



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

August 3, 2015

Mr. William P. Chesser
City Attorney
City of Brownwood
P.O. Box 1389
Brownwood, Texas 76804

OR2015-15873

Dear Mr. Chesser:

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# 573794.

The Brownwood Police Department (the "department") received a request for information pertaining to a specified incident. You state the department has released some of the requested information. You claim the submitted information is excepted from disclosure under section 552.1085 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Section 552.1085 of the Government Code, provides, in pertinent 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.

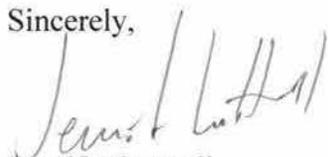
Gov't Code § 552.1085(c). For purposes of section 552.1085, "sensitive crime scene image" means "a photograph or video recording taken at a crime scene, contained in or part of a closed criminal case, that depicts a deceased person in a state of dismemberment, decapitation, or similar mutilation or that depicts the deceased person's genitalia." *See* Gov't

Code § 552.1085(a)(6). The department indicates the submitted photographs are contained in or part of a closed criminal case. Upon review, we find the photographs we have indicated consist of sensitive crime scene images. Further, we understand none of the access provisions in section 552.1085 apply. Accordingly, the photographs we have indicated are confidential under section 552.1085 of the Government Code. However, we find the remaining photographs do not consist of sensitive crime scene images for the purposes of section 552.1085. Thus, the department may not withhold the remaining photographs under section 552.1085 of the Government Code. As you raise no further exceptions to disclosure, the remaining photographs 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.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,



Jennifer Luttrall
Assistant Attorney General
Open Records Division

JL/akg

Ref: ID# 573794

Enc. Submitted documents

c: Requestor
(w/o enclosures)