



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

June 29, 2010

Ms. Judith Sachitano Rawls
Assistant City Attorney/Police
Beaumont Police Department
P.O. Box 3827
Beaumont, Texas 77704-3827

OR2010-09586

Dear Ms. Rawls:

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# 384735.

The City of Beaumont (the "city") received three requests from the same requestor for several categories of information pertaining to a specified incident. You state the city is releasing some of the requested information to the requestor. You claim that the submitted information is exempted from disclosure under sections 552.101, 552.103, and 552.108 of the Government Code. You state that the city notified the Combined Law Enforcement Associations of Texas, which we understand represents the officers concerned, of its right to submit arguments to this office as to why the requested information should not be released.¹ See Gov't Code § 552.304 (interested party may submit comments stating why information should or should not be released). We have considered the exceptions you claim and reviewed the submitted information.

You inform us that Exhibit C is not responsive to the present request because it was not in existence on the date the city received the request. This decision does not address the public availability of Exhibit C, and the city need not release that information to the requestor.

We now address your arguments against disclosure of Exhibit B. Section 552.108(a)(1) of the Government Code exempts 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[.]" *Id.* § 552.108(a)(1). A governmental body claiming section 552.108 must reasonably explain how and why the release of the requested information would interfere

¹As of the date of this letter, we have not received any arguments on behalf of the officers concerned.

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 state that the information at issue relates to pending criminal prosecutions in the city's municipal court. Based on your representations and our review, we conclude that release of Exhibit B 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. App.—Houston [14th Dist.] 1975), *writ ref'd n.r.e.*, 536 S.W.2d 559 (Tex. 976) (court delineates law enforcement interests that are present in active cases). Thus, section 552.108(a)(1) is applicable to Exhibit B.

However, section 552.108 does not except from disclosure "basic information about an arrested person, an arrest, or a crime." Gov't Code § 552.108(c). Section 552.108(c) refers to the basic front-page information held to be public in *Houston Chronicle*. *See Houston Chronicle*, 531 S.W.2d at 186-88; Open Records Decision No. 127 (1976) (summarizing types of information considered to be basic information). Therefore, with the exception of basic information, which must be released, the city may withhold Exhibit B under section 552.108(a)(1) of the Government Code. As we are able to make this determination, we need not address your remaining arguments against disclosure.²

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,



Christopher D. Sterner
Assistant Attorney General
Open Records Division

CDSA/eeg

²We note that section 552.103 of the Government Code does not generally except from disclosure the same basic information that must be released under section 552.108(c). *See* Open Records Decision No. 597 (1991).

Ref: ID# 384735

Enc. Submitted documents

c: Requestor
(w/o enclosures)