



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

February 21, 2013

Ms. Monique Auchey  
Records Custodian  
City of Leander  
705 Leander Drive  
Leander, Texas 78641

OR2013-02945

Dear Ms. Auchey:

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# 479327.

The Leander Police Department (the "department") received a request for public information for a specified incident report and related 9-1-1 calls. You state you have released basic front page information to the requestor. You claim that the submitted 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.

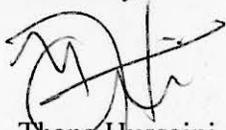
Section 552.108(a)(2) of the Government Code excepts from disclosure "[i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime . . . if . . . it is information that deals with the detection, investigation, or prosecution of crime only in relation to an investigation that did not result in conviction or deferred adjudication[.]" Gov't Code § 552.108(a)(2). A governmental body claiming section 552.108(a)(2) must demonstrate that the requested information relates to a criminal investigation that has concluded in a final result other than a conviction or deferred adjudication. *See id.* § 552.301(e)(1)(A) (governmental body must provide comments explaining why exceptions raised should apply to information requested). You claim the submitted information is excepted from disclosure under section 552.108(a)(2) and state that "[a]dditional information could possibly be brought forth in the near future, before the statute of limitations has run." You further assert "release could reveal police investigative

methodology that could harm future investigations and or prosecutions of this crime.” However, we note section 552.108(a)(2) is applicable only if the information at issue is related to a *concluded* criminal case “that did not result in conviction or deferred adjudication.” *Id.* § 552.108(a)(2). Upon review, we find you have failed to demonstrate the information at issue relates to a concluded criminal investigation that did not result in conviction or deferred adjudication. Thus, we find you have not demonstrated the applicability of section 552.108(a)(2) to the submitted information. *See id.* § 552.301(e)(1)(A). Accordingly, the department may not withhold the submitted information under section 552.108(a)(2) of the Government Code. As no further exceptions to disclosure have been raised, the 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](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, toll free at (888) 672-6787.

Sincerely,



Thana Hussaini  
Assistant Attorney General  
Open Records Division

TH/som

Ref: ID# 479327

Enc. Submitted documents

c: Requestor  
(w/o enclosures)