



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

April 7, 1998

Ms. Leah Curtis Morris
P.O. Box 1256
Greenville, Texas 75403-1256

OR98-0896

Dear Ms. Morris:

On behalf of the Greenville Police Department (the "department"), you ask whether certain information is subject to required public disclosure under the Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 114787.

The department received a request for a particular offense report. You state that the information on the report's front page is subject to disclosure. You assert that the balance of the report is excepted from required public disclosure based on section 552.108 of the Government Code.

Section 552.108 of the Government Code reads in pertinent part as follows:

(a) Information held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime is excepted from the requirements of Section 552.021 if:

(1) release of the information would interfere with the detection, investigation, or prosecution of crime;

...

(c) This section does not except from the requirements of Section 552.021 information that is basic information about an arrested person, an arrest, or a crime.

You inform us that "this case is still pending disposition with the County Attorney's Office" and assert that the release of the information "could seriously impact the ability of the County Attorney's Office to prosecute this case." We believe you have established that the release of the information would interfere with the prosecution of crime. Section 552.108

is inapplicable to "basic information about an arrested person, an arrest, or a crime." Gov't Code § 552.108(c). Such basic information refers to the front page offense report information held to be public in *Houston Chronicle Publishing Company 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). Thus, with the exception of the basic information, the department may withhold the requested report from the requestor based on section 552.108(a)(1) of the Government Code.

We are resolving this matter with this 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 may 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,



Kay Hastings
Assistant Attorney General
Open Records Division

KHH/rho

Ref.: ID# 114787

Enclosures: Submitted documents

cc: Mr. Eric Myers
P.O. Box 794
Quinlan, Texas 75474
(w/o enclosures)