



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

July 6, 2010

Mr. Darrell G-M Noga  
Fee, Smith, Sharp & Vitullo, L.L.P.  
For City of Coppell  
13155 Noel Road, Suite 1000  
Dallas, Texas 75240

OR2010-09852

Dear Mr. Noga:

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# 385326 (ORR# 10015).

The City of Coppell (the "city") received a request for all information pertaining to city police incident report number P10010648. You claim the submitted incident report is 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 information.

Initially, we note the submitted incident report reflects the city's police department investigated the incident as a suspected child abuse case. Thus, the report is generally confidential under section 552.101 of the Government Code in conjunction with section 261.201(a) of the Family Code.<sup>1</sup> See Fam. Code § 261.201(a). In this instance, however, the requestor is the legal representative of the child victim listed in the report, and the legal representative is not alleged to have committed the suspected abuse. As such, the report may not be withheld from this requestor under section 261.201(a). Fam. Code § 261.201(k) (providing child's legal representative can obtain information that is subject to section 261.201(a) concerning reported abuse or neglect of child as long as legal representative is not alleged to have committed abuse or neglect). We also note section 261.201(l) provides that, notwithstanding section 261.201(k), any information that is excepted from required disclosure under the Act or other law may still be withheld from

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<sup>1</sup>The Office of the Attorney General will raise a mandatory exception on behalf of a governmental body, but ordinarily will not raise other exceptions. Open Records Decision Nos. 481 (1987), 480 (1987), 470 (1987). Section 552.101 of the Government Code excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision[,]" and encompasses information protected by other statutes. Gov't Code § 552.101.

disclosure. Fam. Code § 261.201(1)(2). We will, therefore, consider your arguments against disclosure under sections 552.108 and 552.130 of the Government Code.

Section 552.108(a)(1) 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). 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 state the submitted incident report pertains to a pending prosecution. Based on your representations and our review, we determine release of the 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). You state the city has provided or will provide basic information to the requestor. *See* Gov’t Code § 552.108(c) (stating basic information about arrested person, arrest, or crime may not be withheld under section 552.108); Open Records Decision No. 127 (1976) (summarizing types of information considered to be basic information). Accordingly, the city may withhold the submitted incident report pursuant to section 552.108(a)(1) of the Government Code. As our ruling is dispositive, we need not address your remaining argument against disclosure for a portion of this 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 [http://www.oag.state.tx.us/open/index\\_orl.php](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,



Leah B. Wingerson  
Assistant Attorney General  
Open Records Division

LBW/dls

Ref: ID# 385326

Enc. Submitted documents

c: Requestor  
(w/o enclosures)