



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

September 15, 2009

Ms. Jacqueline Cullom Murphy
Assistant Criminal District Attorney
Bexar County
300 Dolorosa, Suite 4049
San Antonio, Texas 78205

OR2009-13036

Dear Ms. Murphy:

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# 355244.

The Bexar County Sheriff's Office (the "sheriff") received two requests from the same requestor for a list of officers receiving disciplinary action or suspensions between January 2008 and June 2009, as well as all civil service records, evaluations, and disciplinary action or suspension records regarding a named former officer. You state the sheriff will provide to the requestor the requested list of officers and some of the requested information regarding the named former officer. You claim the submitted order of dismissal 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) 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 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). Section 552.108 may be invoked by the proper custodian of information relating to a pending investigation or prosecution of criminal conduct. *See Open Records Decision No. 474 at 4-5 (1987).*

You state the submitted order of dismissal relates to a pending criminal prosecution by the Bexar County District Attorney's Office ("district attorney"). You have provided a representation from the district attorney requesting the information be withheld because its release would interfere with the pending prosecution. The submitted information, however, reflects that it has been provided to the individual being prosecuted. Because the district attorney has not provided additional arguments explaining how further release of the information would interfere with the pending criminal prosecution, we find the sheriff may not withhold the submitted order of dismissal under section 552.108(a)(1) of the Government Code. As you have claimed no other exceptions to disclosure for this information, it 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,



Leah B. Wingerson
Assistant Attorney General
Open Records Division

LBW/dls

Ref: ID# 355244

Enc. Submitted documents

c: Requestor
(w/o enclosures)