



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

July 3, 2019

Mr. Whitt L. Wyatt
Counsel for the City of Allen
Nichols, Jackson, Dillard, Hager & Smith, L.L.P.
1800 Ross Tower
500 North Akard Street
Dallas, Texas 75201

OR2019-18354

Dear Mr. Wyatt:

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# 773334 (ORR# 107589).

The Allen Police Department (the "department"), which you represent, received a request for information pertaining to a specified incident report. The department states it has released some of the requested information, but claims some of the submitted information is excepted from disclosure under sections 552.108 and 552.130 of the Government Code. We have considered the claimed exceptions and reviewed the submitted information.

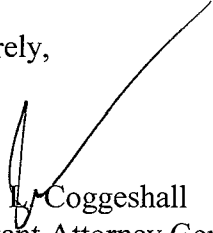
Section 552.108(a)(2) of the Government Code excepts from disclosure information concerning an investigation that concluded in a result other than conviction or deferred adjudication. Gov't Code § 552.108(a)(2). A governmental body claiming section 552.108(a)(2) must demonstrate the information at issue relates to a criminal investigation that has concluded in a final result other than conviction or deferred adjudication. *See id.* §§ 552.108(a)(2), .301(e)(1)(A). The department states the information it has marked under section 552.108(a)(2) pertains to a case with two charges: one of the charges resulted in conviction, but the other concluded in a result other than conviction or deferred adjudication. We understand the department to assert the information relating to these charges is so intertwined that it cannot be segregated. Therefore, the department may withhold the information it has marked under section 552.108(a)(2) of the Government Code.¹ The department must release the remaining information.

¹As our ruling is dispositive, we do not address the other argument of the department to withhold this information.

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,



James L. Coggeshall
Assistant Attorney General
Open Records Division

JLC/gw

Ref: ID# 773334

Enc. Submitted documents

c: Requestor
(w/o enclosures)