



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

September 12, 2012

Lieutenant Carol Taylor
Commander - Communications/Records
Taylor County Sheriff's Office
450 Pecan Street
Abilene, Texas 79602-1692

OR2012-14455

Dear Lt. Taylor:

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# 465326.

The Taylor County Sheriff's Office (the "sheriff's office") received a request for any and all information pertaining to an incident that occurred on a specified date involving two named individuals, including the radio log of a named deputy with the sheriff's office. You state you have furnished the requestor with a copy of the call sheet, party data sheet, and a copy of call 09068-11. You claim that the submitted radio log is excepted from disclosure under sections 552.101, 552.108, and 552.130 of the Government Code.¹ We have considered the exceptions you claim and reviewed the submitted information.

Initially, we note some of the submitted information is not responsive to the instant request because it does not pertain to the incident specified in the request. We have marked this non-responsive information. This ruling does not address the public availability of any information that is not responsive to the request and the sheriff's office is not required to release non-responsive information in response to the request.

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

¹Although you do not raise section 552.130 of the Government Code in your brief, we understand you to raise this exception based on your arguments.

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 must reasonably explain how release of the information at issue would interfere with the detection, investigation, or prosecution of crime. *See id.* § 552.301(e)(1)(A) (governmental body must provide comments explaining why exceptions raised should apply to information requested); *see also Ex parte Pruitt*, 551 S.W.2d 706 (Tex. 1977). You state that the information at issue is related to an open criminal case that has not yet been adjudicated. Based on your representation, we find 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 describes law enforcement interests that are present in active cases), *writ ref’d per curiam*, 536 S.W.2d 559 (Tex. 1976). Therefore, the sheriff’s office may withhold the responsive information under section 552.108(a)(1) 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,



Kathleen J. Santos
Assistant Attorney General
Open Records Division

KJS/dls

Ref: ID# 465326

Enc. Submitted documents

c: Requestor
(w/o enclosures)