



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

May 8, 1998

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

OR98-1191

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# 115092.

The Amarillo Police Department (the "department") received a request for a variety of information concerning an assault incident involving the requestor's client. In response to the request, you submitted to this office for review a copy of the information which you assert is responsive. 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 of the Government Code provides in part:

(a) Information held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime is excepted from [required public disclosure] 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

Gov't Code § 552.108. Generally, a governmental body claiming an exception under section 552.108 must reasonably explain, if the information does not supply the explanation on its face, how and why the release of the requested information would interfere with law enforcement. *See* Gov't Code §§ 552.108(a)(1), (b)(1), .301(b)(1); *see also Ex parte Pruitt*, 551 S.W.2d 706 (Tex. 1977).

You inform this office that "there is pending prosecution against one of the defendants involved in this case." You also submit a letter from the Potter County Attorney's office confirming that there is pending prosecution in this matter. Because you have demonstrated that the requested information relates to a pending criminal investigation or prosecution, we conclude that the release of the requested information would interfere with the detection, investigation, or prosecution of crime, and thus, section 552.108(a)(1) is applicable to these records.

Generally, however, "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 even if this information is not actually located on the front page of the offense report. *See generally 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); Open Records Decision No. 127 (1976). Therefore, we conclude that, except for the front page information, the department may withhold the requested information from disclosure under section 552.108(a)(1).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 on as a previous determination regarding any other records. If you have any questions regarding this ruling, please contact our office.

Yours very truly,



Sam Haddad
Assistant Attorney General
Open Records Division

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¹We note that the department has discretion to release all or part of the information at issue that is not otherwise made confidential by law. Gov't Code § 552.007.

Ref: ID# 115092

Enclosures: Submitted documents

cc: Mr. Tom Jones III
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(w/o enclosures)