



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

September 5, 2013

Mr. Mark G. Mann
Assistant City Attorney
City of Garland
P.O. Box 469002
Garland, Texas 75046-9002

OR2013-15458

Dear Mr. Mann:

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# 498623 (PIR No. GCA13-0430).

The Garland Police Department (the "department") received a request for a report related to a specified citation number and any related audio and video recordings. You state you have released some of the information to the requestor.¹ You claim some of 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)(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 . . . 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 the release of the requested information would interfere with law enforcement. *See id.* § 552.301(e)(1)(A);

¹Although you state in your letter to this office, dated June 27, 2013, that you seek to withhold the submitted report, you subsequently informed this office that the department wishes to withhold only the responsive video recordings contained on the submitted compact discs. Accordingly, we assume you have also released the submitted report. We note portions of the report being released are confidential with respect to the general public. However, the requestor has a right of access to this information. *See* Gov't Code § 552.023. Thus, if the department receives another request for this information from a different requestor, the department must seek another ruling from this office.

see also Ex parte Pruitt, 551 S.W.2d 706 (Tex. 1977). You state the information at issue relates to an ongoing criminal investigation and prosecution. Based on this representation, we find the release of the information at issue would interfere with the detection, investigation, and prosecution of a 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 video recordings 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.texasattorneygeneral.gov/open/orl_ruling_info.shtml, 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 may be directed to the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,



Britni Fabian
Assistant Attorney General
Open Records Division

BF/dls

Ref: ID# 498623

Enc. Submitted documents

c: Requestor
(w/o enclosures)