



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

May 4, 2015

Ms. P. Armstrong
Assistant City Attorney
Criminal Law and Police Section
City of Dallas
1400 South Lamar Street
Dallas, Texas 75215

OR2015-08623

Dear Ms. Armstrong:

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# 562564 (ORR# 2015-02469).

The Dallas Police Department (the "department") received a request for all records pertaining to closed criminal investigations occurring at a specified address between July 11, 2014 and November 14, 2014, and certain "first page" information pertaining to pending criminal investigations occurring at the specified address between July 11, 2014 and November 14, 2014. You claim portions of the submitted information are excepted from disclosure under section 552.108 of the Government Code. We have considered the exception you claim and reviewed the submitted representative sample of information.

Initially, we note, although the requestor is seeking records pertaining to both closed and pending criminal investigations, you have only submitted information pertaining to a pending criminal investigation. Although you state you have submitted a representative sample of information, we find the submitted information is not representative of all the information sought in the request for information. Please be advised this ruling applies to only the types of information pertaining to pending criminal investigations you have submitted for our review. Therefore, this ruling does not authorize the withholding of any other requested records to the extent those records pertain to closed criminal cases. *See* Gov't Code § 552.302 (where request for attorney general decision does not comply with requirements

of section 552.301, information at issue is presumed public). To the extent any information responsive to the request for records pertaining to closed criminal investigations existed and was maintained by the department on the date the department received the request for information, we assume the department has released it. If the department has not released any such information, it must do so at this time. *See id.* §§ 552.301-.302; *see also* Open Records Decision No. 664 (2000) (if governmental body concludes no exceptions apply to requested information, it must release information as soon as possible).

Next, you state the information you have marked under section 552.108 of the Government Code relates to a pending criminal case. Thus, with respect to this case, the requestor seeks only certain categories of information. Consequently, we note, except for the “first page” information specified in the request, the information at issue is not responsive to the instant request. This ruling does not address the public availability of any information that is not responsive to the request and the department is not required to release such information in response to this request.

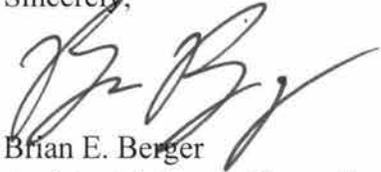
Section 552.108(a) of the Government Code excepts from disclosure “[i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime . . . if: (1) release of the information would interfere with the detection, investigation, or prosecution 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). As previously noted, you state the responsive information you have marked relates to a pending criminal investigation and prosecution. Based on this representation, we conclude section 552.108(a)(1) is applicable to the information at issue. *See Houston Chronicle Publ’g Co. v. City of Houston*, 531 S.W.2d 177, 186-87 (Tex. Civ. 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*). We note the responsive information the department has marked under section 552.108(a)(1) consists of basic information. Thus, the responsive information must be released.

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,

A handwritten signature in black ink, appearing to read "B. Berger", written over a light blue horizontal line.

Brian E. Berger
Assistant Attorney General
Open Records Division

BB/akg

Ref: ID# 562564

Enc. Submitted documents

c: Requestor
(w/o enclosures)