



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

December 3, 1998

Ms. Tenley A. Aldredge
Assistant County Attorney
Travis County
P.O. Box 1748
Austin, Texas 78767

OR98-2936

Dear Ms. Aldredge:

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# 119981.

The Travis County Sheriff's Office (the "sheriff's office"), which your office represents, received a request for "all public information on the boating accident," which occurred on July 19, 1997 "near Yacht Harbor on Lake Travis." In response to the request, you submit to this office for review the information at issue. You claim that the requested information is excepted from disclosure under sections 552.103 and 552.108 of the Government Code.¹ We have considered the exceptions and arguments you have raised and reviewed the submitted information.

Section 552.108 of the Government Code, "the law enforcement exception," provides in part:

(a) Information held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime is excepted from [required public disclosure] if:

(1) release of the information would interfere with the detection, investigation, or prosecution of crime;

¹In your letter to this office, you explain that the sheriff's office is "unable to determine whether or not [the media release] should, or may, be released in this case." See generally *Star-Telegram, Inc. v. Walker*, 834 S.W.2d 54, 57 (Tex. 1992) (orig. proceeding) (if documents are part of public record they cannot be withheld under section 552.108). A governmental body must make a good faith effort to relate a request to information which it holds. Gov't Code § 552.222(b); see also Gov't Code § 552.007(b) (prohibiting selective disclosure of public information).

....

(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

Gov't Code § 552.108. You raise section 552.108(a)(1) "because criminal prosecution of this case is pending." As the requested information relates to a pending criminal investigation or prosecution, we find that release of the requested information would interfere with the detection, investigation, or prosecution of crime. Accordingly, we conclude that the sheriff's office may withhold most of the requested information from the requestor based on section 552.108(a)(1).

However, we note that certain basic information normally found on the front page of an offense report, including a detailed description of the offense, is generally considered public. *See* 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. *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). Therefore, except for basic information normally found on the front page of an offense report, you may withhold the remaining information from disclosure pursuant to section 552.108.² You may choose, however, 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 upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Sam Haddad
Assistant Attorney General
Open Records Division

²Because the requested information may be withheld under section 552.108, we need not address your section 552.103 argument. We note that basic information in an offense report generally may not be withheld under section 552.103. Open Records Decision No. 597 (1991).

SH/mjc

Ref.: ID# 119981

Enclosures: Submitted documents

cc: Mr. Thomas M. Sisson
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508 West Twelfth Street
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(w/o enclosures)