



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

May 31, 2012

Mr. Rick Miller
County Attorney
Bell County
P.O. Box 1127
Belton, Texas 76513

OR2012-07268A

Dear Mr. Miller:

This ruling examines Open Records Letter No. 2012-07268 (2012) and whether certain information is subject to required public disclosure under chapter 552 of the Government Code.

The Bell County Attorney's Office (the "county attorney's office") received a request for case number 2C1200592. In the original request for a decision in this matter, this office concluded the county attorney's office must withhold the information under section 261.201 of the Family Code. We have re-examined our ruling in Open Records Letter No. 2012-07268 and determined we made an error. Where this office determines an error was made in the decision process under sections 552.301 and 552.306, and that error resulted in an incorrect decision, we will correct the previously issued ruling. Consequently, this decision serves as the correct ruling and is a substitute for the decision issued on May 16, 2012.

The county attorney's office released some of the requested information and asserts section 552.108(a)(1) of the Government Code excepts the remainder from public disclosure. Section 552.108(a) 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." Generally, a governmental body claiming section 552.108 must reasonably explain how and why release of the requested information would interfere with law enforcement. *See* Gov't Code §§ 552.108(a)(1), .301(e)(1)(a); *see also Ex parte Pruitt*, 551 S.W.2d 706 (Tex. 1977). The county attorney's office states the information relates to a

pending criminal investigation and prosecution. Based upon this representation, we conclude release of the information 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). Thus, the county attorney's office may withhold the remaining information from disclosure based on section 552.108(a)(1). Open Records Letter No. 2012-07268 is overruled to the extent it conflicts with this ruling.

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,



Yen-Ha Le
Assistant Attorney General
Open Records Division

YHL/sdk

Ref: ID# 460278

Enc: Submitted documents

c: Requestor
(w/o enclosures)