



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

December 16, 2011

Ms. Janet I. Monteros  
Assistant County Attorney  
El Paso County Attorney's Office  
500 East San Antonio Room 503  
El Paso, Texas 79901

OR2011-18513

Dear Ms. Monteros:

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# 444098 (CA-OP-11-448).

The El Paso County Sheriff's Office (the "sheriff") received a request for information related to a specified case number. You claim the requested information is excepted from disclosure under sections 552.101, 552.103, and 552.108 of the Government Code. We have considered the exceptions you claim and reviewed the information you submitted.

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 must reasonably explain how and why section 552.108 is applicable to the information at issue. *See id.* § 552.301(e)(1)(A); *Ex parte Pruitt*, 551 S.W.2d 706 (Tex. 1977). You state the submitted information is related to a pending criminal case. Based on your representation, we conclude section 552.108(a)(1) is applicable in this instance. *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 present in active cases), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976).

We note 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). Section 552.108(c) refers to the basic front-page offense and arrest information held to be public in *Houston Chronicle*. *See* 531 S.W.2d at 186-88; Open Records Decision No. 127 (1976) (summarizing types of

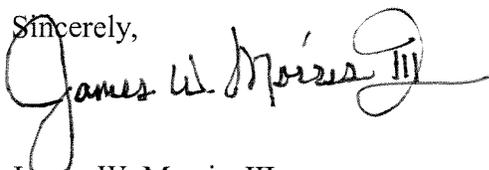
information deemed public by *Houston Chronicle*). The sheriff must release basic offense and arrest information, even if the information does not literally appear on the front page of an offense or arrest report.

We note basic information includes the identity of the complainant and a detailed description of the offense. *See* ORD 127 at 3-4. In this instance, the submitted information is related to an alleged sexual assault. Therefore, the sheriff must withhold the complainant's identity under section 552.101 of the Government Code in conjunction with common-law privacy. *See* Gov't Code § 552.101; *Indus. Found. v. Tex. Indus. Accident Bd.*, 540 S.W.2d 668, 685 (Tex. 1976); Open Records Decision Nos. 393 (1983), 339 (1982). With the exception of the complainant's identity, basic information must be released. The sheriff may withhold the rest of the submitted information under 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,



James W. Morris, III  
Assistant Attorney General  
Open Records Division

JWM/em

Ref: ID# 444098

Enc: Submitted information

c: Requestor  
(w/o enclosures)

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<sup>1</sup>As we are able to make these determinations, we need not address your other arguments, except to note section 552.103 of the Government Code does not generally except basic information from disclosure. *See* Open Records Decision No. 597 (1991).