



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

March 16, 2012

Mr. Gary D. Trammel
County Attorney
Stephens County
200 West Walker Street, Room 206
Breckenridge, Texas 76424

OR2012-03901

Dear Mr. Trammel:

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# 447865.

The Stephens County Sheriff's Office (the "sheriff") received a request for "a daily or weekly copy of [the sheriff's] inmate intake report" containing "the name, charges, arrest date and mugshot of the person arrested." You inform us the sheriff does not object to release of the requested arrestee names or charges. You claim the remaining requested information is excepted from disclosure under sections 552.101, 552.103, 552.108, and 552.147 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.¹

Initially, we note the requestor is only seeking the name, charge, arrest date, and mugshot of the persons arrested, and therefore, none of the remaining submitted information is responsive to the instant request for information. This ruling does not address the public availability of non-responsive information, and the sheriff is not required to release non-responsive information in response to this request.²

¹We note you have only submitted blank copies of the general forms the sheriff uses to intake inmates. Although in this instance we can determine the extent to which this fungible information may be excepted from disclosure, we advise the sheriff in the future to submit for review the information that it seeks to protect from disclosure and for which it seeks a ruling from this office. See Gov't Code §§ 552.301, .302.

²As our ruling is dispositive of this information, we need not address your arguments against disclosure under sections 552.101 and 552.147 of the Government Code.

Next, we note that a governmental body need not honor a standing request. A “standing request” refers to a request to provide information “on a periodic basis,” *see* Open Records Decision No. 465 (1987); a weekly basis, *see* Open Records Decision No. 476 (1987); or to provide information that has not yet been recorded, *see* Open Records Decision No. 452 (1986). Therefore, the Act does not require the sheriff to comply with the request that information be provided on a daily or weekly basis. However, we will consider your arguments for the responsive information that existed on the date the sheriff received the request.

Section 552.108(a) 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: (1) release of the information would interfere with the detection, investigation, or prosecution of crime[.]” Gov’t Code 552.108(a)(1). Generally, 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 state the responsive mug shots and arrest dates relate to active criminal cases. Based upon this representation, we conclude section 552.108(a)(1) is applicable and the 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) (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*. *See* 531 S.W.2d at 186-88. We note basic information includes, among other items, the date of the arrest. *See id.* Therefore, you may withhold the mugshots under section 552.108(a)(1), but must release the remaining responsive information to the requestor under section 552.108(c).³

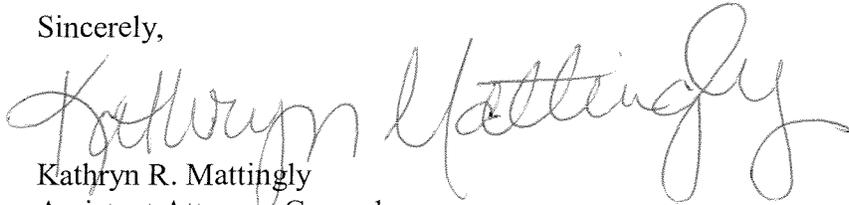
This letter ruling is limited to the particular information at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other information or any other circumstances.

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

³As our ruling is dispositive, we need not address your remaining argument against disclosure under section 552.103 of the Government Code, except to note basic information is generally not excepted from public disclosure under section 552.103. Open Records Decision No. 597 (1991).

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,

A handwritten signature in cursive script, reading "Kathryn R. Mattingly". The signature is written in black ink and is positioned above the typed name.

Kathryn R. Mattingly
Assistant Attorney General
Open Records Division

KRM/dls

Ref: ID# 447865

Enc. Submitted documents

c: Requestor
(w/o enclosures)