



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

November 28, 2011

Ms. Teresa J. Brown  
Senior Open Records Assistant  
Plano Police Department  
PO Box 860358  
Plano, Texas 75086-0358

OR2011-17446

Dear Ms. Brown:

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# 437163 (Plano No. CURS090911).

The Plano Police Department (the "department") received two requests from the same requestor for the personnel file of two named officers and the incident and arrest reports written or sponsored by those officers during a specified time period. We note the requestor excluded the officers' places of residence and social security numbers from her requests. You claim the submitted information is excepted from disclosure under section 552.108 of the Government Code. We have considered the claimed exception and reviewed the submitted representative sample of information.<sup>1</sup>

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

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<sup>1</sup>We assume that 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.

body must reasonably explain how release of the information at issue would interfere with the detection, investigation, or prosecution of crime. *See id.* § 552.301(e)(1)(A) (governmental body must provide comments explaining why exceptions raised should apply to information requested); *see also Ex parte Pruitt*, 551 S.W.2d 706 (Tex. 1977). You state the requested information relates to an active case and that its release would interfere with the investigation and prosecution of crime. Furthermore, you state the submitted personnel information pertains to officers who are witnesses in the case at issue, and assert the information could be used to impeach the credibility of the officers' testimony at trial. Based on your representation and our review of the information, we conclude release of the officers' personnel information and the responsive arrest report related to the case at issue would interfere with the detection, investigation, or prosecution of a crime. *See Houston Chronicle Publ'g Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.—Houston [14th Dist.] 1975) (court describes law enforcement interests that are present in active cases), *writ ref'd per curiam*, 536 S.W.2d 559 (Tex. 1976). Therefore, section 552.108(a)(1) of the Government Code applies to that information.

We note section 552.108 does not except from disclosure "basic information about an arrested person, an arrest, or a crime." Gov't Code § 552.108(c). Section 552.108(c) refers to the basic "front page" information held to be public in *Houston Chronicle*. *See* 531 S.W.2d at 186-88. Basic information must be released even if it does not literally appear on the front page of the report. *See* Open Records Decision No. 127 (1976) (summarizing types of information deemed public by *Houston Chronicle*). Therefore, the department may withhold the officers' personnel information and, with the exception of basic information, the responsive arrest report related to the case at issue under section 552.108(a)(1) of the Government Code.

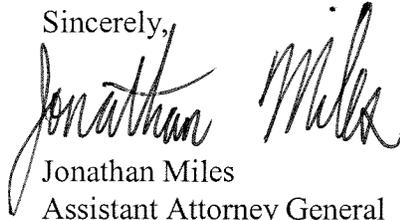
However, as to the remaining information at issue, we find you have not established that any of the remaining responsive information relates to cases that are still open, or explained how its release would interfere with the detection, investigation, or prosecution of a crime. Thus, the remaining incident and arrest reports may not be withheld under section 552.108(a)(1) of the Government Code. As you raise no further exceptions, the remaining responsive information must be released to the requestor.

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,

A handwritten signature in black ink that reads "Jonathan Miles". The signature is written in a cursive style with a large initial "J" and "M".

Jonathan Miles  
Assistant Attorney General  
Open Records Division

JM/em

Ref: ID# 437163

Enc. Submitted documents

c: Requestor  
(w/o enclosures)