



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

April 28, 2010

Mr. David Guerra  
King, Guerra, Davis & Garcia  
P.O. Box 1025  
Mission, Texas 78573

OR2010-06039

Dear Mr. Guerra:

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# 377278.

The City of Mission (the "city") received a request for copies of on-dash camera videos from the city's police department's police cruisers (including, but not limited to, unit numbers 221, 222, and 224) involved in a specified incident on September 6, 2009, as well as all written statements made by police officers and eyewitnesses in the area, including a specified individual. 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.

You inform us some of the submitted information was the subject of two previous requests for information, in response to which this office issued Open Records Letter Nos. 2010-01511 (2010) and 2009-16707 (2009). In those rulings, we concluded that, with the exception of basic information, the city and its police department may withhold the submitted information under section 552.108(a)(2) of the Government Code. To the extent the submitted information is identical to the information previously ruled upon by this office, we conclude, as we have no indication that the law, facts, and circumstances on which the prior rulings were based have changed, the city may continue to rely on Open Records Letter Nos. 2010-01511 and 2009-16707 as previous determinations and withhold the identical information in accordance with those rulings. *See* Open Records Decision No. 673 (2001) (so long as law, facts, circumstances on which prior ruling was based have not changed, first type of previous determination exists where requested information is precisely same information as was addressed in prior attorney general ruling, ruling is addressed to same governmental body, and ruling concludes that information is or is not excepted from

disclosure). To the extent the submitted information is not encompassed by the previous rulings, we will address your arguments against disclosure.

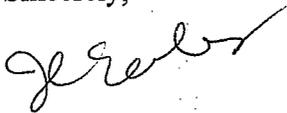
Section 552.108(a)(2) of the Government Code excepts from disclosure “[i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime . . . if . . . it is information that deals with the detection, investigation, or prosecution of crime only in relation to an investigation that did not result in conviction or deferred adjudication[.]” Gov’t Code § 552.108(a)(2). A governmental body claiming section 552.108(a)(2) must demonstrate that the requested information relates to a criminal investigation that has concluded in a final result other than a conviction or deferred adjudication. You state the submitted information pertains to the investigation of an individual who is deceased. You state that, prior to the conclusion of the investigation, the individual died, and, thus, this investigation did not result in a conviction or deferred adjudication. Based on your representations and our review, we agree the remaining information may be withheld under section 552.108(a)(2).

In summary, to the extent the information at issue is identical to the information previously ruled upon by this office, the city may continue to rely on Open Records Letter Nos. 2010-01511 and 2009-16707 and withhold the identical information in accordance with those rulings. The city may withhold the remaining information under section 552.108(a)(2) 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.oag.state.tx.us/open/index\\_orl.php](http://www.oag.state.tx.us/open/index_orl.php), 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 must be directed to the Cost Rules Administrator of the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,



Jessica Eales  
Assistant Attorney General  
Open Records Division

JCE/eeg

Ref: ID# 377278

Enc. Submitted documents

c: Requestor  
(w/o enclosures)