



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

April 16, 2013

Ms. Michele Tapia
Assistant City Attorney
Office of the City Attorney
City of Carrollton
1945 East Jackson Road
Carrollton, Texas 75006

OR2013-06114

Dear Ms. Tapia:

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# 484082 (City ID No. 335).

The Carrollton Police Department (the "department") received a request for the mugshot and dashboard camera video pertaining to a specified accident. You claim the submitted information is excepted from disclosure under sections 552.108 and 552.130 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

Section 552.108(a)(1) 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: (1) release of the information would interfere with the detection, investigation, or prosecution of crime[.]" Gov't Code § 552.108(a)(1). A governmental body claiming section 552.108(a)(1) must reasonably explain how and why release of the requested information would interfere with the detection, investigation, or prosecution of crime. *See id.* §§ 552.108(a)(1), .301(e)(1)(A); *see also Ex parte Pruitt*, 551 S.W.2d 706 (Tex. 1977). You state the submitted mugshot relates to a pending criminal investigation. Based on your representation and our review, we conclude the release of the information at issue 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.] 1975) (court delineates law enforcement interests that are present in active cases), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976). Accordingly, the department may withhold the submitted mugshot under section 552.108(a)(1) of the Government Code.

Section 552.130 of the Government Code exempts from disclosure information related to a motor vehicle operator's license, driver's license or permit, motor vehicle title ,or registration issued by an agency of this state or another state or country. *See Gov't Code § 552.130.* Upon review, we find two of the submitted video recordings, 0886@20130114220005 and 0886@20130114224419, contain motor vehicle information subject to section 552.130. You state the department lacks the technological capability to redact this information from these video recordings. Based on this representation, we conclude the department must withhold video recordings 0886@20130114220005 and 0886@20130114224419 in their entirety under section 552.130 of the Government Code. However, upon review, we find the remaining information at issue does not contain any motor vehicle record information. Accordingly, no portion of the remaining information may be held under section 552.130 of the Government Code.

In summary, the department may withhold the submitted mugshot under section 552.108(a)(1) of the Government Code. The department must withhold video recordings 0886@20130114220005 and 0886@20130114224419 in their entirety under section 552.130 of the Government Code. The remaining information must be released.

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,



Nneka Kanu
Assistant Attorney General
Open Records Division

NK/bhf

Ref: ID# 484082

Enc. Submitted documents

c: Requestor
(w/o enclosures)