



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

January 16, 1998

Mr. Sim W. Goodall
Police Legal Advisor
Arlington Police Department
P.O. Box 1065
Arlington, Texas 76004-1065

OR98-0163

Dear Mr. Goodall:

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# 112550.

The Arlington Police Department (the "department") received an open records request for all police reports in which a named individual is identified as either the victim or complainant. You state that the department has released to the requestor one police report pertaining to a theft. The department has also released the front page of another police report pertaining to an assault of the named individual in compliance with *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).¹ You contend, however, that the remainder of this report is excepted from required public disclosure pursuant to section 552.108 of the Government Code.

Section 552.108(a)(1) of the Government Code, as amended by the Seventy-fifth Legislature, excepts from required public 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." Because you have informed us that the assault report pertains to a pending criminal prosecution, we conclude that you have met your burden of establishing that the release of the requested information at this time could interfere with law

¹We note that the front page of the offense report does not contain the identity of the individual suspected of the assault. If the suspect has been arrested in connection with this assault, the department must also release the suspect's identity to the requestor.

enforcement or prosecution. The department therefore may withhold the information at issue at this time pursuant to section 552.108(a)(1).

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 upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,


Vickie Prehoditch
Assistant Attorney General
Open Records Division

VDP/RWP/alg

Ref.: ID# 112550

Enclosures: Submitted documents

cc: Mr. Danny LaRue
P.O. Box 101432
Fort Worth, Texas 76185
(w/o enclosures)