



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

April 20, 2017

Mr. T. Daniel Santee
Counsel for the City of Copperas Cove
Denton Navarro Rocha Bernal Hyde & Zech, PC
2517 North Main Avenue
San Antonio, Texas 78212-4685

OR2017-08478

Dear Mr. Santee:

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# 655014.

The City of Copperas Cove (the "city"), which you represent, received a request for records about an animal at large at a specified address. You claim the submitted information is excepted from disclosure under section 552.108 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Section 552.108 of the Government Code provides, in relevant part, the following:

(a) Information held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime is excepted from the requirements of Section 552.021 if:

...

(2) it is information that deals with the detection, investigation, or prosecution of crime only in relation to an investigation that did not result in conviction or deferred adjudication[.]

...

(b) An internal record or notation of a law enforcement agency or prosecutor that is maintained for internal use in matters relating to law enforcement or prosecution is excepted from the requirements of Section 552.021 if:

...

(2) the internal record or notation relates to law enforcement only in relation to an investigation that did not result in conviction or deferred adjudication[.]

Gov't Code § 552.108(a)(2), (b)(2).

A governmental body claiming section 552.108(a)(2) or section 552.108(b)(2) must demonstrate the information at issue relates to a criminal investigation that has concluded in a final result other than a conviction or deferred adjudication. *See id.* §§ 552.108(a)(2), (b)(2), .301(e)(1)(A) (governmental body must provide comments explaining why exceptions raised should apply to information requested). By its terms, section 552.108 applies only to a law enforcement agency or a prosecutor. You state the city's animal control department has the authority to enforce violations of the city's code. Further, you state the submitted information includes "the mental impressions and investigative notes" of police department investigators. Upon review of your arguments and the submitted information, we find you have not explained the submitted information pertains to the detection, investigation or prosecution of a criminal case that concluded in a final result other than a conviction or deferred adjudication. Thus, we find you have failed to demonstrate the applicability of subsections 552.108(a)(2) and (b)(2) to the submitted information and the city may not withhold the submitted information on these bases. Thus, the submitted 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,



Emily Buchanan
Assistant Attorney General
Open Records Division

EB/eb

Ref: ID# 655014

Enc. Submitted documents

c: Requestor
(w/o enclosures)