



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

May 22, 2013

Ms. Miriam Rodrigues
Administrative Assistant
Harker Heights Police Department
402 Indian Trail
Harker Heights, Texas 76548

OR2013-08517

Dear Ms. Rodrigues:

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# 488128.

The City of Harker Heights (the "city") received a request for information pertaining to a specified case. You state you have released some of the requested information to the requestor. You claim the submitted information is excepted from disclosure under section 552.108 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Section 552.108(a)(2) excepts from disclosure information concerning an investigation that concluded in a result other than conviction or deferred adjudication. Gov't Code § 552.108(a)(2). A governmental body claiming section 552.108(a)(2) must demonstrate the requested information relates to a criminal investigation that concluded in a final result other than a conviction or deferred adjudication. You state the submitted information relates to a case that "has not resulted in conviction or deferred adjudication." However, section 552.108(a)(2) is only applicable if the information at issue is related to a concluded criminal case that "did not result in conviction or deferred adjudication." *Id.* § 552.108(a)(2). Thus, having considered your representations, we find you have failed to show the submitted information relates to a criminal case that concluded in a final result other than conviction or deferred adjudication. Accordingly, we find you have not demonstrated the applicability of section 552.108(a)(2), and the city may not withhold any of the submitted information under section 552.108(a)(2) of the Government Code.

We note some of the submitted video recordings contain discernible license plate numbers that are subject to section 552.130 of the Government Code.¹ Section 552.130(a)(2) provides that information relating to a motor vehicle title or registration issued by an agency of this state, or another state or country, is excepted from public release. *Id.* § 552.130(a)(2). The city must withhold the discernible license plate numbers in the submitted video recordings under section 552.130(a)(2) of the Government Code. As no exceptions have been raised for any of the remaining information, 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,



Michelle R. Garza
Assistant Attorney General
Open Records Division

MRG/dls

Ref: ID# 488128

Enc. Submitted documents

c: Requestor
(w/o enclosures)

¹The Office of the Attorney General will raise a mandatory exception on behalf of a governmental body, but ordinarily not raise other exceptions. Open Records Decision Nos. 481 (1987), 480 (1987), 470 (1987).