



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

June 29, 2016

Mr. Brandon S. Shelby  
City Attorney  
City of Sherman  
P.O. Box 1106  
Sherman, Texas 75091-1106

OR2016-14835

Dear Mr. Shelby:

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# 617258 (City Ref. No. OR-2325/SPD#072).

The City of Sherman (the "city") received a request for four specified police reports. You claim the submitted information is excepted from disclosure under sections 552.108 and 552.148 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

Initially, we note report numbers 14-0005901, 15-0000237, and 15-0001706 were the subject of a previous request for information, as a result of which this office issued Open Records Letter No. 2016-03582 (2016). In that ruling, we determined, with the exception of basic information, which must be released, the city may withhold report numbers 14-0005901, 15-0000237, and 15-0001706 under section 552.108(a)(1) of the Government Code. We have no indication there has been any change in the law, facts, or circumstances on which the previous ruling was based. Accordingly, we conclude the city may rely on Open Records Letter No. 2016-03582 as a previous determination and withhold or release the information in report numbers 14-0005901, 15-0000237, and 15-0001706 in accordance with that ruling.<sup>1</sup> See Open Records Decision No. 673 (2001) (so long as law,

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<sup>1</sup>As we reach this determination for this information, we need not consider your arguments against its disclosure.

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 that information is or is not excepted from disclosure). We will consider your arguments against disclosure of report number 10-0007009, which was not at issue in the previous ruling.

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 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 state report number 10-0007009 relates to an active criminal investigation. Based on your representation, we conclude the release of the information at issue 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 that are present in active cases), *writ ref’d n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976). Thus, section 552.108(a)(1) is applicable to report number 10-0007009.

However, we note section 552.108 does not except from disclosure basic information about an arrested person, an arrest, or a crime. *Id.* § 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 (1976) (summarizing types of information considered to be basic information). We note basic information includes, among other items, the identity and description of the complainant, but does not include the identity of a victim or witness, unless the victim is also the complainant. *See* ORD 127 at 3-4. Thus, with the exception of basic information, the city may withhold report number 10-0007009 under section 552.108(a)(1) of the Government Code.<sup>2</sup>

In summary, the city may rely on Open Records Letter No. 2016-03582 as a previous determination and withhold or release the information in report numbers 14-0005901, 15-0000237, and 15-0001706 in accordance with that ruling. With the exception of basic information, which must be released, the city may withhold report number 10-0007009 under section 552.108(a)(1) of the Government Code.

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.

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<sup>2</sup>As our ruling is dispositive, we need not consider your remaining argument against disclosure.

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,

A handwritten signature in black ink, appearing to read 'Tim Neal', with a stylized flourish at the end.

Tim Neal  
Assistant Attorney General  
Open Records Division

TN/bw

Ref: ID# 617258

Enc. Submitted documents

Requestor  
(w/o enclosures)