



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

August 10, 2020

Ms. Judy Hickman
Assistant Supervisor
Beaumont Police Department
P.O. Box 3827
Beaumont, Texas 77704

OR2020-19839

Dear Ms. Hickman:

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# 839065.

The Beaumont Police Department (the "department") received a request for twenty categories of information pertaining to a specified traffic fatality. The department states it has released some information to the requestor. The department claims the submitted information is excepted from disclosure under sections 552.1085 and 552.130 of the Government Code.¹ We have considered the exceptions the department claims and reviewed the submitted information.

Section 552.130 excepts from disclosure information relating to a motor vehicle operator's license, driver's license, motor vehicle title or registration, or personal identification document issued by an agency of this state or another state or country is excepted from public release. *See* Gov't Code § 552.130. Upon review, we find some of the submitted video recordings contain motor vehicle record information. In this instance, the department states it does not possess the technological capability to redact information from video files. Thus, we agree, with the exception of the video recording we indicated, the department

¹We note the department failed to comply with section 552.301 of the Government Code in requesting a ruling from this office. *See* Gov't Code § 552.301(b). Nonetheless, as sections 552.1085 and 552.130 of the Government Code can provide compelling reasons to overcome the presumption of openness, we will consider their applicability to the submitted information. *See id.* §§ 552.007, .302, .352.

must withhold the submitted video recordings in their entirety under section 552.130 of the Government Code. *See* Open Records Decision No. 364 (1983). However, we find the video recording we indicated does not contain motor vehicle record information. Accordingly, the department may not withhold the video recording we indicated under section 552.130 of the Government Code.

Section 552.1085 of the Government Code provides, in relevant part, 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. We understand the photographs were taken at a crime scene as part of a criminal case that is now closed. Further, the department does not indicate any of the exceptions in section 552.1085 apply in this instance. Based on these representations and our review, we find some of the submitted photographs consist of sensitive crime scene images for the purposes of section 552.1085. Therefore, with the exception of the photographs we indicated, the department must withhold the submitted photographs under section 552.1085(c) of the Government Code. However, we find the photographs we indicated do not consist of sensitive crime scene images for the purposes of section 552.1085. Accordingly, the department may not withhold the photographs we indicated under section 552.1085(c) of the Government Code.

In summary, with the exception of the video recording we indicated, the department must withhold the submitted video recordings in their entirety under section 552.130 of the Government Code. With the exception of the photographs we indicated, the department must withhold the submitted photographs under section 552.1085(c) of the Government Code. The department must release the remaining 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 <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,

Gerald Arismendez
Assistant Attorney General
Open Records Division

GAA/jxd

Ref: ID# 839065

Enc. Submitted documents

c: Requestor
(w/o enclosures)r