



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

May 12, 1998

Ms. Leah Curtis Morris  
Attorney at Law  
2708 Washington Street  
Greenville, Texas 75401

OR98-1204

Dear Ms. Curtis:

You have asked whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 114868.

The Greenville Police Department (the "department"), which you represent, received a request for a police report, including a summary of an offense report. You assert that some of the information, including the identity of the complainant, is protected from disclosure under section 552.108 of the Government Code. You state that the case is currently under investigation for possible criminal prosecution and that release of the information at issue will impede the investigation and possibly subject the complainant to harassment.

Section 552.108(a)(1) provides an exception from disclosure for information that is held by a law enforcement agency or prosecutor and that deals with the detection, investigation, or prosecution of crime, when release of such information would interfere with the detection, investigation, or prosecution of crime. Since there is an ongoing investigation, we agree that you have shown that release of most of the requested information would interfere with the investigation and prosecution of crime. *See* Open Records Decision No. 216 (1978) at 3 (release of information during pending criminal case would interfere with prosecution of crime and law enforcement interests).

However, section 552.108(c) provides that basic offense report information is not protected from disclosure under section 552.108. Basic information is the type of information that is generally included on the front page of an offense report. *Houston Chronicle Publishing Co. v. City of Houston*, 531 S.W.2d 177, 186-87 (Tex. Civ. App.--Houston [15th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976); Open Records Decision No. 127 (1976). Included in the categories of information usually open to the public are a detailed description of the incident, the location of the incident, and identification and description of the complainant.

There are special situations in which front page offense report information may be held from disclosure. For example, in Open Records Decision No. 366 (1983), this office agreed that the statutory predecessor to section 552.108 protected from disclosure information about an ongoing undercover narcotics operation, even though some of the information at issue was front page information contained in an arrest report. The police department explained how release of certain details would interfere with the undercover operation, which was ongoing and was expected to culminate in more arrests. Also, in Open Records Decision No. 333 (1982), this office agreed that certain front page arrest report information could be withheld from disclosure. The information in question identified certain individuals as being informants and potential informants. *Id.* at 2. Some of the front page information specifically identified individuals being considered by the vice division in targeting certain locations. *Id.*

Based upon the information provided to this office, we do not think that you have shown special circumstances sufficient to overcome the presumption of public access to any of the front page information. Consequently, we conclude that the department must release the front page report information.<sup>1</sup> However, the department may withhold the remainder of the report from required public disclosure pursuant to section 552.108(a) of the Government Code.

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,



Ruth H. Soucy  
Assistant Attorney General  
Open Records Division

RHS/ch

Enclosures: Submitted documents

Ref.: ID# 114868

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<sup>1</sup>We note that department information concerning suspects in a pending investigation is not front page information and thus need not be disclosed.

cc: Mr. Dennis D. Davis  
P.O. Box 21  
Greenville, Texas 75403-0021  
(w/o enclosures)