



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

November 3, 2010

Mr. Mark G. Mann  
Assistant City Attorney  
City of Garland  
P.O. Box 469002  
Garland, Texas 75046

OR2010-16672

Dear Mr. Mann:

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# 399022 (GCA 10-0662).

The Garland Police Department (the "department") received a request for report number 2010R017436. You claim the portions of the submitted report you marked are excepted from disclosure under section 552.108 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Section 552.101 of the Government Code excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision."<sup>1</sup> Gov't Code § 552.101. Section 552.101 encompasses information protected by other statutes, such as section 58.007 of the Family Code. Juvenile law enforcement records relating to delinquent conduct or conduct indicating a need for supervision that occurred on or after September 1, 1997 are confidential under section 58.007. Fam. Code § 58.007. Report number 2010R017436 involves juvenile delinquent conduct that occurred after

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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. See Open Records Decision Nos. 481 (1987), 480 (1987), 470 (1987).

September 1, 1997. *See id.* § 51.03(a) (defining “delinquent conduct” for purposes of section 58.007). Therefore, section 58.007 is applicable to this report. However, as you acknowledge, a governmental body may not withhold a child’s law enforcement records from a parent under section 58.007(c). *Id.* § 58.007(e). The requestor represents she is the mother of the only juvenile offender listed in this report. Consequently, report number 2010R017436 may not be withheld from this requestor under section 58.007. However, pursuant to section 58.007(j), a governmental body may raise other exceptions to disclosure. *Id.* § 58.007(j)(2). Accordingly, we will address your argument under section 552.108(a)(1) against disclosure of this report.

Section 552.108(a)(1) 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 represent the department’s investigation of the incident at issue in report number 2010R017436 is ongoing, and that release of the information you marked at this time would interfere with the detection, investigation, and/or prosecution of crime. Based on your representations and our review, we determine release of the information you marked in the remaining reports 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). Accordingly, the department may withhold the information you marked pursuant to section 552.108(a)(1) of the Government Code. As you raise no other exceptions to disclosure, the remaining submitted information must be released to this requestor.<sup>2</sup>

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

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<sup>2</sup>We note the requestor has a special right of access to the information being released. Because such information is confidential with respect to the general public, if the department receives another request for this information from a different requestor, the department must again seek a ruling from this office.

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", written in a cursive style.

Bob Davis  
Assistant Attorney General  
Open Records Division

RSD/tp

Ref: ID# 399022

Enc. Submitted documents

c: Requestor  
(w/o enclosures)