



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

March 23, 1998

Captain Robert Taylor
Amarillo Police Department
200 S.E. 3rd Avenue
Amarillo, Texas 79101-1514

OR98-0779

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# 113593.

The Amarillo Police Department (the "department") received an open records request for incident report number 97-117386. You seek to withhold the report pursuant to section 552.108 of the Government Code.

Section 552.108(a) 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 (1) release of the information would interfere with the detection, investigation, or prosecution of crime" You assert that "I believe this report to be excepted from disclosure because there is pending prosecution against one of the defendants involved in the case." You have submitted a computer printout from the Amarillo Municipal Court computer which supports your contention that the case is pending. Consequently, as you have informed this office that the records at issue pertain 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 would interfere with law enforcement or prosecution. You therefore may withhold most of the requested information at this time pursuant to section 552.108(a)(1).

We note, however, that section 552.108 does not except from required public disclosure "basic information about an arrested person, an arrest, or a crime." Gov't Code § 552.108(c). Because you have raised no other exception to disclosure, the department must release these types of information in accordance 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).

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,



Janet Monteros
Assistant Attorney General
Open Records Division

JIM/glg

Ref.: ID# 113593

Enclosures: Submitted documents

cc: Mr. William Owens
2407 Irene
Amarillo, Texas 79107
(w/o enclosures)