



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

June 14, 2022

Mr. Joe D. Gonzales  
Criminal District Attorney  
Bexar County Criminal District Attorney's Office  
101 West Nueva Street  
San Antonio, Texas 78205

OR2022-17065

Dear Mr. Gonzales:

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# 953128 (DA File No. 22-0298; ME 21-2794).

The Bexar County Medical Examiner's Office (the "medical examiner's office") received a request for the autopsy report and photographs related to a specified incident. You state you have released some information to the requestor. You claim the submitted information is excepted from disclosure under section 552.1085 of the Government Code. We have considered the exception you claim and reviewed the submitted representative sample of information.<sup>1</sup>

Section 552.1085 provides, in pertinent part:

(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.

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<sup>1</sup> We assume the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. *See* Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent those records contain substantially different types of information than that submitted to this office.

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). You state the submitted photograph consists of a sensitive crime scene image that was taken at a crime scene as part of a criminal case that is now closed. We note none of the exceptions in section 552.1085 apply in this instance. Upon review, we find the submitted information consists of a sensitive crime scene image for the purposes of section 552.1085. Therefore, the medical examiner's office must withhold the submitted information under section 552.1085(c) 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,

Tim Neal  
Assistant Attorney General  
Open Records Division

TN/jm

Ref: ID# 953128

Enc. Submitted documents

c: Requestor  
(w/o enclosures)