



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

November 25, 1997

Captain Robert Taylor
Amarillo Police Department
200 S.E. Third Avenue
Amarillo, Texas 79101-1514

OR97-2602

Dear Captain Taylor:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 110675.

The Amarillo Police Department (the "department") received a request for information pertaining to case numbers 97-78712 and 97-78695. You claim that the requested information is excepted from disclosure under section 552.108 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Section 552.108, the "law enforcement exception," provides in relevant part as follows:

(a) [i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime is excepted from the requirements of 552.021 if: (1) release of the information would interfere with the detection, investigation or prosecution of crime; [or] (2) it is information that deals with the detection, investigation, or prosecution of crime only in relation to an investigation that did not result in conviction or deferred adjudication. . . .

You state that case number 97-78695 "is not a closed case." Furthermore, you indicate that there is a warrant out for the arrest of the suspect. As the requested information relates to a pending, active investigation, we find that release of the requested information would interfere with the detection, investigation, or prosecution of crime. *See Houston Chronicle Publ'g Co. v. City of Houston*, 531 S.W.3d 177 (Tex. Civ. App.--Houston [14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976).

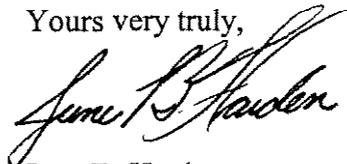
You seek to withhold case number 97-78712 under section 552.108 (a)(2). You indicate that the department has declared this case closed. Because this investigation did not

result in a conviction or deferred adjudication, we conclude that you may withhold this case file under section 552.108(a)(2).

We note that basic information about an arrested person, an arrest, or a crime is not excepted from required public disclosure. Gov't Code § 552.108(c). Basic information is the type of information that is considered to be front page offense report information, including the identification, description of the complainant, and a detailed description of the offense even if this information is not actually located on the front page of the offense report.¹ See generally *Houston Chronicle Publ'g Co.* at 187; Open Records Decision No. 127 (1976). Nevertheless, in special circumstances, front page offense report information may also be withheld from disclosure. See Open Records Decision Nos. 297 (1981), 169 (1977). You have not informed us of any extenuating circumstances that would necessitate the withholding of the complainant's name and address.² Therefore, we conclude that, except for basic information, including the complainant's identifying information, section 552.108 of the Government Code excepts the requested case files from public disclosure. However, you may choose to release all or part of information that is not otherwise confidential by law. Gov't Code §552.107.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied on as a previous determination regarding any other records. If you have any questions regarding this ruling, please contact our office.

Yours very truly,



June B. Harden
Assistant Attorney General
Open Records Division

JBH/alg

Ref.: ID# 110675

¹The content of the information determines whether it must be released in compliance with *Houston Chronicle*, not its literal location on the first page of an offense report. Open Records Decision No. 127 (1976) contains a summary of the types of information deemed public by *Houston Chronicle*.

²It does not appear that *Houston Chronicle* requires the release of a complainant's phone number. Thus, you may withhold the complainant's phone number from required public disclosure.

Enclosures: Submitted documents

cc: Ms. Tonya Warner
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Vernon Hills Service Center
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(w/o enclosures)