



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

March 10, 2011

Ms. Carol Freeman  
Ross, Banks, May, Cron & Cavin, P.C.  
2 Riverway Suite 700  
Houston, Texas 77056-1918

OR2011-03379

Dear Ms. Freeman:

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# 411490 (PIR# 10-524).

The League City Police Department (the "department"), which you represent, received a request for a "recording of [a] trespass warning being given to [a named individual]." You claim the requested information is excepted from disclosure under section 552.108 of the Government Code. We have considered the exception you claim and reviewed the information you submitted.

We first note the requestor only seeks access to the submitted video recording. Thus, the submitted event report is not responsive to this request for information. Therefore, this decision does not address the public availability of the event report, which the department need not release in response to this request.

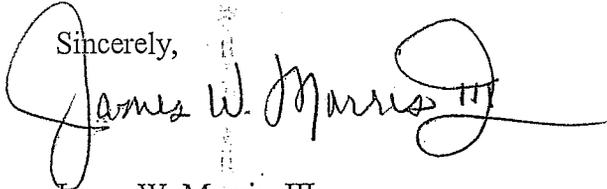
Section 552.108(a)(2) of the Government Code excepts from disclosure "[i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime . . . if . . . it is information that deals with the detection, investigation, or prosecution of crime only in relation to an investigation that did not result in conviction or deferred adjudication[.]" Gov't Code § 552.108(a)(2). A governmental body that claims section 552.108 must reasonably explain how and why this exception is applicable to the information at issue. *See id.* § 552.301(e)(1)(A); *Ex parte Pruitt*, 551 S.W.2d 706 (Tex. 1977). You state the responsive video recording is related to a concluded investigation

that did not result in a conviction or a deferred adjudication. Based on your representations, we conclude the department may withhold the video recording under section 552.108(a)(2) of the Government Code.<sup>1</sup>

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](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,



James W. Morris, III  
Assistant Attorney General  
Open Records Division

JWM/em

Ref: ID# 411490

Enc: Submitted information

c: Requestor  
(w/o enclosures)

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<sup>1</sup>As we are able to make this determination, we need not address your other claim under section 552.108.