



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

April 6, 2015

Lieutenant Ricardo Gonzalez
City of Laredo Police Department
4712 Maher Avenue
Laredo, Texas 78041

OR2015-06463

Dear Lieutenant Gonzalez:

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# 564182 (LPD Ref. No. W004643-022415).

The Laredo Police Department (the "department") received a request for all records pertaining to a specified motor vehicle accident. You state the department has released some of the requested information. You claim the submitted citation 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 of the Government Code provides in part:

(a) Information held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime is excepted from the requirements of Section 552.021 if:

- (1) release of the information would interfere with the detection, investigation, or prosecution of crime;
- (2) 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)(1)-(2). 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), (b)(1), 552.301(e)(1)(A); *see also Ex parte Pruitt*, 551 S.W.2d 706, 710 (Tex. 1977). A governmental body claiming section 552.108(a)(2) must demonstrate the information at issue relates to a criminal investigation that concluded in a final result other than a conviction or deferred adjudication.

In this instance, the department states it seeks to withhold the information in Exhibit C pursuant to section 552.108(a)(2) as a case that did not result in conviction or deferred adjudication. However, the department also asserts this information is excepted from disclosure under section 552.108 because it pertains to a pending prosecution in Laredo Municipal Court. Based on the conflicting representations, we find the department has failed to demonstrate the applicability of section 552.108(a)(2) to the information at issue; therefore, the department may not withhold Exhibit C on that basis.

We note some of the information in Exhibit C is subject to section 552.130 of the Government Code. Section 552.130 excepts from disclosure information relating to a motor vehicle operator's or driver's license or permit or a motor vehicle title or registration issued by an agency of this state or another state or country. *See id.* § 552.130(a)(1)-(2). Accordingly, the department must withhold the information we have marked 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,



Cindy Nettles
Assistant Attorney General
Open Records Division

CN/dls

Ref: ID# 564182

Enc. Submitted documents

c: Requestor
(w/o enclosures)