



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

December 13, 2017

Ms. Sue Jana
Assistant Criminal District Attorney
Civil Section
Bexar County Criminal District Attorney's Office
101 West Nueva Street, 7th Floor
San Antonio, Texas 78205

OR2017-28269

Dear Ms. Jana:

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# 687790 (DA File No. 6026).

The Bexar County Criminal District Attorney's Office (the "district attorney's office") received a request for body worn camera and dashboard camera recordings of a specified incident.¹ 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.

Initially, we note the requestor only seeks the body worn camera and dash camera recordings of the specified incident. Thus, the portions of the submitted information that do not consist of body worn camera and dash camera recordings of the specified incident are not responsive to this request. This ruling does not address the public availability of any information that is not responsive to the request, and the district attorney's office is not required to release that information in response to the request.

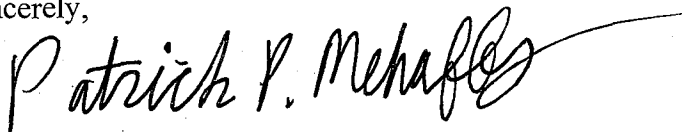
¹We note the requestor provided the information required by section 1701.661 (a) of the Occupations Code for release of the body worn camera recording at issue. *See* Occ. Code § 1701.661(a).

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.² 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); Open Records Decision No. 434 (1986). You state the responsive information pertains to a criminal investigation that did not result in conviction or deferred adjudication. Based on this representation, we agree section 552.108(a)(2) is applicable to the responsive information. Accordingly, the district attorney's office may withhold the responsive 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, 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,



Patrick P. Mehaffy
Attorney
Open Records Division

PPM/eb

Ref: ID# 687790

Enc. Submitted documents

c: Requestor
(w/o enclosures)

²Although the district attorney's office raises section 552.108(a)(1) of the Government Code, we understand you to raise section 552.108(a)(2) based on the substance of its argument and its markings.