



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

June 6, 2013

Ms. Evelyn W. Njuguna
HPD Staff Attorney
Houston Police Department
1200 Travis
Houston, Texas 77002

OR2013-09410

Dear Ms. Njuguna:

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# 489427 (HPD ORU No. 13-1596).

The Houston Police Department (the "department") received a request for the complete case file for a specified incident. 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 information concerning an investigation that concluded in a result other than 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. You state submitted information pertains to a criminal investigation involving four suspects, three of whom were convicted in connection with this matter. You also explain that the charges against the other individual were dismissed, and thus did not result in a conviction or deferred adjudication. You contend that the information relating to the convicted individuals and the individual against whom the charges were dismissed is so intertwined that it cannot be easily separated and that release of information relating to the convicted individuals would reveal information relating to the individual against whom the charges were dismissed. Based on your representations and our review, we agree that the

information cannot be separated. Accordingly, we conclude that section 552.108(a)(2) is applicable to the submitted information.

We note section 552.108 does not except basic information about an arrested person, an arrest, or a crime. *Id.* § 552.108(c). Section 552.108(c) refers to the basic front-page information held to be public in *Houston Chronicle* and includes the names of the arresting and investigating officers. *See* 531 S.W.2d at 186-8; *see also* Open Records Decision No. 127 (1976) (summarizing types of information deemed public by *Houston Chronicle*). Thus, with the exception of basic information, which must be released, the department may withhold the submitted information under section 552.108(a)(2) 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, 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,

A handwritten signature in black ink, appearing to read 'Thana Hussaini', written over a circular stamp or mark.

Thana Hussaini
Assistant Attorney General
Open Records Division

TH/som

Ref: ID# 489427

Enc. Submitted documents

c: Requestor
(w/o enclosures)