



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

March 4, 2019

Lieutenant Luis Martinez  
Laredo Police Department  
4712 Maher Avenue  
Laredo, Texas 78041

OR2019-05952

Dear Lt. Martinez:

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# 752905 (ORR# W011037-121718).

The Laredo Police Department (the "department") received a request for the names and mugshots of individuals arrested or indicted in the City of Laredo on charges of murder or capital murder during 2018. The department indicates it has released the requested names. The department claims the submitted information is excepted from disclosure under section 552.108 of the Government Code. We have considered the claimed exception and reviewed the submitted information.

Initially, we note Exhibit C is not responsive to the request for information because it was created after the department received the request. This ruling does not address the public availability of any information that is not responsive to the request, and the department is not required to release this information in response to this request.

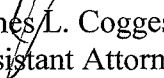
Section 552.108(a)(2) of the Government Code excepts from disclosure information concerning an investigation that concluded in a result other than conviction or deferred adjudication. Gov't Code § 552.108(a)(2). A governmental body claiming section 552.108(a)(2) must demonstrate the information at issue relates to a criminal investigation that has concluded in a final result other than conviction or deferred adjudication. *See id.* §§ 552.108(a)(2), .301(e)(1)(A). The department states the submitted information pertains to a case that has a disposition other than a conviction or deferred adjudication. However,

the department has submitted documentation showing the information pertains to criminal investigations or prosecutions that are still "active[.]" Thus, we find the department has failed to establish the submitted report relates to a closed investigation that did not result in conviction or deferred adjudication. Accordingly, the department may not withhold the submitted information section 552.108(a)(2). Consequently, the department must release the submitted responsive 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](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,



James L. Coggeshall  
Assistant Attorney General  
Open Records Division

JLC/gw

Ref: ID# 752905

Enc. Submitted documents

c: Requestor  
(w/o enclosures)