



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

August 21, 2012

Ms. Neera Chatterjee
Office of General Counsel
The University of Texas System
201 West Seventh Street
Austin, Texas 78701-2902

OR2012-13198

Dear Ms. Chatterjee:

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# 462916 (OGC No. 144181)

The University of Texas at Arlington (the "university") received a request for all police call outs for the past year to two specified apartments. You claim the submitted information is excepted from disclosure under sections 552.108 and 552.130 of the Government Code. We have considered the exceptions 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 explain the submitted reports are maintained by the university's police department (the "department"). You state the department is a law enforcement agency established pursuant to section 51.203 of the Education Code. You assert, and provide a letter from the chief of the department confirming, report number 2012-00683 relates to an ongoing criminal

investigation. Based on these representations and our review of the information at issue, we conclude that the release of the information you have marked in report number 2012-00683 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. App.—Houston [14th Dist.] 1975) (court delineates law enforcement interests that are present in active cases), *writ ref'd n.r.e.*, 536 S.W.2d 559 (Tex. 1976). Thus, the university may withhold the information you have marked in report number 2012-00683 under section 552.108(a)(1).¹

Section 552.108(a)(2) of the Government Code excepts from disclosure information concerning an investigation that concluded in a result other than conviction or deferred adjudication. A governmental body claiming section 552.108(a)(2) must demonstrate the requested information relates to a criminal investigation that concluded in a final result other than a conviction or deferred adjudication. *See Gov't Code § 552.301(e)(1)(A)*. You state, and provide a letter from the chief of the department confirming, report numbers 2012-00659 and 2012-00665 relate to cases that did not result in convictions or deferred adjudications. Therefore, the university may withhold the information you have marked in report numbers 2012-00659 and 2012-00665 under section 552.108(a)(2) of the Government Code.²

In summary, the university may withhold the information you have marked in report number 2012-00683 under section 552.108(a)(1) of the Government Code and the information you have marked in report numbers 2012-00659 and 2012-00665 under section 552.108(a)(2) of the Government Code. The remaining information must be released.³

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,

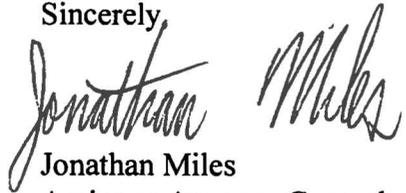
¹As our ruling is dispositive for this information, we need not address your remaining arguments against its disclosure.

²As our ruling is dispositive for this information, we need not address your remaining arguments against its disclosure.

³We note the requestor in this instance has a special right of access to portions of the information being released. Accordingly, if the university should receive another request for this information from a different requestor, the university must again request an opinion from this office.

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 cursive script that reads "Jonathan Miles". The signature is written in black ink and is positioned to the left of the typed name.

Jonathan Miles
Assistant Attorney General
Open Records Division

JM/bhf

Ref: ID# 462916

Enc. Submitted documents

c: Requestor
(w/o enclosures)