



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

September 7, 2011

Ms. Michelle Tapia
Assistant District Attorney
Civil Division
Dallas County District Attorney's Office
411 Elm Street, 5th Floor
Dallas, Texas 75202

OR2011-12940

Dear Ms. Tapia:

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# 429037.

The Dallas County District Attorney's Office (the "district attorney") received four requests from the same requestor for information pertaining to arrest warrant numbers F-1153398, F-1153195, MA0717192, and F-0619148.¹ We understand you do not seek to withhold information pertaining to arrest warrant numbers MA0717192, and F-0619148, except to the extent it is referenced in the submitted information. You claim the submitted information is excepted from disclosure under sections 552.101, 552.103, 552.108, and 552.111 of the Government Code. We have considered the exceptions you claim and reviewed the submitted representative sample of information.²

¹From the submitted documents, we understand these numbers are arrest warrant numbers relating to four separate criminal investigations.

²We 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 those records contain substantially different types of information than that submitted to this office.

Initially, you inform us the submitted information was the subject of a previous request for information, in response to which this office issued Open Records Letter No. 2011-11427 (2011). In Open Records Letter No. 2011-11427, we determined the district attorney was required to release the submitted CR-3 accident report pursuant to section 550.065(c)(4) of the Transportation Code, the true bill of indictment pursuant to section 552.022(a)(17) of the Government Code, and basic information regarding the incident, but could withhold the remaining submitted information under section 552.108(a)(1) of the Government Code. With regard to the submitted CR-3 accident report, the facts and circumstances on which the prior ruling was based have changed; therefore, the district attorney may not rely on that ruling as a previous determination and may not release the accident report in accordance with that ruling. Thus, we will address your arguments to withhold the submitted CR-3 accident report. However, for the remaining submitted information, you submitted to this office a copy of the indictment concerning a manslaughter investigation and state the district attorney "is still investigating and preparing for a criminal prosecution of [a named individual] regarding this matter." Thus, we have no indication that the law, facts, and circumstances on which the prior ruling was based have changed. Accordingly, the district attorney may continue to rely on Open Records Letter No. 2011-11427 as a previous determination for the remaining submitted information and withhold or release that information under section 552.108 of the Government Code in accordance with that ruling.³ *See* Open Records Decision No. 673 (2001) (so long as law, facts, and circumstances on which prior ruling was based have not changed, first type of previous determination exists where requested information is precisely same information as was addressed in prior attorney general ruling, ruling is addressed to same governmental body, and ruling concludes that information is or is not excepted from disclosure).

We next turn to the submitted accident report. Section 552.101 of the Government Code exempts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." This section encompasses information protected by other statutes, including section 550.065 of the Transportation Code. As noted above, the submitted information contains a CR-3 accident report form that was completed pursuant to chapter 550 of the Transportation Code. *See* Transp. Code § 550.064 (officer's accident report). Section 550.065(b) states that, except as provided by subsection (c) or subsection (e), accident reports are privileged and confidential. *Id.* § 550.065(b). 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) the date of the accident; (2) the name of any person involved in the accident; and (3) the 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 of the items of information specified by the statute. *Id.* The requestor has not provided the district attorney with two of the three

³As our ruling is dispositive, we do not address your arguments to withhold this information.

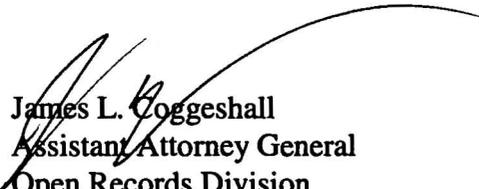
specified pieces of information. Accordingly, the district attorney must withhold the submitted CR-3 accident report in its entirety pursuant to section 550.065 of the Transportation Code.

To conclude, the district attorney must withhold the submitted CR-3 accident report pursuant to section 550.065(b) of the Transportation Code. The district attorney must withhold or release the remaining submitted information in accordance with Open Records Letter No. 2011-11427.

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,



James L. Coggeshall
Assistant Attorney General
Open Records Division

JLC/sdk

Ref: ID# 429037

Enc. Submitted documents

c: Requestor
(w/o enclosures)