



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

June 24, 2019

Mr. Jonathan T. Koury
Assistant City Attorney
City of Bryan
P.O. Box 1000
Bryan, Texas 77805

OR2019-17147

Dear Mr. Koury:

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# 772197.

The City of Bryan (the "city") received a request for body worn camera recordings that pertain to two specified incidents and e-mail communications regarding a named establishment. The city claims the requested information is excepted from disclosure under sections 552.101 and 552.108 of the Government Code.¹ We have considered the claimed exceptions and reviewed the submitted information.

Initially, we note the city only submitted body worn camera recordings of police officers. We assume, to the extent any additional responsive information existed when the city received the request for information, the city has released it. If not, then the city must do so immediately. *See* Gov't Code §§ 552.006, .301, .302; Open Records Decision No. 664 (2000).

Body worn cameras are subject to chapter 1701 of the Occupations Code. Chapter 1701 provides the procedures a requestor must follow when seeking a body worn camera recording. Section 1701.661(a) provides the following:

¹We understand the city to raise section 552.101 based on its arguments.

A member of the public is required to provide the following information when submitting a written request to a law enforcement agency for information recorded by a body worn camera:

- (1) the date and approximate time of the recording;
- (2) the specific location where the recording occurred; and
- (3) the name of one or more persons known to be a subject of the recording.

Occ. Code § 1701.661(a). The requestor does not give the requisite information under section 1701.661(a) for the body worn camera recordings that pertain to case number BP190300080. As this requestor did not properly request the recordings at issue pursuant to chapter 1701, our ruling does not reach this information and the city is not required to release city requestor. However, pursuant to section 1701.661(b), a “failure to provide all the information required by Subsection (a) to be part of a request for recorded information does not preclude the requestor from making a future request for the same recorded information.” *Id.* § 1701.661(b). The requestor properly requested the remaining recording pursuant to chapter 1701 of the Occupations Code. Therefore, we will address the city’s argument against its disclosure.

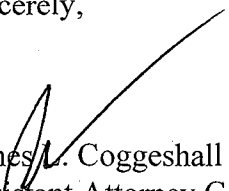
Section 552.108(a)(2) of the Government Code excepts from disclosure information concerning an investigation that concluded in a result other than conviction or deferred adjudication. Gov’t Code § 552.108(a)(2). A governmental body claiming section 552.108(a)(2) must demonstrate the information at issue 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 city states the remaining recording pertains to a case that concluded in a result other than conviction or deferred adjudication. Therefore, the city withhold the remaining recording under section 552.108(a)(2) of the Government Code.

In summary, because the requestor did not properly request the body worn camera recordings that pertain to case number BP190300080 pursuant to chapter 1701 of the Occupations Code, our ruling does not reach the body worn camera recordings at issue and the city is not required to release them. The city withhold the remaining recording 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,



James W. Coggeshall
Assistant Attorney General
Open Records Division

JLC/eb

Ref: ID# 772197

Enc. Submitted documents

c: Requestor
(w/o enclosures)