



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

October 12, 1998

Ms. Barbara Heptig
Assistant City Attorney
City of Arlington
620 W. Division Street
Arlington, Texas 76004

OR98-2406

Dear Ms. Heptig:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act (the "act"), chapter 552 of the Government Code. Your request was assigned ID# 118741.

The City of Arlington Police Department (the "department") received a request for a specified offense report concerning the requestor's client, referenced by case number 98-1440402. In response to the request, you submit to this office for review a copy of the document which you assert is responsive. You state that the requested information may be withheld from disclosure pursuant to section 552.108 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Section 552.108, the "law enforcement exception," provides in relevant part as follows:

(a) [i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime is excepted from the requirements of 552.021 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. . . .

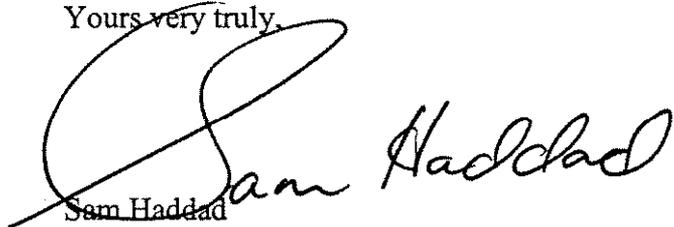
Generally, a governmental body claiming an exception under section 552.108 must reasonably explain, if the information does not supply the explanation on its face, how and why the release of the requested information would interfere with law enforcement. *See id.* §§ 552.108(a)(1), (b)(1), .301(b)(1); *see also Ex parte Pruitt*, 551 S.W.2d 706 (Tex. 1977).

You state that the requested information relates to “[a] forgery charge [which] is currently pending against the suspect in Tarrant County Criminal District Court;” therefore, it is an open case with prosecution pending. As the requested information relates to a pending criminal investigation, we find that release of most of the requested information would interfere with the detection, investigation, or prosecution of crime.

We note, however, that “basic information about an arrested person, an arrest, or a crime” is not excepted from required public disclosure. Gov’t Code § 552.108(c). Basic information is 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. *See generally 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); Open Records Decision No. 127 (1976). We conclude that section 552.108(a)(1) excepts the remaining information from required public disclosure, although you may choose to release all or part of the information at issue that is not otherwise confidential by law. 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 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 large, stylized handwritten signature in black ink that reads "Sam Haddad". The signature is written over a printed name.

Sam Haddad
Assistant Attorney General
Open Records Division

SH/nc

Ref.: ID# 118741

Enclosures: Submitted documents

cc: Ms. Tresse Lea Golden
Law Offices of Rod Goble
P.O. Box 266
Waco, Texas 76703
(w/o enclosures)