



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

October 27, 2010

Ms. Helen Valkavich
Assistant City Attorney
City of San Antonio
P.O. Box 839966
San Antonio, Texas 78283

OR2010-16308

Dear Ms. Valkavich:

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# 398323 (COA Files Nos. 10-1277, 10-1281, & 10-1284).

The City of San Antonio (the "city") received four requests from two requestors seeking: (1) 9-1-1 call recordings related to (a) a specified August 8, 2010 kidnapping/carjacking, (b) a specified August 8, 2010 accident that occurred at a specified intersection, and (c) a specified August 7, 2010 robbery/shooting at a specified address; (2) the Mobile Data Terminal readouts related to the specified accident; (3) the pursuit evaluation report for the specified accident; and (4) any video recordings pertaining to the specified accident. You claim the submitted information is excepted from disclosure under sections 552.101 and 552.108 of the Government Code. We have considered the exception you claim and reviewed the submitted information, portions of which are representative samples.¹

Initially, we note the submitted pursuit evaluation report contains a CR-3 accident report that is subject to section 552.101 of the Government Code. Section 552.101 excepts from disclosure "information considered to be confidential by law, either constitutional, statutory,

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 that those records contain substantially different types of information than that submitted to this office.

or by judicial decision.” Gov’t Code § 552.101. This section encompasses information made confidential by statutes, such as section 550.065 of the Transportation Code. Section 550.065(b) states that except as provided by subsection (c) or subsection (e), accident reports are privileged and confidential. The submitted CR-3 accident report was completed pursuant to chapter 550 of the Transportation Code. *See* Transp. Code § 550.064. Section 550.065(c)(4) provides for the release of accident reports to a person who provides two of the following three pieces of information: (1) date of the accident; (2) name of any person involved in the accident; and (3) specific location of the accident. *Id.* § 550.065(c)(4). Under this provision, the Texas Department of Transportation or another governmental entity is required to release a copy of an accident report to a person who provides the agency with two or more pieces of information specified by the statute. *Id.* In this instance, the requestor seeking the pursuit evaluation report has provided two of the three items of information specified by section 550.065(c)(4). Therefore, the city must release the submitted CR-3 accident report to this requestor pursuant to 550.065(c)(4) of the Transportation 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). Generally, a governmental body claiming section 552.108(a)(1) 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 city’s police department is currently investigating the specified August 8, 2010 kidnapping/carjacking, the specified August 8, 2010 accident, and the specified August 7, 2010 robbery/shooting. You also state release of the submitted information at this time would impair these criminal investigations. Based upon your representations and our review, we conclude the release of most of the submitted information at this time 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, section 552.108(a)(1) is generally applicable to the submitted 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 information refers to the information held to be public in *Houston Chronicle*. *See* 531 S.W.2d at 186-8; *see also* Open Records Decision No. 127 (1976) (summarizing types of information deemed public by *Houston Chronicle*). Upon review, the pursuit evaluation report contains basic information about the specified accident. This basic information is not excepted under section 552.108(a)(1) and, as you raise no other exceptions to disclosure, must be released to the requestor who seeks the pursuit evaluation report. The city may withhold the remaining submitted information under section 552.108(a)(1) of the Government Code.

In summary, the city must release the submitted CR-3 accident report and the basic information from the pursuit evaluation report to the requestor who seeks that report. The remaining submitted information may be withheld from both requestors under section 552.108(a)(1) 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 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 black ink, appearing to read 'Bob Davis', with a long, sweeping tail extending to the right.

Bob Davis
Assistant Attorney General
Open Records Division

RSD/tp

Ref: ID# 398323

Enc. Submitted documents

c: Requestor
(w/o enclosures)