



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

May 11, 2016

Ms. Michelle Buendia  
Assistant City Attorney  
Criminal Law & Police Section  
City of Dallas  
1400 South Lamar  
Dallas, Texas 75215

OR2016-10808

Dear Ms. Buendia:

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# 609872 (ORR# 2016-03630).

The Dallas Police Department (the "department") received a request for certain categories of information pertaining to investigations initiated by the department's Public Integrity Unit (the "PIU") during calendar years 2015 and 2016. The department claims some of the submitted information is excepted from disclosure under sections 552.101 and 552.108 of the Government Code. We have considered the claimed exceptions and reviewed the submitted information.

Initially, we note the requestor only seeks the following information regarding investigations by the PIU during the specified time period: 1) the location of the crime, 2) a detailed description of the offense, 3) the identification and description of the complainant, 4) the premises involved, 5) the time of occurrence of the crime, 6) the property involved, 7) the names of the investigating officers, and 8) current status of the case. Accordingly, any other information is not responsive to the request for information. This ruling does not address the public availability of non-responsive information, and the department need not release non-responsive information to the requestor.

Next, we note portions of the requested information pertaining to investigations initiated during calendar year 2015 were the subject of a previous request for information, in response to which this office issued Open Records Letter No. 2016-06785 (2016). There is no indication the law, facts, and circumstances on which the prior ruling was based have changed. Accordingly, for the requested information that is identical to the information previously requested and ruled upon by this office, we conclude the department must continue to rely on Open Records Letter No. 2016-06785 as a previous determination and withhold or release the identical information in accordance with that ruling. *See* Open Records Decision No. 673 (2001) (so long as law, 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 prior attorney general ruling, ruling is addressed to same governmental body, and ruling concludes information is or is not excepted from disclosure). Next, we address your argument against the disclosure of the submitted information to the extent it is not subject to this prior ruling.

Next, we note the department has not submitted information responsive to each item listed above for the investigations at issue. To the extent the department maintained additional responsive information when it received the request for information, we assume it has been released. If the department has not released such information, it must do so at this time. *See* Gov't Code §§ 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).

Section 552.101 of the Government Code excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Gov't Code § 552.101. Section 552.101 of the Government Code also encompasses section 58.007 of the Family Code. Juvenile law enforcement records relating to conduct that occurred on or after September 1, 1997, are confidential under section 58.007(c). Section 58.007 provides, in pertinent part, as follows:

(c) Except as provided by Subsection (d). law enforcement records and files concerning a child and information stored, by electronic means or otherwise, concerning the child from which a record or file could be generated may not be disclosed to the public and shall be:

(1) if maintained on paper or microfilm, kept separate from adult files and records;

(2) if maintained electronically in the same computer system as records or files relating to adults, be accessible under controls that are separate and distinct from controls to access electronic data concerning adults: and

(3) maintained on a local basis only and not sent to a central state or federal depository, except as provided by Subchapters B, D, and H.

Fam. Code § 58.007(c). For purposes of section 58.007(c), “child” means a person who is ten years of age or older and under seventeen years of age when the conduct occurred. *See id.* § 51.02(2). We note section 58.007(c) is only applicable to law enforcement records. However, the submitted information is an administrative record. Accordingly, the department may not withhold any of the information you have marked under section 552.101 of the Government Code in conjunction with section 58.007 of the Family Code.

Section 552.108 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). However, section 552.108 does not except from disclosure “basic information about an arrested person, an arrest, or a crime.” *Id.* § 552.108(c). Section 552.108(c) refers to the basic “front-page” information held to be public in *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). *See* Open Records Decision No. 127 (1976) (summarizing types of information deemed public by *Houston Chronicle*). We note basic information includes the location of the crime, a detailed description of the offense, the identification and description of the complainant, the premises involved, the time of occurrence of the crime, the property involved, and the names of the investigating officers. *See id.* Basic information must be released, even if it does not literally appear on the front page of a police report. Therefore, because the requestor only seeks basic information regarding the investigations at issue, the department may not withhold any of the responsive information under section 552.108(a)(1) of the Government Code.

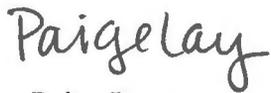
In summary, for the requested information that is identical to the information previously requested and ruled upon by this office, we conclude the department must continue to rely on Open Records Letter No. 2016-06785 as a previous determination and withhold or release the identical information in accordance with that ruling. The remaining 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 cursive script that reads "Paigelay".

Paige Lay  
Assistant Attorney General  
Open Records Division

PL/som

Ref: ID# 609872

Enc. Submitted documents

c: Requestor  
(w/o enclosures)