



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

September 25, 2017

Mr. William Schultz
Assistant District Attorney
Civil Division
Denton County Criminal District Attorney's Office
1450 East McKinney, Suite 3100
Denton, Texas 76209

OR2017-21951

Dear Mr. Schultz:

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# 676947 (PIR #17-109).

The Denton County Criminal District Attorney's Office (the "district attorney's office") received a request for all information, including communications between the district attorney's office and the City of Northlake Police Department, pertaining to a named police officer's credibility and reputation for truthfulness. You claim the submitted information is excepted from disclosure under sections 552.101, 552.102, 552.108, 552.111 of the Government Code, as well as privileged under rule 192.5 of the Texas Rules of Civil Procedure. We have considered the submitted arguments and reviewed the submitted information.

Initially, we note you have submitted information that does not pertain to the individual named by the requestor. Thus, this information is not responsive to the instant request. This ruling does not address the public availability of any information that is not responsive to the

present request, and the district attorney's office is not required to release such information in response to this request.

Section 552.108 of the Government Code provides in part:

(a) Information held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime is excepted from [required public disclosure] if:

...

(4) it is information that:

(A) is prepared by an attorney representing the state in anticipation of or in the course of preparing for criminal litigation; or

(B) reflects the mental impressions or legal reasoning of an attorney representing the state.

Gov't Code § 552.108(a)(4). A governmental body must explain how and why section 552.108 is applicable to the information at issue. *See id.* §§ 552.108, .301(e)(1)(A); *see also Ex parte Pruitt*, 551 S.W.2d 706 (Tex. 1977). You state the responsive information was created by attorneys for the district attorney's office and reflects the mental impressions or legal reasoning of attorneys representing the state concerning whether to call the named police officer as a witness in criminal cases. Upon review, we find you have demonstrated the applicability of section 552.108(a)(4) to the responsive information. Accordingly, we find the district attorney's office may withhold the responsive information under section 552.108(a)(4) of the Government Code.¹

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

¹As our ruling is dispositive, we do not address your remaining arguments against disclosure.

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 "Cole Hutchison". The signature is written in a cursive style with a large, sweeping initial "C".

Cole Hutchison
Assistant Attorney General
Open Records Division

CH/sb

Ref: ID# 676947

Enc. Submitted documents

c: Requestor
(w/o enclosures)