



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

May 16, 2012

Ms. Linda Pemberton
Paralegal
City of Killeen
P.O. Box 1329
Killeen, TX 76540-1329

OR2012-07312

Dear Ms. Pemberton:

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# 453797 (Killeen ID Nos. W007464, W007475, and W007518).

The Killeen Police Department (the "department") received (1) five requests from the first requestor for information relating to crash report number A12-000380 and police report numbers 12-002312 and 12-002314, including photographs; (2) a request from the second requestor for crash report number A12-000380 and police report numbers 12-002312 and 12-002314; and (3) a request from the third requestor for "any and all records generated and/or obtained in connection with the investigation of a vehicle accident that occurred" on a specified date at a specified location involving a named individual, which is referenced by the department as police report number 12-002312.¹ You state you have released crash report number A12-000380. You further state you have released basic information for police

¹We note the first request was received by the department on February 27, 2012, the second request from a different requestor was received on February 29, 2012, and the third request was received on March 6, 2012. For purposes of this ruling, the requestor whose request was received on February 27 will be referred to as the "first requestor," the requestor whose request was received on February 29 will be referred to as the "second requestor," and the requestor whose request was received on March 6 will be referred to as the "third requestor."

report numbers 12-002312 and 12-002314.² You claim that the remaining requested information is excepted from disclosure under section 552.108 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Section 552.108 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 body must reasonably explain how and why section 552.108 is applicable to the information at issue. *See id.* § 552.301(e)(1)(A); *Ex parte Pruitt*, 551 S.W.2d 706 (Tex. 1977). You state that the submitted information is related to pending criminal investigations. Based on your representation, we find that release of the submitted information 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) (court delineates law enforcement interests that are present in active cases), *writ ref’d n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976). Thus, with the exception of basic information, which you state has been released, the department may withhold the submitted information under section 552.108(a)(1).

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,



Sean Opperman
Assistant Attorney General
Open Records Division

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²We assume that the basic information you have released is the basic information referred to under section 552.108(c) of the Government Code. Gov’t Code § 552.108(c) (basic information about an arrested person, an arrest, or a crime is not excepted under section 552.108); *see also* Open Records Decision No. 127 (1976) (summarizing types of information considered to be basic information).

Ref: ID# 453797

Enc. Submitted documents

c: 3 Requestors
(w/o enclosures)