



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

January 26, 1998

Mr. Burk Roberts  
Roberts & Roberts, L.L.P.  
P.O. Box P  
Killeen, Texas 76540

OR98-0257

Dear Mr. Roberts:

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# 112211.

The City of Harker Heights (the "city"), which you represent, received a request for information pertaining to the arrest of a named suspect. You state that the front page information has been released. However, you claim that the remaining portions of the offense report are excepted from disclosure under section 552.108(a)(1) 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:

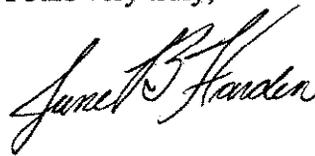
(a) [i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime is excepted from the requirements of 552.021 if: (1) release of the information would interfere with the detection, investigation or prosecution of crime; [or] (2) it 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 inform us that the Bell County District Attorney's office is currently prosecuting this case. As the requested information relates to a pending prosecution, we find that release of the requested information would interfere with the detection, investigation, or prosecution of crime. *Houston Chronicle Publ'g 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)

(court delineates law enforcement interests that are present in active cases). Therefore, the city may withhold the remaining requested information from required public disclosure. However, you may choose to release all or part of the information at issue that is not otherwise confidential by law. Gov't Code § 552.007.

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/ghg

Ref.: ID# 112211

Enclosures: Submitted documents

cc: Mr. Robert S. Hogan  
Law Offices of William T. Wilson  
P.O. Box 427  
Temple, Texas 76503  
(w/o enclosures)