



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

November 16, 2015

Ms. Delietrice Henry
Open Records Assistant
Plano Police Department
P. O. Box 860358
Plano, Texas 75086-0358

OR2015-24065

Dear Ms. Henry:

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# 588555 (ORR #MOOJ080615).

The Plano Police Department (the "department") received a request for information pertaining to a specified fatality accident. You state the department has released most of the requested information. You claim the submitted photographs and video recordings are excepted from disclosure under section 552.1085 of the Government Code.¹ We have considered the exception you claim and reviewed the submitted information.²

Section 552.1085 of the Government Code provides, in pertinent part, the following:

(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

¹Although you also raise section 552.101 of the Government Code for the submitted information, you make no arguments in support of this exception. Accordingly, we understand you have withdrawn your claim under section 552.101.

²We note, and you acknowledge, the department did not comply with section 552.301 of the Government Code in requesting this decision. *See* Gov't Code § 552.301(b), (e). Nonetheless, because sections 552.1085 and 552.130 of the Government Code can provide compelling reasons to overcome the presumption of openness, we will consider their applicability to the submitted information. *See id.* §§ 552.007, .302, .352.

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). We understand the submitted photographs are part of a closed criminal case. Accordingly, upon review, we find some of these photographs consist of sensitive crime scene images under section 552.1085 of the Government Code. We have no indication the requestor is a person or entity described by section 552.1085(d). *See id.* § 552.1085(d) (providing that notwithstanding Subsection (c) and subject to subsection (e), certain persons may view or copy information that constitutes a sensitive crime scene image from a governmental body). Accordingly, the department must withhold the photographs we have indicated under section 552.1085. However, we find the remaining photographs at issue, as well as the submitted video recordings, do not consist of sensitive crime scene images for purposes of section 552.1085 of the Government Code, and that information may not be withheld on this basis.

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 personal identification document issued by an agency of this state or another state or country is excepted from public release.³ *See* Gov't Code § 552.130. Accordingly, the department must withhold any discernible license plate information in the remaining submitted photographs and video recordings under section 552.130 of the Government Code.

In summary, the department must withhold the submitted photographs we have indicated under section 552.1085(c) of the Government Code. The department must withhold any discernible license plate information in the remaining submitted photographs and video recordings under section 552.130 of the Government Code. 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/>

³The 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,



Michael A. Pearle
Assistant Attorney General
Open Records Division

MAP/eb

Ref: ID# 588555

Enc. Submitted documents

c: Requestor
(w/o enclosures)