



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

July 21, 2020

Ms. Sara Casares  
Office Specialist  
Edinburg Police Department  
1702 South Closner Boulevard  
Edinburg, Texas 78539

OR2020-18122

Dear Ms. Casares:

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# 836716.

The Edinburg Police Department (the "department") received two requests from different requestors for information pertaining to a specified incident. The department claims the submitted information is excepted from disclosure under sections 552.101, 552.108 and 552.1085 of the Government Code. We have considered the claimed exceptions and reviewed the submitted information.

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

Section 552.1085(c) of the Government Code provides the following:

(c) A sensitive crime scene image in the custody of a governmental body is confidential and excepted from the requirements of Section 552.021 and a governmental body may not permit a person to view or copy the image except as provided by this section. This section applies to any sensitive crime scene image regardless of the date that the image was taken or recorded.

Gov't Code § 552.1085(c). For purposes of section 552.1085, "sensitive crime scene image" means "a photograph or video recording taken at a crime scene, contained in or part of a closed criminal case, that depicts a deceased person in a state of dismemberment, decapitation, or similar mutilation or that depicts the deceased person's genitalia." *See id.* § 552.1085(a)(6). The department states the submitted photographs consist of sensitive crime scene images taken at a crime scene as part of a criminal case that the department indicates is now closed. Upon review, we agree the department must withhold the submitted information under section 552.1085 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 <https://www.texasattorneygeneral.gov/open-government/members-public/what-expect-after-ruling-issued> or call the OAG's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Public Information Act may be directed to the Cost Rules Administrator of the OAG, toll free, at (888) 672-6787.

Sincerely,

James L. Coggeshall  
Assistant Attorney General  
Open Records Division

JLC/jlbn

Ref: ID# 836716

Enc. Submitted documents

c: 2 Requestors  
(w/o enclosures)