



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

June 6, 2014

Mr. Richard A. McCracken
Evans, Daniel, Moore, Evans & Lazarus
115 West Second Street, Suite 202
Fort Worth, Texas 76102

OR2014-09719

Dear Mr. McCracken:

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# 525054 (Watauga PIR No. 14-99).

The Watauga Police Department (the "department"), which you represent, received a request for the offense report related to a specified incident. You claim the submitted information is excepted from disclosure under sections 552.101, 552.108, and 552.130 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

You inform us some of the submitted information was the subject of a previous request for information, as a result of which this office issued Open Records Letter No. 2014-05063 (2014).¹ We have no indication there has been any change in the law, facts, or circumstances on which the previous ruling was based. Accordingly, the department may rely on Open Records Letter No. 2014-05063 as a previous determination and withhold or release the identical information in accordance with that ruling. *See* Open Records Decision No. 673

¹In Open Records Letter No. 2014-05063, we determined that with the exception of basic information, the City of Watauga (the "city") may withhold the submitted information from disclosure based on section 552.108(a)(1) of the Government Code. In releasing basic information, the city must withhold the information it has marked in orange under section 552.152 of the Government Code.

(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 will address your arguments against disclosure of the newly submitted information, which was not responsive to the previous request for information.

Section 552.108(a) 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). Generally, a governmental body claiming section 552.108 must reasonably explain how and why the release of the requested information would interfere with law enforcement. *See id.* §§ 552.108(a)(1), .301(e)(1)(A); *see also Ex parte Pruitt*, 551 S.W.2d 706 (Tex. 1977).

You inform us the submitted information pertains to a law enforcement investigation being conducted by the department. You also inform us the submitted information pertains to an open investigation being conducted by the Texas Rangers, and the Texas Rangers object to the release of the submitted information at this time. Based upon these representations, we find the release of the information at issue 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). Therefore, the department may withhold the remaining information under section 552.108(a)(1) of the Government Code.

In summary, the department may rely on Open Records Letter No. 2014-05063 as a previous determination and withhold or release the identical information in accordance with that ruling. The department may withhold the remaining information under section 552.108(a)(1) of the Government Code. As our ruling is dispositive, we do not address your remaining arguments.

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.texasattorneygeneral.gov/open/orl_ruling_info.shtml, 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 may be directed to the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,



Cindy Nettles
Assistant Attorney General
Open Records Division

CN/dls

Ref: ID# 525054

Enc. Submitted documents

c: Requestor
(w/o enclosures)