



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

November 3, 1998

Captain Robert Taylor  
Amarillo Police Department  
200 S.E. 3<sup>rd</sup> Ave.  
Amarillo, Texas 79101-1514

OR98-2558

Dear Captain Taylor:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 119375.

The City of Amarillo Police Department (the "department") received a request for incident report number 97-76801. You assert that the requested information is excepted from disclosure under section 552.108 of the Government Code. We have considered the exception you claim and have reviewed the documents submitted.

Section 552.108, the "law enforcement exception," provides that information held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime is excepted from public disclosure 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 an exception under section 552.108 must reasonably explain, if the information does not supply the explanation on its face, how and why the release of the requested information would interfere with law enforcement. *See* Gov't Code §§ 552.108(a)(1), (b)(1), .301(b)(1); *see also Ex parte Pruitt*, 551 S.W.2d 706 (Tex. 1977). You state that the requestor "is on probation in reference to this case and there is a possibility of an appeal on his part." We conclude that you have not sufficiently explained how release of the requested information would interfere with the detection, investigation, or prosecution of crime. Accordingly, you may not withhold the requested information under section 552.108(a)(1).

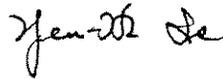
Information that deals with the detection, investigation, or prosecution of crime which relates to an investigation that did not result in conviction or deferred adjudication is excepted from public disclosure under section 552.108(a)(2). Because the subject of the report is on probation, we assume that the investigation resulted in either a conviction or deferred adjudication. Thus, you may not withhold the requested information under

section 552.108(a)(2). The requested information is also not excepted from disclosure by the other subsections of section 552.108.

However, we note that the information includes a driver's license number excepted by section 552.130 of the Government Code. Section 552.130 provides that information relating to a driver's license issued by an agency of this state is excepted from public disclosure. Thus, you must withhold the driver's license number under section 552.130. Except for the driver's license number, you must release the remainder of the requested information.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Yen-Ha Le  
Assistant Attorney General  
Open Records Division

YHL/nc

Ref: ID# 119375

Enclosures: Marked documents

cc: Mr. Timothy Norgren  
200 South. Tyler  
Amarillo, Texas 79101  
(w/o enclosures)