



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

June 5, 2014

Ms. Michelle T. Rangel  
Assistant County Attorney  
Fort Bend County  
401 Jackson Street, Third Floor  
Richmond, Texas 77469

OR2014-09672

Dear Ms. Rangel:

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# 530139.

The Fort Bend County Sheriff's Office (the "sheriff's office") received a request for "recordings, visual, audio, or otherwise[.]" from a named officer's vehicle during a specified time period and a dispatch recording from the same time period. 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 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 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 state the in-car video and dispatch recording related to citation number 00441864 pertains to a pending criminal case and release of this information would interfere with the ongoing investigation and prosecution. *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). Based on these representations, we find the sheriff's office has demonstrated release of the information would interfere with the detection, investigation, or

prosecution of crime. Therefore, the sheriff's office may withhold the in-car video and dispatch recording related to citation number 00441864 under section 552.108(a)(1) of the Government Code.

Section 552.108(a)(2) of the Government Code 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 conviction or deferred adjudication. *See id.* § 552.301(e)(1)(A); Open Records Decision No. 434 at 2-3 (1986).

You state the in-car video and dispatch recording pertaining to offense report number 14-7068 are related to a closed criminal matter that did not result in a conviction or deferred adjudication. Based on your representation, we find section 552.108(a)(2) of the Government Code is applicable to this information. Accordingly, the sheriff's office may withhold the in-car video and dispatch recording pertaining to offense report number 14-7068 under section 552.108(a)(2) of the Government Code.

To summarize: The sheriff's office may withhold the in-car video and dispatch recording related to citation number 00441864 under section 552.108(a)(1) of the Government Code. The sheriff's office may withhold the in-car video and dispatch recording pertaining to offense report number 14-7068 under section 552.108(a)(2) 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](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,



Cindy Nettles  
Assistant Attorney General  
Open Records Division

CN/dls

Ref: ID# 530139

Enc. Submitted documents

c: Requestor  
(w/o enclosures)