



February 23, 2015

Ms. Susan J. Estringel
Legal Assistant
Texas Department of Public Safety
P.O. Box 4087
Austin, Texas 78773-0001

OR2015-03440

Dear Ms. Estringel:

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# 554410 (DPS PIR # 14-5020).

The Texas Department of Public Safety (the "department") received a request for information pertaining to a specified accident, including (1) all records and reports, 9-1-1 calls, witness statements, and videos; (2) police officers' notes and drawings, including notes compiled by police officers who investigated the specified accident and who prepared the incident report; (3) complete accident reports; (4) reports and forms provided by other law enforcement agencies and emergency responders; (5) medical or law enforcement evaluations determining the presence of drug or alcohol use; (6) documentation of vehicle or driver violations; (7) Department of Transportation inspection reports; (8) information pertaining to parties who assisted in the accident, including their actions or reports; (9) accident reconstruction reports, drawings, photographs, and videos; (10) responder call sheets, and time and disposition sheets; (11) unit driver statements; (12) emergency responder statements; (13) dash cam videos and chain of custody and final disposition; (14) video and photographic scene documentation and their respective logs or ledgers; (15) criminal investigation reports; (16) copies of citations; (17) logs or ledgers of evidence seized during the investigation; (18) emergency responder notification logs pertaining to law enforcement, emergency medical services, and fire; and (19) fire department and emergency medical services provided. 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.

Initially, we note some of the information in the submitted logs is not responsive to the request for information because it does not pertain to the specified accident. This ruling does not address the public availability of nonresponsive information, and the department is not required to release nonresponsive information in response to this request.

Next, we note you have only submitted information responsive to items (2), (5), and (18). You state the department wishes to withhold photographs and videos that constitute a pictorial illustration of matters described in the requested documents. However, because you have not submitted any information responsive to items (1), (3)-(4), (6)-(17), and (19), any photographs and videos that constitute pictorial representations of matters described in information responsive to items (1), (3)-(4), (6)-(17), and (19) must be released to the requestor because the submitted notes, evaluation, and logs are not representative of matters depicted in the videos and photographs. Furthermore, to the extent any other information responsive to items (1), (3)-(4), (6)-(17), and (19) existed at the time the department received the request for information, we assume you have released it to the requestor. If you have not released any such information, you must do so at this time. *See Gov't Code* §§ 552.301(a), .302; *Open Records Decision No. 664 (2000)* (noting if a governmental body concludes no exceptions apply to the requested information, it must release information as soon as possible under circumstances).

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 responsive information pertains to an ongoing criminal case. Based on your representation, 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 responsive information 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,



Lauren Dahlstein
Assistant Attorney General
Open Records Division

LMD/som

Ref: ID# 554410

Enc. Submitted documents

c: Requestor
(w/o enclosures)