



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

November 3, 2015

Ms. Elizabeth Lutton
Legal Advisor
Dallas County Sheriff's Department
133 North Riverfront Boulevard, LB-31
Dallas, Texas 75207

OR2015-23061

Dear Ms. Lutton:

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# 585877.

The Dallas County Sheriff's Department (the "sheriff's department") received two requests for a specified video, as well as the duty status and the names of officers involved in a specified incident. You state you will release information pertaining to the duty status of the specified officers. You claim some of the submitted information is excepted from disclosure under sections 552.103 and 552.108 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

Initially, you inform us the requested video was the subject of a previous request for information, in response to which this office issued Open Records Letter No. 2015-17288 (2015). In that ruling, we determined, in part, the sheriff's department may withhold the video at issue under section 552.108(a)(1) of the Government Code. We have no indication the law, facts, or circumstances on which the prior ruling was based have changed. Accordingly, we conclude the sheriff's department may continue to rely on Open Records Letter No. 2015-17288 as a previous determination and withhold the information at issue in accordance with that ruling.¹ *See* Open Records Decision No. 673 (2001) (so long as law,

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

facts, and circumstances on which prior ruling was based have not changed, first type of previous determination exists where requested information is precisely same information as was addressed in a prior attorney general ruling, ruling is addressed to same governmental body, and ruling concludes that information is or is not excepted from disclosure).

Next, we note the remaining responsive information consists of only the names of the officers involved in the specified incident. The remaining submitted information contains additional information beyond the names of the officers involved in the specified incident. We note this information is not responsive to the present request, this ruling does not address the public availability of any information that is not responsive to the request, and the sheriff's department is not required to release that information in response to the request.

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). 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 inform us the information at issue relates to an incident currently being investigated by the department. You state the individuals whose information is at issue are witnesses to the incident and have not been officially charged with any misconduct or criminal offenses at this time. You state release of the remaining responsive information would interfere with law enforcement by revealing case information before the investigation is complete and evidence is given to a grand jury. Based on this representation, we conclude the release of the remaining responsive 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 (Tex. Civ. App.—Houston [14th Dist.] 1975) (court delineates law enforcement interests present in active cases), *writ ref’d n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976). Thus, the sheriff’s department may withhold the remaining responsive information under section 552.108(a)(1) of the Government Code.²

In summary, the sheriff’s department may continue to rely on Open Records Letter No. 2015-17288 as a previous determination and withhold the submitted video in accordance with that ruling. The sheriff’s department may withhold the remaining responsive information under section 552.108(a)(1) of the Government Code.³

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

³As our ruling is dispositive, we need not address your remaining arguments against disclosure.

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,



Joseph Keeney
Assistant Attorney General
Open Records Division

JDK/dls

Ref: ID# 585877

Enc. Submitted documents

c: 2 Requestors
(w/o enclosures)