



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

March 29, 2010

Ms. J. Middlebrooks
Assistant City Attorney
Criminal Law and Police Section
City of Dallas
1400 South Lamar
Dallas, Texas 75215

OR2010-04342

Dear Ms. Middlebrooks:

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# 374249 (DPD PIR No. 10-0285).

The Dallas Police Department (the "department") received a request for four hundred and sixty one specified police reports, including supplements. You claim portions of the submitted information are excepted from disclosure under sections 552.108 and 552.130 of the Government Code. We have considered the exceptions you claim and reviewed the submitted representative sample of information.¹

Section 552.108(a) of the Government Code excepts from disclosure "[i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime . . . if . . . release of the information would interfere with the detection, investigation, or prosecution of crime[.]" Gov't Code § 552.108(a)(1). Generally, a governmental body claiming section 552.108 must reasonably explain how and why the release of the requested information would interfere with law enforcement. *See id.* §§ 552.108(a)(1), .301(e)(1)(A); *see also Ex parte Pruitt*, 551 S.W.2d 706 (Tex. 1977). You

¹We 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 submitted to this office.

state that “the requested information pertains to pending criminal investigations for homicide or unexplained deaths that could potentially be classified as homicides, as in many of these cases the autopsy or toxicology information is developed.” You seek to withhold portions of the information within the requested reports, which you have marked, on the basis that release of the marked information would interfere with the detection, investigation, or prosecution of crime. Based upon your representations, we conclude the release of the marked information would interfere with the detection, investigation, or prosecution of crime. See *Houston Chronicle Publ’g Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.—Houston [14th Dist.] 1975), writ ref’d n.r.e. per curiam, 536 S.W.2d 559 (Tex. 1976) (court delineates law enforcement interests that are present in active cases). Thus, we agree section 552.108(a)(1) of the Government Code is generally applicable to this information.

However, basic information about an arrested person, an arrest, or a crime is not excepted from disclosure under section 552.108. Gov’t Code § 552.108(c). Such basic, front-page information refers to the information held to be public in *Houston Chronicle*, and includes, among other things, a detailed description of the offense. See 531 S.W.2d at 186-88; see also Open Records Decision No. 127 (1976) (summarizing types of information deemed public by *Houston Chronicle*). We note the information you indicate you are releasing as basic from report numbers 0010847-W, 0063035-W, 0371493-W, and 0380378-W does not contain sufficient information to qualify as detailed descriptions of the offenses as required by *Houston Chronicle*. Therefore, the department must release sufficient portions of the narrative sections of these reports to encompass detailed descriptions of the offenses. Accordingly, with the exception of basic information, which includes detailed descriptions of the offenses, the department may withhold the information you have marked under section 552.108 of the Government Code.

You also seek to withhold portions of report number 0013024-W under section 552.130 of the Government Code. Section 552.130 excepts from disclosure information that relates to a motor vehicle title or registration issued by an agency of this state. Gov’t Code § 552.130(a)(2). Accordingly, the department must withhold the Texas motor vehicle record information you have marked in report number 0013024-W under section 552.130 of the Government Code.²

In summary, the department may withhold the information you have marked under section 552.108(a)(1) of the Government Code, except enough information from the narratives of the reports must be released to suffice as basic information. The department must also withhold the Texas motor vehicle record information you have marked in report

²We note this office recently issued Open Records Decision No. 684 (2009), a previous determination to all governmental bodies authorizing them to withhold ten categories of information, including a Texas license plate number under section 552.130 of the Government Code, without the necessity of requesting an attorney general decision.

number 0013024-W under section 552.130 of the Government Code. The remaining information must be released.

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.oag.state.tx.us/open/index_orl.php, 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 must be directed to the Cost Rules Administrator of the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jennifer Burnett".

Jennifer Burnett
Assistant Attorney General
Open Records Division

JB/dls

Ref: ID# 374249

Enc. Submitted documents

c: Requestor
(w/o enclosures)