



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

July 22, 1998

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

OR98-1729

Dear Captain Taylor:

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# 116875.

The Amarillo Police Department (the "department") received a request for a copy of Incident Report No. 98-36071. You state that the department will release to the requestor the front page offense report information and the Texas Peace Officer's Accident Report. You assert that the remaining information requested is excepted from disclosure based on section 552.108 of the Government Code.

Section 552.108 of the Government Code provides in relevant 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;

...

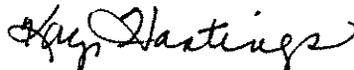
(c) This section does not except from the requirements of Section 552.021 information that is basic information about an arrested person, an arrest, or a crime.

You inform us that the case is under active investigation. We therefore believe that the release of the information "would interfere with the detection, investigation, or 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). We believe such basic information refers to the information held to be public in *Houston Chronicle Publishing 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). Thus, with the exception of the basic information, the department may withhold the report from disclosure based on section 552.108(a)(1).

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/mjc

Ref.: ID# 116875

Enclosures: Submitted documents

cc: Mr. David L. Hawley
823 S. Carolina, # B
Amarillo, Texas 79106
(w/o enclosures)