



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

March 30, 2016

Ms. Alexis G. Allen
Counsel for the City of Duncanville
Nichols, Jackson, Dillard, Hager & Smith, LLP
1800 Ross Tower
500 North Akard Street
Dallas, Texas 75201

OR2016-07083

Dear Ms. Allen:

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# 603540.

The Duncanville Police Department (the "department"), which you represent, received a request for all video and audio recordings related to a specified incident in which department police officers used lethal force against a named individual. The department claims the submitted information is excepted from disclosure under sections 552.103 and 552.108 of the Government Code.¹ We have considered the exceptions you claim and reviewed the submitted information.

The department states the submitted information was the subject of a previous request for information, in response to which this office issued Open Records Letter No. 2014-21437 (2014). In Open Records Letter No. 2014-21437, we determined, in relevant part, the department may withhold certain information under section 552.108(a)(2) of the Government Code. We have no indication the law, facts, or circumstances on which the prior ruling was based have changed. Accordingly, the department may continue to rely on Open Records

¹Although you raise section 552.101 of the Government Code, you make no arguments to support this exception. Therefore, we assume you have withdrawn your claim this section applies to the requested information. See Gov't Code §§ 552.301, .302.

Letter No. 2014-21437 as a previous determination and withhold the submitted information in accordance with that ruling.² See Open Records Decision No. 673 at 6-7 (2001) (discussing criteria for first type of previous determination).

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,

A handwritten signature in black ink, appearing to read 'JB' followed by a stylized flourish.

Joseph Behnke
Assistant Attorney General
Open Records Division

JB/som

Ref: ID# 603540

Enc. Submitted documents

c: Requestor
(w/o enclosures)

²As our ruling is dispositive, we need not consider your remaining arguments against disclosure.