



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

June 17, 1998

Ms. Janis Kennedy Hampton
Assistant City Attorney
City of Bryan
P.O. Box 1000
Bryan, Texas 77805

OR98-1493

Dear Ms. Hampton:

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# 116110.

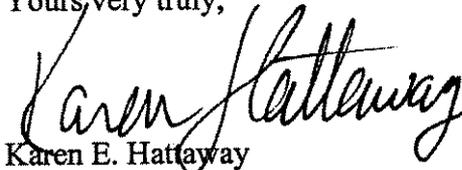
The City of Bryan (the "city") received an open records request for "additional information regarding [Case No.] 98-03748." You state that the city has released to the requestor the front page of the offense report, apparently in accordance with *Houston Chronicle Publishing Company v. City of Houston*, 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). See also Gov't Code § 552.108(c) (basic information about arrested person, arrest, or crime not protected by section 552.108). You explain that the requested information pertains to a pending criminal investigation and seek to withhold Exhibits C and E pursuant to section 552.108 of the Government Code.¹

Section 552.108(a)(1) of the Government Code 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 release of the information would interfere with the detection, investigation, or prosecution of crime." Because you have informed us that the information at issue pertains to a pending criminal investigation, we conclude that you have met your burden of establishing that the release of the requested information at this time could interfere with law enforcement or prosecution. The city therefore may withhold Exhibits C and E pursuant to section 552.108(a)(1).

¹We agree that Exhibits D and F do not come within the ambit of the request. We do not address in this ruling whether Exhibits D or F are subject to required public disclosure.

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,



Karen E. Hattaway
Assistant Attorney General
Open Records Division

KEH/RWP/mjc

Ref.: ID# 116110

Enclosures: Submitted documents

cc: Mr. Curtis Ford
3401 East Highway 21
Bryan, Texas 77803
w/o enclosures)