



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

October 2, 1998

Captain John Bruce  
Frisco Police Department  
8750 McKinney Road, Suite 500  
Frisco, Texas 75034

OR98-2352

Dear Captain Bruce:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID #118584.

The City of Frisco Police Department received three requests for copies of documents relating to an assault. You contend that the documents are excepted from disclosure under sections 552.103 and 552.108 of the Government Code. We have considered the exceptions you claim and have reviewed the documents at issue.

Section 552.108(a) excepts from disclosure "[i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime . . . if: (1) release of the information would interfere with the detection, investigation, or prosecution of crime; [or] (2) it is information that deals with the detection, investigation, or prosecution of crime only in relation to an investigation that did not result in conviction or deferred adjudication." You indicate that the requested documents relate to a pending criminal prosecution. Based upon this representation, we conclude that the release of the documents would interfere with the detection, investigation, or prosecution of crime. See *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).

We note, however, that information normally found on the front page of an offense report is generally considered public.<sup>1</sup> See generally Gov't Code § 552.108(c); *Houston Chronicle*, 531 S.W.2d 177; Open Records Decision No. 127 (1976). Thus, you must release

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<sup>1</sup>We note that section 552.103 generally may not be invoked to except front page offense report information from disclosure. See Open Records Decision No. 597 (1991).

the type of information that is considered to be front page offense report information, even if this information is not actually located on the front page of the offense report. Please note the identities and descriptions of the arrestee and the complainant are considered front page offense report information. *See id.* Although section 552.108(a)(1) authorizes you to withhold the remaining information from disclosure, you may choose to release all or part of the information at issue that is not otherwise confidential by law. *See Gov't Code § 552.007.*

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/ch

Ref: ID# 118584

Enclosures: Submitted documents

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