



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

January 20, 2012

Ms. Michelle T. Rangel
Assistant County Attorney
Fort Bend County
301 Jackson Street, Suite 728
Richmond, Texas 77469

OR2012-00933

Dear Ms. Rangel:

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# 442985.

The Fort Bend County Sheriff’s Office (the “sheriff”) received a request for thirteen specified offense reports. You state some responsive information will be released to the requestor. You claim that 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.¹

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 that claims an exception to disclosure under section 552.108 must reasonably explain

¹We assume that the “representative sample” of records submitted to this office is 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.

how and why this exception is applicable to the information at issue. *See id.* §§ 552.108(a)(1), .301(e)(1)(A); *Ex parte Pruitt*, 551 S.W.2d 706 (Tex. 1977).

You state report numbers 07-8853, 07-9439, 07-15322, and 07-26446 relate to pending criminal investigations. Based on this representation and our review, we conclude the release of report numbers 07-1900, 07-8853, 07-9439, 07-15322, and 07-26446 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. App.—Houston [14th Dist.] 1975), *writ ref'd n.r.e.*, 536 S.W.2d 559 (Tex. 1976) (court delineates law enforcement interests that are present in active cases). Accordingly, we find section 552.108(a)(1) is applicable to report numbers 07-8853, 07-9439, 07-15322, and 07-26446.

Section 552.108(a)(2) excepts from disclosure “[i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime . . . if . . . it is information that deals with the detection, investigation, or prosecution of crime only in relation to an investigation that did not result in conviction or deferred adjudication[.]” Gov’t Code §552.108(a)(2). You state report numbers 07-1900, 07-5055, 07-9810, 07-17510, 06-16871, and 06-16907 relate to criminal investigations that did not result in convictions or deferred adjudication. Accordingly, we find section 552.108(a)(2) is applicable to report numbers 07-1900, 07-5055, 07-9810, 07-17510, 06-16871, and 06-16907.

We note, however, that section 552.108 does not except from disclosure “basic information about an arrested person, an arrest, or a crime.” *Id.* § 552.108(c). Section 552.108(c) refers to the basic “front-page” 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 considered to be basic information). We note basic information includes the identity of the complainant and a detailed description of the offense, but does not include driver’s license numbers. *See* ORD 127 at 3-4.

In this instance, the information related to case number 07-1900 involves an alleged sexual assault. Therefore, the sheriff must withhold the identity of the complainant in the basic information related to case number 07-1900 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). We have marked the types of information the sheriff must withhold on that basis. With the exception of those types of information, basic information must be released. Thus, with the exception of basic information, the sheriff may withhold report numbers 07-8853, 07-9439, 07-15322, and 07-26446 under section 552.108(a)(1) of the Government Code and report numbers 07-1900, 07-5055, 07-9810, 07-17510, 06-16871, and 06-16907 under section 552.108(a)(2) of the Government Code. As we are able to make these determinations, we need not address your other argument against disclosure.

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, 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,



Cindy Nettles
Assistant Attorney General
Open Records Division

CN/dls

Ref: ID# 442985

Enc. Submitted documents

c: Requestor
(w/o enclosures)