



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

October 24, 2012

Deputy Danie Huffman
Parker County Sheriff's Office
County of Parker
129 Hogle Street
Weatherford, Texas 76086

OR2012-17012

Dear Deputy Huffman:

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# 468846.

The Parker County Sheriff's Office (the "sheriff's office") received a request for three specified incident reports. You state the sheriff's office has released some of the requested information. You claim some of the submitted information is excepted from disclosure under section 552.108 of the Government Code. We have considered the exception 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(a)(1) 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 inform us the submitted information pertains to cases that are "currently suspended and are listed as an inactive or cleared by exception status." You further state, "the cases have not resulted in convict[ion] or deferred adjudication." Thus, we understand you to claim the information pertains to active criminal investigations. Based on your representation, we conclude the release of offense report numbers 2012-08923 and 2010-22894 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, section 552.108(a)(1) is applicable to offense report numbers 2012-08923 and 2010-22894.

However, we note offense report number 2010-05664 relates to a case of misdemeanor assault that occurred in March 2010. The statute of limitations for misdemeanor assault is two years from the date of the offense. *See* Crim. Proc. Code art. 12.02(a) (complaint or information for Class A or Class B misdemeanor may be presented within two years from date of commission of the offense, and not afterward); Penal Code §§ 22.01(b) (assault under section 22.01(a)(1) of the Penal Code is a Class A misdemeanor). On the date the sheriff's office received the request for information, more than two years had elapsed since the events giving rise to the investigation at issue, and you have not informed this office any criminal charges were filed within the limitations period. Further, you have not otherwise demonstrated how release of the information at issue would interfere with the detection, investigation, or prosecution of crime. Therefore, we find you have not demonstrated the applicability of section 552.108(a)(1) to offense report number 2010-05664, and the sheriff's office may not withhold it on that basis.

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). Basic information refers to the 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). Thus, with the exception of the basic information, the sheriff's office may withhold offense report numbers 2012-08923 and 2010-22894 under section 552.108(a)(1) of the Government Code.

Offense report number 2010-05664 contains information that is subject to section 552.130 of the Government Code.¹ Section 552.130 provides information relating to a motor vehicle operator's license, driver's license, motor vehicle title, or registration issued by an agency of this state or another state or country is excepted from public release. *See* Gov't Code § 552.130. Accordingly, the sheriff's office must withhold the motor vehicle record information we have marked within offense report number 2010-05664 under section 552.130 of the Government Code.

In summary, with the exception of the basic information, which must be released, the sheriff's office may withhold offense report numbers 2012-08923 and 2010-22894 under section 552.108(a)(1) of the Government Code. The sheriff's office must withhold the motor

¹The Office of the Attorney General will raise a mandatory exception on behalf of a governmental body, but ordinarily will not raise other exceptions. *See* Open Records Decision Nos. 481 (1987), 480 (1987), 470 (1987).

vehicle record information we marked within offense report number 2010-05664 under section 552.130 of the Government Code. The remaining information in offense report number 2010-05664 must be released.

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,



Claire V. Morris Sloan
Assistant Attorney General
Open Records Division

CVMS/som

Ref: ID# 468846

Enc. Submitted documents

c: Requestor
(w/o enclosures)