



KEN PAXTON  
ATTORNEY GENERAL OF TEXAS

November 10, 2016

Ms. Kristie L. Lewis  
Staff Attorney  
Houston Police Department  
1200 Travis, 21st Floor  
Houston, Texas 77002-6000

OR2016-18880A

Dear Ms. Lewis:

On August 22, 2016, this office issued Open Records Letter No. 2016-18880 (2016) to the Houston Police Department (the "department"), finding the department failed to comply with the procedural requirements imposed by section 552.301 of the Government Code in requesting a decision from our office. *See* Gov't Code § 552.301(e). On October 6, 2016, you provided this office with satisfactory proof demonstrating the department had complied with such procedural requirements. *See* Gov't Code § 552.308(a)(2). Consequently, this decision serves as the corrected ruling and is a substitute for the decision issued on August 22, 2016. *See generally id.* § 552.011 (providing that Office of Attorney General may issue decision to maintain uniformity in application, operation, and interpretation of the Public Information Act (the "Act")). This ruling was assigned ID# 634007 (ORU# 16-4177, 16-4179, 16-4176, 16-4175, 16-4240, 16-4249, 16-4444).

The department received seven requests for audio and video recordings related to a specified incident. You claim the submitted information is excepted from disclosure under section 552.108(a)(2) of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Section 552.108(a)(2) of the Government Code excepts from disclosure information concerning an investigation that did not result in conviction or deferred adjudication. *See* Gov't Code § 552.108(a)(2). A governmental body claiming section 552.108(a)(2) must demonstrate the requested information relates to a criminal investigation that has concluded in a final result other than a conviction or deferred adjudication. *See id.* § 552.301(e)(1)(A)

(governmental body must provide comments explaining why exceptions raised should apply to information requested). You state the submitted information pertains to a concluded investigation that did not result in conviction or deferred adjudication. Based on your representation and our review, we agree the department may withhold the submitted 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.texasattorneygeneral.gov/open/orl\\_ruling\\_info.shtml](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,



Ramsey A. Abarca  
Assistant Attorney General  
Open Records Division

RAA/bw

Ref: ID# 634007

Enc. Submitted documents

c: 7 Requestors  
(w/o enclosures)