



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

November 13, 2014

Mr. Jose Hernandez
Records Supervisor
Edinburg Police Department
1702 South Closner Boulevard
Edinburg, Texas 78539

OR2014-20668

Dear Mr. Hernandez:

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# 542944 (Reference ID# 67947).

The Edinburg Police Department (the "department") received a request for incident report numbers 14-42496, 14-36833, 14-39116, 14-39285, 14-30923, 14-40264, 14-38812, and 14-20110, as well as information pertaining to a named individual. You state the department has provided incident report numbers 14-39116 and 14-40264 to the requestor. You claim some of the submitted information is excepted from disclosure under sections 552.108 and 552.130 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

Initially, you assert incident report numbers 14-36833, 14-30923, and 14-20110 are not responsive to the present request because they do not pertain to the individual named in the request. We note, however, the request specifically lists the requested incident reports by case number and includes report numbers 14-36833, 14-30923, and 14-20110. Therefore, we find these reports are responsive to the present request. We note you have not submitted these reports for our review. Further, we note you have not submitted incident report number 14-39285 for our review. Thus, to the extent any information responsive to the request for incident report numbers 14-36833, 14-30923, 14-20110, and 14-39285 existed when the department received the request, we assume you have released it. If you have not released any such information to the requestor, you must do so at this time. *See Gov't Code §§ 552.006, 552.301(a), 552.302; see also Open Records Decision No. 664 (2000) (if*

governmental body concludes that no exceptions apply to requested information, it must release information as soon as possible).

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[.]” Gov’t Code § 552.108(a)(1). Generally, a governmental body claiming section 552.108(a)(1) 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 seek to withhold the information you have marked in the submitted incident report numbers 14-38812 and 14-42496. You state these reports pertain to pending criminal prosecutions with the Hidalgo County District Attorney’s Office. Based on this representation and our review, we conclude the release of the information at issue 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) (court delineates law enforcement interests that are present in active cases), *writ ref’d n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976).

Section 552.108, however, 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*, and includes a detailed description of the offense. *See* 531 S.W.2d at 186-88; Open Records Decision No. 127 (1976) (summarizing types of information considered to be basic information). We note you have marked most of the narrative portions of report numbers 14-38812 and 14-42496 as information you seek to withhold under section 552.108. However, the unmarked portions of the reports do not contain information sufficient to satisfy the requirement that a “detailed description of the offense” be released as basic information. *See* ORD 127. Thus, with the exception of basic information, which must include detailed descriptions of the offenses, the department may withhold the information you have marked in report numbers 14-38812 and 14-42496 under section 552.108(a)(1) of the Government Code.¹

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 a personal identification document issued by an agency of this state or another state or country is excepted from public release. Gov’t Code § 552.130(a). Thus, the department must withhold the information you have marked, and the additional information we have marked, in report number 14-42496 under section 552.130 of the Government Code.

In summary, with the exception of basic information, which must include detailed descriptions of the offenses, the department may withhold the information you have marked

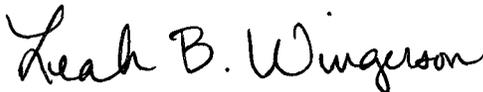
¹As our ruling for this information is dispositive, we need not address your remaining argument against disclosure for some of this information.

in report numbers 14-38812 and 14-42496 under section 552.108(a)(1) of the Government Code. The department must withhold the information you have marked, and the information we have marked, in report number 14-42496 under section 552.130 of the Government Code. The department must release the remaining information.

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.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,



Leah B. Wingerson
Assistant Attorney General
Open Records Division

LBW/bhf

Ref: ID# 542944

Enc. Submitted documents

c: Requestor
(w/o enclosures)