



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

September 25, 2009

Ms. Maria Feutz
City Secretary
City of Leon Valley
6400 El Verde Road
Leon Valley, Texas 78238

OR2009-13574

Dear Ms. Feutz:

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# 357066.

The City of Leon Valley (the "city") received a request for the police report regarding the September 13, 2008 stabbing of a named individual. You claim the submitted police reports are excepted from disclosure under sections 552.108, 552.130, and 552.132 of the Government Code. We have considered the exceptions you claim and reviewed the submitted reports.

Incident report number 200807233 does not relate to the stabbing of the named individual. Thus, because the requestor only seeks the report pertaining to the stabbing of the named individual, report number 200807233 is not responsive to this request. This ruling does not address the public availability of any information that is not responsive to the request, and the city is not required to release report number 200807233 in response to this request. *See Econ. Opportunities Dev. Corp. v. Bustamante*, 562 S.W.2d 266 (Tex. App.—San Antonio 1978, writ dism'd).

You assert the responsive report, incident report number 200807232, is excepted under section 552.108(a)(1) of the Government Code. Section 552.108(a)(1) 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 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 have provided a letter from the Bexar County District Attorney’s Office (the “district attorney”) stating that the incident related to report number 200807232 is currently under investigation by the district attorney. This letter also states that release of the information in this report, other than the basic information, would interfere with the district attorney’s prosecution efforts. *See Open Records Decision Nos. 474 (1987), 372 (1983)* (where incident involving allegedly criminal conduct is still under active investigation or prosecution, section 552.108 may be invoked by any proper custodian of information relating to incident). Based on this representation, we conclude that, with the exception of the basic information, the release of incident report number 200807232 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), *writ ref’d n.r.e.*, 536 S.W.2d 559 (Tex. 1976) (court delineates law enforcement interests that are present in active cases). Although you specifically raise section 552.130 for the Texas driver’s license numbers you marked in the responsive report, Texas motor vehicle information is not basic information. *See Open Records Decision No. 127 (1976)* (summarizing types of information made public by *Houston Chronicle*). Thus, our ruling under section 552.108(a)(1) is dispositive for this information.

You also seek to withhold the identifying information of the victim. The identity of a complainant is considered basic information in an incident report. *See ORD 127*. However, report number 200807232 reflects that the victim and complainant are not the same individual. Accordingly, in this instance, our ruling under section 552.108(a)(1) is dispositive of the information identifying the victim, and we need not address your claim under section 552.132. In summary, with the exception of basic information, the city may withhold report number 200807232 under section 552.108(a)(1).¹

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,

¹You also marked the arrestee’s social security number, which is basic information. *ORD 127*. However, section 552.147(b) of the Government Code authorizes a governmental body to redact a living person’s social security number from public release without the necessity of requesting a decision from this office under the Act. Gov’t Code § 552.147(b).

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, toll free, at (888) 672-6787.

Sincerely,

A handwritten signature in black ink, appearing to read "Bob Davis", with a long horizontal line extending to the right.

Bob Davis
Assistant Attorney General
Open Records Division

RSD/cc

Ref: ID# 357066

Enc. Submitted documents

cc: Requestor
(w/o enclosures)