



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

April 9, 2015

Ms. Judith Benton  
Assistant City Attorney  
Legal Services Department  
City of Waco  
P.O. Box 2570  
Waco, Texas 76702-2570

OR2015-06822

Dear Ms. Benton:

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# 564784 (LGL-15-062).

The Waco Police Department (the "department") received a request for nineteen categories of information regarding incidents where department employees used lethal force against a dog during a specified time period. You state the department has released some information 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.<sup>1</sup> We have considered the exceptions you claim and reviewed the submitted representative sample of information.<sup>2</sup>

Section 552.108(a)(2) of the Government Code excepts from disclosure information concerning an investigation that did not result in conviction or deferred adjudication. *See Gov't Code § 552.108(a)(2)*. A governmental body claiming section 552.108(a)(2) must demonstrate the requested information relates to a criminal investigation that has concluded

---

<sup>1</sup>Although you do not raise section 552.130 of the Government Code in your briefing to this office, we understand you to raise this exception based on your markings in the submitted documents. Additionally, although you have marked information within the submitted documents under section 552.101 of the Government Code, you provided no arguments in support of that exception in your briefing. Accordingly, we assume you no longer assert section 552.101 for the marked information. *See Gov't Code §§ 552.301, .302.*

<sup>2</sup>We assume that the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. *See Open Records Decision Nos. 499 (1988), 497 (1988)*. This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

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 state the submitted information relates to a case that concluded in a result other than conviction or deferred adjudication. Based on this representation and our review, we agree section 552.108(a)(2) is applicable to the information at issue. Accordingly, the department may withhold the information you have marked under section 552.108(a)(2) of the Government Code.

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 id.* § 552.130. Upon review, we find the department must withhold the motor vehicle record information we have marked under section 552.130 of the Government Code. However, we find no portion of the remaining information at issue consists of motor vehicle record information for the purposes of section 552.130 of the Government Code, and the department may not withhold any of the remaining information at issue on that basis.

In summary, the department may withhold the information you have marked under section 552.108(a)(2) of the Government Code. The department must withhold the motor vehicle record 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](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,



Kristi L. Godden  
Assistant Attorney General  
Open Records Division

KLK/bhf

Ref: ID# 564784

Enc. Submitted documents

c: Requestor  
(w/o enclosures)