



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

October 28, 2014

Mr. Grant Jordan
Assistant City Attorney
City of Fort Worth
1000 Throckmorton Street, 3rd Floor
Fort Worth, Texas 76102

OR2014-19373

Dear Mr. Jordan:

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# 546748 (CFW PIR No. W037231).

The Fort Worth Police Department (the "department") received a request for information regarding a specified incident. You state the department has released some information to the requestor, including a copy of the CR-3 accident report form. *See* Transp. Code § 550.065(c)(4), (d) (officer's accident report must be released to person who provides two of the following three pieces of information: date of accident, name of any person involved in accident, specific location of accident). You claim the submitted information is excepted from disclosure under sections 552.101, 552.108, and 552.130 of the Government Code.¹ We have considered the exceptions you claim and reviewed the submitted information.

Section 552.108(a) 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: (1) 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(a)(1) must reasonably explain how and why the release of the information at issue 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, 710 (Tex. 1977).

¹Although you do not raise section 552.130 in your briefing to this office, we understand you to raise this exception based on your markings in the submitted documents.

We note the submitted information includes a DIC-24 statutory warning and a DIC-25 notice of suspension, which we have marked. Because the department provided copies of these forms to the arrestee, we find their release will not interfere with the detection, investigation, or prosecution of crime. Therefore, the department may not withhold the marked DIC-24 statutory warning and DIC-25 notice of suspension under section 552.108(a)(1). The department states the remaining information relates to a pending criminal prosecution. Based on this representation, we conclude the release of the remaining 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, 186-87 (Tex. App.—Houston [14th Dist.] 1975) (delineating law enforcement interests present in active cases), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976).

However, section 552.108 does not except from disclosure basic information about an arrested person, an arrest, or a crime. Gov't Code § 552.108(c). Basic information refers to the information held to be public in *Houston Chronicle*. *See* 531 S.W.2d at 186-88; Open Records Decision No. 127 at 3-4 (1976) (summarizing types of information deemed public by *Houston Chronicle*). Thus, with the exception of the marked DIC-24 statutory warning, the marked DIC-25 notice of suspension, and basic information, the department may withhold the submitted information under section 552.108(a)(1) of the Government Code.²

Section 552.130 of the Government Code provides information relating to a motor vehicle operator's license, driver's license, motor vehicle title or registration, or personal identification document issued by an agency of this state or another state or country is excepted from public release. *See* Gov't Code § 552.130. Accordingly, the department must withhold the motor vehicle record information you have marked within the DIC-24 statutory warning and the DIC-25 notice of suspension under section 552.130 of the Government Code.

In summary, with the exception of the marked DIC-24 statutory warning, the marked DIC-25 notice of suspension, and basic information, which the department must release, the department may withhold the submitted information under section 552.108(a)(1) of the Government Code. However, in releasing the DIC-24 statutory warning and the DIC-25 notice of suspension, the department must withhold the information you have marked under section 552.130 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.

²As our ruling is dispositive for this information, we need not address your remaining arguments against its disclosure.

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.texasattorneygeneral.gov/open/orl_ruling_info.shtml, 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 may be directed to the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,

A handwritten signature in black ink, appearing to read "Kristi L. Godden". The signature is fluid and cursive, with the first name "Kristi" being more prominent.

Kristi L. Godden
Assistant Attorney General
Open Records Division

KLK/cz

Ref: ID# 546748

Enc. Submitted documents

c: Requestor
(w/o enclosures)