



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

June 24, 2009

Mr. Robert E. Reyna
Assistant City Attorney
City of San Antonio
P.O. Box 839966
San Antonio, Texas 78283-3966

OR2009-08674

Dear Mr. Reyna:

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# 346793 (San Antonio ORR# 2009-3167).

The San Antonio Police Department (the "department") received a request for reports regarding the requestor and a named individual from the years 2000 to 2005. You claim the submitted reports are excepted from disclosure under section 552.108 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Initially, we note that you have not submitted any reports for the years 2003, 2004, or 2005. To the extent such information exists, we presume you have released it. If you have not, you must do so at this time. *See* Gov't Code §§ 552.301, .302.

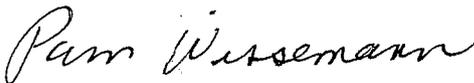
Section 552.108(a)(1) of the Government Code excepts from disclosure "[i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime [if] release of the information would interfere with the detection, investigation, or prosecution of crime." *Id.* § 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* Gov't Code §§ 552.108(a)(1), 552.301(e)(1)(A); *see also Ex parte Pruitt*, 551 S.W.2d 706 (Tex. 1977). You inform us that the submitted reports relate to an open investigation. We note, however, that these reports involve misdemeanor assaults that occurred in July 2001 and July 2002. The statute of limitations for this type of offense is two years. *See* Crim. Proc. Code

art. 12.02. More than two years have elapsed since the events giving rise to the investigation in this report. You have not informed this office of any criminal charges that were filed within the limitations period, nor do you state that a prosecution is pending with regard to these matters. Thus, you have not explained how release of these reports would interfere with the detection, investigation, or prosecution of crime. Therefore, the department may not withhold the submitted information under section 552.108(a)(1). As your raise no other exceptions against disclosure, the submitted information must be released.

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, 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,



Pamela Wissemann
Assistant Attorney General
Open Records Division

PFW/jb

Ref: ID# 346793

Enc. Submitted documents

c: Requestor
(w/o enclosures)