

NOTICE REGARDING PUBLIC INFORMATION REQUESTS

CITY OBLIGATION FOR RECORDS

The City of Sunset Valley (the “City”) is under no legal obligation to create a document that does not already exist in order to satisfy a request, or to comply with a standing or continuing request for information. Records will be released only in accordance with the Texas Public Information Act, Chapter 552 of the Government Code. Certain information may require a ruling from the Office of the Texas Attorney General before it can be released. For most requests, the City has ten (10) business days in which to seek such a ruling. For body worn camera recordings specifically, that deadline is extended to twenty (20) business days (with a corresponding twenty-five (25) business-day deadline applicable to the AG determination period). *See* Tex. Code Crim. Proc. art. 2B.0113.

PUBLIC INFORMATION REQUESTS VS. MUNICIPAL COURT DISCOVERY

Public information requests submitted to the City under the Texas Public Information Act are not a substitute for discovery in a pending City municipal court criminal case.

When a Class C misdemeanor case is pending in the City’s municipal court, requests for police reports, videos, or other case-related materials should generally be made through a written discovery request filed with the City’s municipal court, not through a public information request to the City or its departments.

Information relating to a pending criminal prosecution may be excepted from disclosure under the Texas Public Information Act, and the City may be required to seek a ruling from the Office of the Texas Attorney General before releasing any responsive records. That process may take several months and does not delay court settings or deadlines.

Discovery requests are governed by the Texas Code of Criminal Procedure and must be directed to the City’s municipal court handling the case.

Discovery requests must be submitted to the City’s Municipal Court in one (1) the following ways:

- 1) In Person: 3205 Jones Rd Sunset Valley, TX 78745
- 2) By Mail: 3205 Jones Rd Sunset Valley, TX 78745
- 3) By Email: municipalcourt@sunsetvalley.gov

ACCIDENT REPORTS / CRASH REPORTS

Crash reports are not processed as public information requests under the Texas Public Information Act. *See* Tex. Transp. Code § 550.065. A copy of your Texas Peace Officer's Crash Report (Form CR-3) may be obtained directly through the Texas Department of Transportation Crash Records Information System (CRIS) at <https://cris.dot.state.tx.us/public/Purchase/app/home>, or by your insurance company on your behalf.

BODY WORN CAMERA RECORDINGS

Requests for body worn camera recordings are governed by Chapter 2B of the Texas Code of Criminal Procedure. To obtain a body-worn camera recording the following information **MUST** be provided in writing pursuant to Tex. Code Crim. Proc art. 2B.0112:

- 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.

Confidential Recordings. Certain body worn camera recordings are confidential and shall not be released:

- A recording that was not required to be made under law or applicable agency policy, and that does not relate to a law enforcement purpose, is confidential. *Id.* art. 2B.0112(h).
- A recording that documents the use of deadly force, or that relates to an administrative or criminal investigation of an officer, is confidential and remains so until all related criminal matters are finally adjudicated and all administrative investigations are complete. The City may, however, release such a recording if doing so furthers a law enforcement purpose. *Id.* art. 2B.0111(a), (c).
- A recording made in a private space, or in connection with an investigation of a misdemeanor punishable by fine only, shall not be released without the written authorization of the person who is the subject of that portion of the recording, or—if that person is deceased—from the person's authorized representative. *Id.* art. 2B.0111(b).

Charges. Body worn camera recordings are subject to the following charges: \$10.00 per officer recording plus \$1.00 per minute of video. You will be notified of the total cost, and payment will be required before records are released.