



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

September 18, 2017

Ms. Susan Hopkins  
Records Clerk  
Webster Police Department  
217 Pennsylvania Avenue  
Webster, Texas 77598

OR2017-21295

Dear Ms. Hopkins:

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# 677311.

The Webster Police Department (the "department") received a request for all video and audio recordings related to a specified traffic stop. 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.

Initially, we note the submitted information was the subject of a previous request for information, as a result of which this office issued Open Records Letter No. 2017-15930 (2017). In that ruling, we determined: (1) because the requestor did not properly request the body worn camera recordings pursuant to section 1701.661 of the Occupations Code, our ruling does not reach the recordings and they need not be released, and (2) the department may withhold the remaining responsive information under section 552.108(a)(1) of the Government Code. We note the present requestor properly requests the body worn camera recordings. *See* Occ. Code § 1701.661(a). Therefore, the facts and circumstances have changed with respect to the body worn camera recordings. Accordingly, the department may not rely on Open Records Letter No. 2017-15930 with respect to this information. *See* Open Records Decision No. 673 (2001) (so long as law, facts, and 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). However, we have no indication the law, facts, or circumstances on which the previous ruling was based have changed with respect to the remaining information at issue in Open Records Letter No. 2017-15930. Accordingly, for the remaining information previously requested and ruled upon by this office, we conclude the department may rely on Open Records Letter No. 2017-15930 as a previous determination and withhold the information previously at issue in accordance with that ruling. However, we will address your arguments against disclosure of the submitted body worn camera recordings.

Section 552.108(a)(1) 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: (1) release of the information would interfere with the detection, investigation, or prosecution of crime.” Gov’t Code § 552.108(a)(1). Generally, a governmental body claiming section 552.108(a)(1) must explain 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 remaining information relates to an open criminal investigation, and release of that information would interfere with the investigation and prosecution of the case. Based upon this representation, we conclude the release of the remaining 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). Thus, section 552.108(a)(1) is applicable to the remaining information. Accordingly, the department may withhold the remaining information under section 552.108(a)(1) of the Government Code.

In summary, the department may rely on Open Records Letter No. 2017-15930 as a previous determination and, excluding the body worn camera recordings, withhold the information previously at issue in accordance with that ruling. The department may withhold the remaining information under section 552.108(a)(1) 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,

A handwritten signature in black ink, appearing to read "Tim Neal". The signature is written in a cursive style with a large initial "T" and "N".

Tim Neal  
Assistant Attorney General  
Open Records Division

TN/tdw

Ref: ID# 677311

Enc. Submitted documents

c: Requestor  
(w/o enclosures)