



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

July 20, 2011

Lieutenant Carol Taylor  
Commander-Communications/Records  
Taylor County Sheriff's Office  
450 Pecan Street  
Abilene, Texas 79602-1692

OR2011-10350

Dear Lt. Taylor:

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# 424433.

The Taylor County Sheriff's Office (the "sheriff") received a request for the offense report for case number C11-04288. You state a copy of the call sheet for this case number will be released. You claim the submitted information is excepted from disclosure under sections 552.101, 552.108, and 552.130 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

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 must reasonably 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 represent case number C11-04288 is still open. Based on your representations and our review, we conclude the release of this information would interfere with the detection, investigation, or prosecution of this 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).

However, section 552.108 does not except from disclosure basic information about an arrested person, an arrest, or a crime. Gov't Code § 552.108(c). Basic information refers to the information held to be public in *Houston Chronicle*, and includes, among other things,

a detailed description of the offense and the identification and description of the complainant. See 531 S.W.2d at 186-87; Open Records Decision No. 127 (1976) (summarizing types of information made public by *Houston Chronicle*). In this instance, the victims listed in the submitted information are also the complainants. You claim, however, the identifying information of the complainants is confidential under section 552.101 of the Government Code.

Section 552.101 of the Government Code excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Gov't Code § 552.101. Although you raise section 552.101 for the complainants' identifying information, you have not explained, nor does the submitted information reflect, how section 552.101 is applicable to the complainants' identifying information. See Gov't Code § 552.301(e)(1)(A) (governmental body must provide reasons why the stated exceptions apply). Thus, we find you have failed to demonstrate the applicability of section 552.101 of the Government Code to this information. As you raise no other exceptions to disclosure for the complainants' identifying information, it must be released as basic information.

In summary, the sheriff must release all basic information, including the complainants' identifying information. The sheriff may withhold the remaining information pursuant to section 552.108(a)(1) of the Government Code.<sup>1</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.oag.state.tx.us/open/index\\_orl.php](http://www.oag.state.tx.us/open/index_orl.php), 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 must be directed to the Cost Rules Administrator of the Office of the Attorney General, toll free at (888) 672-6787.

Sincerely,



Kenneth Leland Conyer  
Assistant Attorney General  
Open Records Division

KLC/eb

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<sup>1</sup>As our ruling for this information is dispositive, we need not address your remaining argument against disclosure.

Ref: ID# 424433

Enc. Submitted documents

c: Requestor  
(w/o enclosures)