



February 23, 2015

Ms. Megan Koenig
Manager
Records Division
North Richland Hills Police Department
7301 Northeast Loop 820
North Richland Hills, Texas 76180

OR2015-03522

Dear Ms. Koenig:

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# 554659 (ORL# 14-1005)

The North Richland Hills Police Department (the "department") received a request for a 9-1-1 audio recording and dashboard camera video recordings associated with a specified incident that resulted in the death of an individual. You indicate the department will release the 9-1-1 audio recording to the requestor. You claim the submitted information is excepted from disclosure under section 552.1085 of the Government Code. Additionally, you state the requested information may implicate the privacy interest of a third party. Accordingly, you notified the deceased individual's next of kin of the request and of her right to submit arguments to this office explaining why the information should not be released. *See* Gov't Code § 552.304 (interested party may submit written comments stating why information should or should not be released). We note that as of the date of this ruling, this office has received no comments from the deceased individual's next of kin explaining why the information at issue should not be released to the requestor. We have considered the exception you claim and reviewed the submitted information.

Initially, you state that, in addition to the submitted video recording, the department has "other videos" related to the specified incident. However, you have not submitted any additional video recordings for our review. Therefore, we assume the department has

released the remaining responsive video recordings to the requestor. If the department has not released any such information, it must do so at this time. Gov't Code §§ 552.301(a), .302; Open Records Decision No. 664 (2000) (noting that if governmental body concludes that no exceptions apply to requested information, it must release information as soon as possible under circumstances).

Section 552.1085 provides, in part:

(c) A sensitive crime scene image in the custody of a governmental body is confidential and excepted from the requirements of Section 552.021 and a governmental body may not permit a person to view or copy the image except as provided by this section. This section applies to any sensitive crime scene image regardless of the date that the image was taken or recorded.

Gov't Code § 552.1085(c). For purposes of section 552.1085, "sensitive crime scene image" means "a photograph or video recording taken at a crime scene, contained in or part of a closed criminal case, that depicts a deceased person in a state of dismemberment, decapitation, or similar mutilation or that depicts the deceased person's genitalia." *See id.* § 552.1085(a)(6). Upon review, we find none of the submitted information contains sensitive crime scene images for the purposes of section 552.1085. Accordingly, the department may not withhold the submitted information under section 552.1085(c) of the Government Code.

We note a portion of the submitted information is subject to section 552.130 of the Government Code.¹ Section 552.130 of the Government Code provides information relating to a motor vehicle operator's license, driver's license, motor vehicle title or registration, or a personal identification document issued by an agency of this state or another state or country is excepted from public release. *Id.* § 552.130(a). Upon review, we find the department must withhold any discernible audible or visible motor vehicle record information in the submitted video recording. As you raise no further exceptions to disclosure, the department must release the remaining information.

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/>

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

[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,

A handwritten signature in black ink, appearing to read 'J. Behnke', with a long horizontal line extending to the right.

Joseph Behnke
Assistant Attorney General
Open Records Division

JB/som

Ref: ID# 554659

Enc. Submitted documents

c: Requestor
(w/o enclosures)