



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

July 16, 1998

Mr. Michael Bostic
Assistant City Attorney
Office of the City Attorney
Criminal Law and Police Division
Municipal Building
Dallas, Texas 75201

OR98-1685

Dear Mr. Bostic:

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# 116796.

The City of Dallas (the "city") received an open records request for city wide crime summaries for 1997 and 1998 as well as records of police activity at 6537 East Northwest Highway. You state that the city will release to the requestor some responsive information. However, you have submitted to this office as representative of the information you seek to withhold three offense reports, which you seek to withhold from the requestor pursuant to section 552.108(a)(1) 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." Based on your representation that the three offense reports at issue pertain to pending criminal prosecutions, we conclude that you have met your burden of establishing that the release of these records at this time could interfere with law enforcement or prosecution. *See Houston Chronicle Publ'g 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). The city therefore may withhold most of these offense reports at this time pursuant to section 552.108(a)(1).²

¹Because we resolve your request under section 552.108(a)(1), we need not address your other arguments for withholding the requested information.

²In reaching our conclusion here, we assume that the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. *See Open Records Decision No. 499 (1988)*, 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding

Section 552.108 does not, however, 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 city must release these types of information from the offense reports in accordance with *Houston Chronicle*. See also Open Records Decision No. 127 (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 on as a previous determination regarding any other records. If you have any questions regarding this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink that reads "Sam Haddad". The signature is written in a cursive style with a large, looping initial "S".

Sam Haddad
Assistant Attorney General
Open Records Division

SH/RWP/mjc

Ref.: ID# 116796

Enclosures: Submitted documents

cc: Mr. Roger Albright
Attorney at Law
3301 Elm Street
Dallas, Texas 75226-1637
(w/o enclosures)

of, any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.