



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

February 13, 2017

Ms. Kristen Lee
Assistant County Attorney
Harris County
1019 Congress, 15th Floor
Houston, Texas 77002

OR2017-01968A

Dear Ms. Lee:

This office issued Open Records Letter No. 2017-01968 (2017) on January 30, 2017. Since that date, we have received new information that affects the facts on which this ruling was based. Consequently, this decision serves as the corrected ruling and is a substitute for the decision issued on January 30, 2017. *See generally* Gov't Code § 552.011 (providing that Office of Attorney General may issue decision to maintain uniformity in application, operation, and interpretation of Public Information Act ("Act")). This ruling was assigned ID# 650800.

The Harris County Institute of Forensic Sciences (the "institute") received a request for eight specified autopsy reports. The institute claims autopsy reports ML16-0502 and ML16-0523 are excepted from disclosure pursuant to section 552.108 of the Government Code. We have considered the exception the institute claims and reviewed the submitted information.

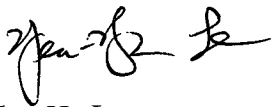
Section 552.108 of the Government Code states that information held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime is excepted from required public disclosure "if release of the information would interfere with the detection, investigation, or prosecution of crime." Gov't Code § 552.108(a)(1). Section 552.108 may be invoked by the proper custodian of information relating to an investigation or prosecution of criminal conduct. Open Records Decision No. 474 at 4-5 (1987). Where a non-law enforcement agency is in the custody of information that would otherwise qualify for exception under section 552.108 as information relating to the pending case of a law enforcement agency, the custodian of the records may withhold the information

if it provides the attorney general with a demonstration that the information relates to the pending case and a representation from the law enforcement entity that it wishes to withhold the information. The institute explains the Houston Police Department objects to the release of autopsy report ML16-0523 and the Baytown Police Department objects to the release of autopsy report ML16-0502 because the reports relate to their pending investigations. We agree that release of the information at this time would interfere with the ongoing investigations. Therefore, the institute may withhold autopsy reports ML16-0502 and ML16-0523 from disclosure under section 552.108(a)(1) on behalf of the police departments.

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

Sincerely,



Yen-Ha Le
Assistant Attorney General
Open Records Division

YHL/eb

Ref: ID# 650800

Enc. Submitted documents

c: Requestor
(w/o enclosures)