



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

August 31, 2015

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

OR2015-18122

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# 580290.

The Parker County Sheriff's Office (the "sheriff's office") received a request for a specified offense report. The sheriff's office states it has made some of the requested information available to the requestor, but claims some of the submitted information is excepted from disclosure under sections 552.101 and 552.108 of the Government Code.¹ We have considered the claimed exceptions and reviewed the submitted information.

Initially, we note some of the submitted information is not responsive to the request for information because it was created after the sheriff's office received the request. 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 this information in response to this request.

¹Although the sheriff's office also raises section 552.138 of the Government Code, it has not submitted arguments explaining how this exception applies to the submitted information. Therefore, we presume the sheriff's office no longer asserts this exception. See Gov't Code §§ 552.301, .302.

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 information at issue relates to a criminal investigation that has concluded in a final result other than conviction or deferred adjudication. *See id.* §§ 552.108(a)(2), .301(e)(1)(A). The sheriff's office states the submitted responsive information that you have marked under section 552.108(a)(2) pertains to a case that concluded in a result other than conviction or deferred adjudication. Therefore, we agree section 552.108(a)(2) is applicable to this information.

However, section 552.108 does not except from disclosure basic information about an arrested person, an arrest, or a crime. *Id.* § 552.108(c). Basic information refers to the information held to be public in *Houston Chronicle Publishing Co. 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), and it includes the location of the crime. *See* Open Records Decision No. 127 at 3-4 (1976) (summarizing types of information deemed public by *Houston Chronicle*). The sheriff's office seeks to withhold the location of the crime at issue under section 552.108(a)(2) because it would reveal the identity of the suspect. However, as noted above, the location of the offense is basic information and may not be withheld pursuant to section 552.108. *See id.* Accordingly, the sheriff's office may not withhold the location of the offense to satisfy the required release of basic information. Thus, with the exception of basic information, which the sheriff's office must release, the sheriff's office may withhold the responsive information you have marked under section 552.108(a)(2) of the Government Code.² The sheriff's office must release the remaining responsive information.³

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.

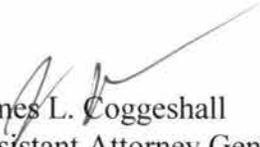
This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For more information concerning those rights and responsibilities, please visit our website at http://www.texasattorneygeneral.gov/open/orl_ruling_info.shtml, or call the Office of the Attorney General's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for

²As our ruling is dispositive, we do not address the sheriff's office's other argument to withhold this information.

³Because the requestor has a special right of access to some of the information being released, the sheriff's office must again seek a decision from this office if it receives another request for the same information from another requestor.

providing public information under the Act may be directed to the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,



James L. Coggeshall
Assistant Attorney General
Open Records Division

JLC/cbz

Ref: ID# 580290

Enc. Submitted documents

c: Requestor
(w/o enclosures)