



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

December 6, 2010

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

OR2010-18248

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# 401865 (DPD# 2010-8516).

The Dallas Police Department (the "department") received a request for several categories of information pertaining to complaints made or initiated to the internal affairs division by a named station chief; the number of officers investigated by the internal affairs division since 2000 for failure to comply with off duty employment policies and the final disposition and punishment in those investigations; specified rules, procedures, and directives for internal affairs investigations; any investigations conducted on internal affairs investigators for improprieties during an investigation; the annual budget of the internal affairs division; a specified case file; and information pertaining to internal investigations for a specified violation for the past five years, including how investigations are usually handled, standard punishment for first time offenders, a cost analysis of each investigation, and how many hours were spent on each investigation. You claim that the submitted information is excepted from disclosure under sections 552.101 and 552.117 of the Government Code. We have considered the exceptions you claim and reviewed the submitted representative sample of information.

Initially, we note you have only submitted records responsive to the category of the request pertaining to complaints made or initiated to the internal affairs division by the named station chief. However, the requestor also seeks information pertaining to several other categories of information. Although you state the department submitted "representative samples" of

information for our review, we note the submitted information is not representative of most of the categories of information requested. *See* Gov't Code § 552.301(e)(1)(D) (governmental body must submit, in connection with request for attorney general decision, the requested information or representative samples thereof). Please be advised that this open records letter ruling applies to only the type of information you have submitted for our review. Therefore, this ruling 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. *See id.* § 552.302 (where request for attorney general decision does not comply with requirements of section 552.301, information at issue is presumed to be public). To the extent information responsive to the remaining categories of requested information existed and was maintained by the department when the request was received, we assume you have released it. If you have not released any such information, you must do so at this time. *See id.* §§ 552.301(a), .302; *see also* Open Records Decision No. 664 (2000) (if governmental body concludes that no exceptions apply to requested information, it must release information as soon as possible).

You seek to withhold the submitted accident report under section 550.065(b) of the Transportation Code. Section 550.065 applies only to accident report forms completed pursuant to chapter 550 or section 601.004 of the Transportation Code. *See* Trans. Code § 550.065(a); *see also id.* § 550.064 (discussing information required in accident report form). Under section 550.065, such forms are generally privileged, unless a release provision applies. *See id.* § 550.065(b), (c)(4). However, the submitted accident report was not completed pursuant to chapter 550 or section 601.004 of the Transportation Code. Therefore, the department may not withhold the report under section 552.101 in conjunction with section 550.065. *See id.* § 550.065(a).

You assert portions of the remaining information are subject to section 552.117 of the Government Code. Section 552.117(a)(2) excepts from public disclosure a peace officer's home address and telephone number, social security number, and family member information regardless of whether the peace officer made an election under section 552.024 of the Government Code. Gov't Code § 552.117(a)(2). Section 552.117(a)(2) applies to peace officers as defined by article 2.12 of the Code of Criminal Procedure. Upon review, we conclude the department must withhold the personal information of a peace officer you have marked, as well as the information we have marked, under section 552.117(a)(2) of the Government Code.

We note a portion of the remaining information is subject to section 552.130 of the Government Code.<sup>1</sup> Section 552.130 of the Government Code excepts from disclosure information that "relates to . . . a motor vehicle operator's or driver's license or permit issued by an agency of this state [or] a motor vehicle title or registration issued by an agency of this

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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).

state.” Gov’t Code § 552.130(a)(1), (2). The department must withhold the Texas driver’s license and license plate numbers we have marked under section 552.130 of the Government Code.<sup>2</sup>

In summary, the department must withhold the marked personal information of a police officer under section 552.117(a)(2) of the Government Code. The department must withhold the Texas driver’s license and license plate numbers we have marked 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](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,



Kate Hartfield  
Assistant Attorney General  
Open Records Division

KH/em

Ref: ID# 401865

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

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<sup>2</sup>In Open Records Decision No. 684 (2009), this office issued a previous determination to all governmental bodies authorizing them to withhold ten categories of information, including Texas driver’s license and license plate numbers under section 552.130 of the Government Code, without the necessity of requesting an attorney general decision.