



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

May 7, 2012

Ms. Michelle T. Rangel
Assistant County Attorney
Fort Bend County
301 Jackson Street, Suite 728
Richmond, Texas 77469

OR2012-06711

Dear Ms. Rangel:

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# 452732.

The Fort Bend Sheriff's Office (the "sheriff's office") received a request for police reports pertaining to homicides, robberies, and aggravated assaults that occurred at a specified location and during a specified time period. You state the sheriff's office will release some of the requested information. You claim some of the submitted information is excepted from disclosure under sections 552.101, 552.108, and 552.130 of the Government Code. We have considered the exceptions 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 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 report numbers 08-26323, 07-17349, 07-15322, 07-10270, 07-9439, 07-8853, 07-26446, and 05-22204 relate to pending criminal investigations and prosecutions. Based upon these representations and our review, we conclude 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). Accordingly, we conclude section 552.108(a)(1) of the Government Code is generally applicable to report numbers 08-26323, 07-17349, 07-15322, 07-10270, 07-9439, 07-8853, 07-26446, and 05-22204.

Section 552.108(a)(2) of the Government Code excepts from disclosure information concerning an investigation that concluded in a result other than conviction or deferred adjudication. Gov't Code § 552.108(a)(2). A governmental body claiming section 552.108(a)(2) must demonstrate the requested information relates to a criminal investigation that has concluded in a final result other than a conviction or deferred adjudication. *See id.* § 552.301(e) (governmental body must provide comments explaining why exceptions raised should apply to information requested). You state report numbers 08-18697, 07-17501, 07-9315, 07-2623, 07-1567, 06-21051, 06-16871, 05-17229, 05-16210, 05-13761, 05-341, 04-25502, 04-20329, 04-17030, 04-14925, 04-10781, 04-9724, 04-381, and 03-22435 relate to concluded cases that did not result in convictions or deferred adjudications. Based on your representations, we conclude section 552.108(a)(2) is generally applicable to report numbers 08-18697, 07-17501, 07-9315, 07-2623, 07-1567, 06-21051, 06-16871, 05-17229, 05-16210, 05-13761, 05-341, 04-25502, 04-20329, 04-17030, 04-14925, 04-10781, 04-9724, 04-381, and 03-22435.

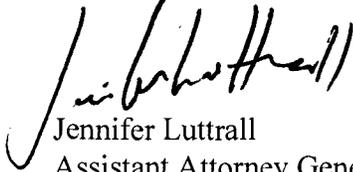
However, section 552.108 does not except from disclosure basic information about an arrested person, an arrest, or a crime. Gov't Code § 552.108(c). Basic information refers to the information held to be public in *Houston Chronicle*. *See* 531 S.W.2d at 186-88; Open Records Decision No. 127 at 3-4 (1976) (summarizing types of information deemed public by *Houston Chronicle*). We note basic information does not include motor vehicle record information encompassed by section 552.130 of the Government Code. *See id.* Thus, with the exception of basic information, you may withhold report numbers 08-26323, 07-17349, 07-15322, 07-10270, 07-9439, 07-8853, 07-26446, and 05-22204 from disclosure under section 552.108(a)(1) of the Government Code and report numbers 08-18697, 07-17501, 07-9315, 07-2623, 07-1567, 06-21051, 06-16871, 05-17229, 05-16210, 05-13761, 05-341, 04-25502, 04-20329, 04-17030, 04-14925, 04-10781, 04-9724, 04-381, and 03-22435 under 552.108(a)(2) of the Government Code. As our ruling is dispositive, we need not address your remaining arguments against disclosure.

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,

A handwritten signature in black ink, appearing to read "Jennifer Luttrall", written in a cursive style.

Jennifer Luttrall
Assistant Attorney General
Open Records Division

JL/som

Ref: ID# 452732

Enc. Submitted documents

c: Requestor
(w/o enclosures)