



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

August 19, 1998

Ms. Dianne Eagleton, Supervisor
Records Division
North Richland Hills Police Department
P.O. Box 820609
North Richland Hills, Texas 76182-0609

OR98-1980

Dear Ms. Eagleton:

You have asked 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# 117562.

The City of North Richland Hills (the "city") received a request for a copy of an offense and arrest report. You indicate that you have released the front page offense and arrest report information. You contend that the rest of the report can be withheld from disclosure under Section 552.108 of the Texas Open Records Act of the Texas Government Code.

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. You assert that there is pending criminal prosecution concerning the incident that is the basis of the report. The case has been filed with and accepted by the Tarrant County District Attorney's Office and at this time there is no final disposition. Since there is pending criminal prosecution, we agree that you have shown that the release of this information would interfere with the prosecution of crime. *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) (court delineates law enforcement interests that are present in active cases); *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).

We also note that the city has discretion to release all or part of the remaining information that is not otherwise confidential by law. Gov't Code section 552.007.

We are resolving this matter with an informal letter 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 should have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to read 'Ruth A. Soucy', with a stylized flourish at the end.

Ruth Soucy
Assistant Attorney General
Open Records Division

RHS/ch

Ref: ID#117562

Enclosures: Submitted documents
Summary of Open Records Decision No. 127 (1976)

cc: Mr. John Bush
7925 Joreen Drive
Fort Worth, Texas 76180
(w/Summary of Open Records Decision No. 127 (1976))