



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

June 27, 2014

Ms. L. Carolyn Nivens
Paralegal
Ross, Banks, May, Cron & Cavin P.C.
2 Riverway, Suite 700
Houston, Texas 77056-1918

OR2014-11047

Dear Ms. Nivens:

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# 533400 (Ross Banks File No. 4396-001) (Friendswood Police Department Reference No. W003813-060614).

The City of Friendswood (the "city"), which you represent, received a request for the 9-1-1 audio recording from a specified incident. You claim the submitted information is excepted from disclosure under sections 552.101 and 552.108 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

Section 552.108(a)(2) excepts from disclosure information concerning an investigation that concluded in a result other than conviction or deferred adjudication. *See* 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 that the submitted information relates to a closed investigation conducted by the Friendswood Police Department that did not result in a conviction or deferred adjudication. Based upon these representations and our review, we agree that section 552.108(a)(2) is applicable to the submitted information. Accordingly, the city may withhold the 9-1-1 audio recording at issue under section 552.108(a)(2) of the Government Code.¹

¹As our ruling is dispositive, we do not address your other argument to withhold this 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/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,



Brian E. Berger
Assistant Attorney General
Open Records Division

BB/eb

Ref: ID# 533400

Enc. Submitted documents

c: Requestor
(w/o enclosures)