



June 9, 1999

Ms. Dianne Eagleton, Supervisor  
Records Division  
North Richland Hills Police Department  
P.O. Box 820609  
North Richland Hills, Texas 76182-0609

OR99-1602

Dear Ms. Eagleton:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 124981.

The City of North Richland Hills (the "city") received a request for a police report. You assert that section 552.108 of the Government Code protects the information from disclosure and state:

The information has been withheld from the requestor under section 552.108 of the Texas Open Records Act of the Texas Government Code, which excepts from public disclosure all information held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime. This information is excepted from release when it would interfere with the detection, investigation, or prosecution of crime; or information that did not result in a conviction or deferred adjudication.

You appear to be arguing that subsections (a)(1) or (a)(2) of section 552.108 are applicable to the requested records. Generally, a governmental body claiming an exception from disclosure under section 552.108(a)(1) 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. *Ex parte Pruitt*, 551 S.W. 2d 706 (Tex. 1977). You have not stated that the requested information pertains to an ongoing criminal investigation or prosecution or explained how its release would interfere in some way with the detection, investigation, or prosecution of crime. A governmental body claiming section 552.108(a)(2) should demonstrate that the requested information relates to a concluded criminal investigation that has come to some type of final result other than a conviction or deferred adjudication. It is not clear to this office, nor have you explained, how or if the investigation actually concluded.

You have not explained to this office how section 552.108(a)(1) or 552.108(a)(2) of the Government Code are applicable to the records at issue. Thus, none of the information at issue may be withheld from disclosure under section 552.108 of the Government Code.

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.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ruth H. Soucy', with a stylized flourish at the end.

Ruth H. Soucy  
Assistant Attorney General  
Open Records Division

RHS/ch

Ref: ID# 124981

Encl. Submitted documents

cc: Ms. Stephanie Knifong  
Waterford on the Green  
6228 Glenview Drive  
North Richland Hills, Texas 76180  
(w/o enclosures)