



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

May 14, 2019

Ms. Elizabeth Stevens  
Assistant General Counsel  
Harris County District Attorney's Office  
500 Jefferson Street, Suite 600  
Houston, Texas 77002

OR2019-12884

Dear Ms. Stevens:

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# 765468.

The Harris County District Attorney's Office (the "district attorney's office") received two requests from different requestors for lists of cases worked on by nine named police officers during a specified time period and all active cases pertaining to one of the named police officers. You claim the requested information is excepted from disclosure under sections 552.108 and 552.142 of the Government Code.<sup>1</sup> We have considered the exceptions you claim and reviewed the submitted representative samples of information.<sup>2</sup> Initially, we note portions of the submitted information, which we have marked, are not responsive to the instant request because they pertain to cases outside the time period specified for cases worked on by the nine named police officers and do not pertain to active cases worked on by one of the named officers. The district attorney's office need not release

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<sup>1</sup>Although you raise section 552.101 of the Government Code in conjunction with section 411.081 of the Government Code, we note section 552.142 of the Government Code is the proper exception to raise when asserting information is confidential pursuant to a nondisclosure order.

<sup>2</sup>We assume the "representative samples" of records submitted to this office are truly representative of the requested records as a whole. *See* Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

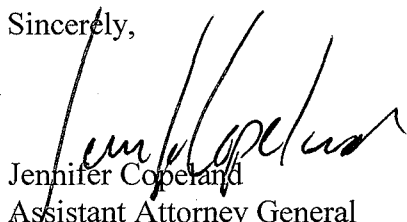
nonresponsive information in response to this request, and this ruling will not address that information.<sup>3</sup>

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 the responsive information relates to a pending criminal investigation or prosecution. Based upon this representation and our review, we find 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) (delineating law enforcement interests present in active cases), *writ ref’d n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976). Thus, you may withhold the responsive information under section 552.108(a)(1) of the Government Code.<sup>4</sup>

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](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,



Jennifer Copeland  
Assistant Attorney General  
Open Records Division

JC/mo

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<sup>3</sup>As we are able to make this determination, we need not address your argument under section 552.142 of the Government Code.

<sup>4</sup>As we are able to make this determination, we need not address your remaining argument against disclosure.

Ref: ID# 765468

Enc. Submitted documents

c: 2 Requestor  
(w/o enclosures)