



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

April 16, 2020

Mr. Grant D. Blaies
Counsel for Clay County
Blaies & Hightower, L.L.P.
420 Throckmorton Street, Suite 1200
Fort Worth, Texas 76102

OR2020-11123

Dear Mr. Blaies:

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# 822665.

The Clay County Sheriff's Office (the "sheriff's office"), which you represent, received a request for information pertaining to the death of a named inmate. You state the sheriff's office is redacting motor vehicle record information pursuant to section 552.130(c) of the Government Code and social security numbers pursuant to section 552.147(b) of the Government Code. You state the sheriff's office is releasing some information to the requestor. You claim the information at issue is excepted from disclosure under sections 552.101, 552.102, 552.108, 552.117, and 552.1175 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

You state some of the requested information was the subject of a previous request for information, in response to which this office issued Open Records Letter No. 2020-04157 (2020). In that ruling, we determined that: (1) the sheriff's office must release the custodial death report pursuant to article 49.18(b) of the Code of Criminal Procedure; (2) the sheriff's office must release certain information pursuant to section 552.022(a)(17) of the Government Code; and (3) with the exception of the basic information, which must be

released, the sheriff's office may withhold the remaining information under section 552.108(a)(1) of the Government Code. We have no indication the law, facts, and circumstances on which the prior ruling was based have changed. Accordingly, the sheriff's office must continue to rely on Open Records Letter No. 2020-04157 as a previous determination and withhold or release the information at issue in accordance with that ruling.¹ See Open Records Decision No. 673 (2001) (so long as law, facts, and circumstances on which prior ruling was based have not changed, first type of previous determination exists where requested information is precisely same information as was addressed in prior attorney general ruling, ruling is addressed to same governmental body, and ruling concludes that information is or is not excepted from disclosure). We will consider your arguments against disclosure of 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). Generally, a governmental body claiming section 552.108(a)(1) must 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 the submitted information pertains to ongoing criminal investigations conducted by the sheriff's office and the Texas Rangers. Based on your representations and our review, we conclude the 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, the sheriff's office may withhold the submitted information under section 552.108(a)(1) of the Government Code.

In summary, the sheriff's office must continue to rely on Open Records Letter No. 2020-04157 as a previous determination and withhold or release the information at issue in accordance with that ruling. The sheriff's office may withhold the submitted information under section 552.108(a)(1) of the Government Code.

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 <https://www.texasattorneygeneral.gov/open-government/members-public/what-expect-after-ruling-issued> or call the OAG's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable

¹ As we are able to make this determination, we need not address your arguments against disclosure of this information.

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charges for providing public information under the Public Information Act may be directed to the Cost Rules Administrator of the OAG, toll free, at (888) 672-6787.

Sincerely,

Blake Brennan
Assistant Attorney General
Open Records Division

BBX/gw

Ref: ID# 822665

Enc. Submitted documents

c: Requestor
(w/o enclosures)