



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

February 10, 2009

Mr. C. Patrick Phillips  
Assistant City Attorney  
City of Fort Worth  
Office of the City Attorney  
1000 Throckmorton Street, 3rd Floor  
Fort Worth, Texas 76102

Ms. Cheryl K. Byles  
Assistant City Attorney  
City of Fort Worth  
Office of the City Attorney  
1000 Throckmorton Street, 3rd Floor  
Fort Worth, Texas 76102

OR2009-01765

Dear Mr. Phillips and Ms. Byles:

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# 335524 (Fort Worth Request Nos. 0869-09 and 1016-09).

The City of Fort Worth (the "city") received two requests from separate requestors for the investigation file related to a specified incident. You state that you have released the incident report from this file to these requestors pursuant to a previous ruling from this office. See Open Records Letter No. 2008-15364 (2008). You claim that the remainder of the 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.

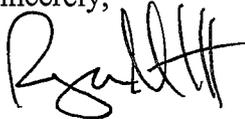
Section 552.108(a)(1) of the Government Code excepts from disclosure "[i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime [if] release of the information would interfere with the detection,

investigation, or prosecution of crime.” Gov’t Code § 552.108(a)(1). A governmental body 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 state that the submitted information relates to an incident that is the subject of a pending criminal investigation with the Fort Worth Police Department (the “department”) and subject to possible prosecution by the Tarrant County District Attorney. You have also included an affidavit from a department detective, stating that release of the requested information would interfere with the pending investigation and possible prosecution. Based on your representations, we conclude 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. App.—Houston [14th Dist.] 1975), *writ ref’d n.r.e.*, 536 S.W.2d 559 (Tex. 1976) (court delineates law enforcement interests that are present in active cases). Accordingly, the city may withhold the submitted information under section 552.108(a)(1) of the Government Code.

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](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 at (512) 475-2497.

Sincerely,



Ryan T. Mitchell  
Assistant Attorney General  
Open Records Division

RTM/eb

Ref: ID# 335524 (Fort Worth Request Nos. 0869-09 and 1016-09)

Enc. Submitted documents

cc: Requestors  
(w/o enclosures)