in response to this request, and this ruling will not address that information.¹

Next, we note you have not submitted to this office copies of the requested complaints. To the extent the complaints existed on the date the department received this request, we assume

¹Accordingly, we do not address your arguments under sections 552.101 and 552.108 of the Government Code for the non-responsive information.

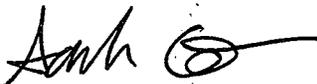
you have released them to the requestor. If you have not released any such information, you must release it at this time. *See* Gov't Code §§ 552.301(a), .302; *see also* Open Records Decision No. 664 (2000) (if governmental body concludes that no exceptions apply to requested information, it must release information as soon as possible).

You claim section 552.108 of the Government Code for the dash cam video and audio. Section 552.108(a)(1) excepts from disclosure “[i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime . . . if . . . release of the information would interfere with the detection, investigation, or prosecution of crime[.]” Gov't Code § 552.108(a)(1). Generally, a governmental body claiming section 552.108(a)(1) must reasonably explain how and why the release of the requested information would interfere with law enforcement. *See id.* §§ 552.108(a)(1), .301(e)(1)(A); *see also Ex parte Pruitt*, 551 S.W.2d 706 (Tex. 1977). You inform us the submitted dash cam video and audio relates to criminal cases pending prosecution in the Carrollton Municipal Court. Based on your representations and our review, we conclude the release the submitted dash cam video and audio would interfere with the detection, investigation, or prosecution of crime. *See Houston Chronicle Publ'g Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.—Houston [14th Dist.] 975), *writ ref'd n.r.e.*, 536 S.W.2d 559 (Tex. 1976) (per curiam) (court delineates law enforcement interests that are present in active cases). Thus, we find the department may withhold the submitted dash cam video and audio under section 552.108(a)(1) of the Government Code.

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.oag.state.tx.us/open/index_orl.php, 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 must be directed to the Cost Rules Administrator of the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,



Sarah Casterline
Assistant Attorney General
Open Records Division

SEC/eeg

Ref: ID# 377762

Enc. Submitted documents

c: Requestor
(w/o enclosures)