



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

May 15, 2012

Mr. Bradford E. Bullock  
Russell & Rodriguez, L.L.P.  
1633 Williams Drive  
Building 2, Suite 200  
Georgetown, Texas 78628

OR2012-07223

Dear Mr. Bullock:

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# 454289.

The City of Liberty Hill (the "city"), which you represent, received a request for video footage of a specified motor vehicle stop; audio recordings of the stop; the year, make, and model of a vehicle involved in the stop; the time in service of a named officer; the "procedure for a 2 car stop when both cars seem submissive;" and any complaints against the named officer. The request also asks a series of factual questions. We note the Act does not require the city to answer factual questions, conduct legal research, or create responsive information. *See* Open Records Decision Nos. 563 at 8 (1990), 561 at 8-9 (1990), 555 at 1-2 (1990), 534 at 2-3 (1989). You state the city has released some information to the requestor. You state the city will redact information pursuant to section 552.024(c) of the Government Code in any information being released.<sup>1</sup> You claim the submitted recording is excepted

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<sup>1</sup>Section 552.024 of the Government Code authorizes a governmental body to withhold information subject to section 552.117(a)(1) without requesting a decision from this office if the current or former official or employee timely elects not to allow public access to the information. *See* Gov't Code §§ 552.024(c), .117(a)(1) (protects employee's home address, home telephone number, social security number, emergency contact information, and family member information). Open Records Decision No. 670 (2001) authorizes a governmental body to withhold a peace officer's information subject to section 552.117(a)(2) without requesting a decision from this office. *See* ORD 670 at 6-7.

from disclosure under section 552.108 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

You raise section 552.108 of the Government Code, which provides, in pertinent part:

(a) Information held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime is excepted from [required public disclosure] if:

(1) release of the information would interfere with the detection, investigation, or prosecution of crime; [or]

(2) it is information that the 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)(1)-(2). Subsection 552.108(a)(1) is mutually exclusive of subsection 552.108(a)(2). Subsection 552.108(a)(1) protects information, the release of which would interfere with a criminal investigation or prosecution. In contrast, subsection 552.108(a)(2) protects information that relates to a concluded criminal investigation or prosecution that did not result in a conviction or deferred adjudication. Generally, a governmental body claiming section 552.108 must reasonably show the exception is applicable to the requested information by explaining how and why the release of the requested information would interfere with law enforcement. *See id.* §§ 552.108(a)(1), .301(e)(1)(A); *see also Ex parte Pruitt*, 551 S.W.2d 706 (Tex. 1977). You state the submitted information relates to a case that has not been finally adjudicated and is ongoing. Accordingly, we understand you to raise section 552.108(a)(1). Based upon your representation, we conclude release of the submitted information would interfere with the detection, investigation, or prosecution of crime. *See Houston Chronicle Publ'g Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.—Houston [14th Dist.] 1975) (court delineates law enforcement interests that are present in active cases), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976). Therefore, the city may withhold the submitted recording under section 552.108(a)(1) of the Government Code. The city must release the rest of the requested 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.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,

A handwritten signature in cursive script that reads "Jessica Marsh".

Jessica Marsh  
Assistant Attorney General  
Open Records Division

JM/em

Ref: ID# 454289

Enc. Submitted documents

c: Requestor  
(w/o enclosures)