



June 18, 1999

Ms. Tenley A. Aldredge
Assistant County Attorney
Travis County
P.O. Box 1748
Austin, Texas 78767

OR99-1685

Dear Ms. Aldredge:

You ask whether certain information is subject to required public disclosure under the Texas Public Information Act, chapter 552 of the Government Code. Your request was assigned ID# 125477.

The Travis County Sheriff's Office (the "sheriff") received an open records request for the report regarding a particular internal affairs investigation. You contend that the report is excepted from required public disclosure pursuant to, section 552.108 of the Government Code.¹

Section 552.108(a)(1) of the Government Code excepts from required public 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." You have informed us that the records at issue directly relate to a DWI investigation that has been referred to the county attorney for prosecution. We therefore conclude that you have met your burden of establishing that the release of the requested information at this time could interfere with law enforcement. The sheriff therefore may withhold most of the requested information at this time pursuant to section 552.108(a)(1).

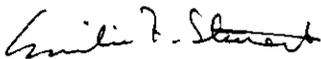
Section 552.108 does not, however, except from required public disclosure "basic information about an arrested person, an arrest, or a crime." Gov't Code § 552.108(c). Because you have raised no other exception to disclosure, the sheriff must release these types

¹Because we resolve your request under section 552.108, we need not address the applicability of the other exception you raised, section 552.111.

of information, including the booking information, in accordance with *Houston Chronicle Publishing Company v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976).

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Sincerely,



Emilie F. Stewart
Assistant Attorney General
Open Records Division

EFS/RWP/eaf

Ref.: ID# 125477

Encl. Submitted documents

cc: Mr. Hershel Darby
Travis County Sheriff's Office
P.O. Box 1748
Austin, Texas 78767
(w/o enclosures)