



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

December 14, 1998

Mr. Miles K. Risley
City Attorney, Legal Department
City of Victoria
P.O. Box 1758
Victoria, Texas 77902-1758

OR98-3089

Dear Mr. Risley:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 120519.

The City of Victoria (the "city") received a request for a particular report of domestic violence. Except for information specifically made public in *Houston Chronicle Publishing Company 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), you seek to withhold the requested information under section 552.108 of the Government Code.

Section 552.108(a)(1) excepts from required public disclosure

(a) Information 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[.]

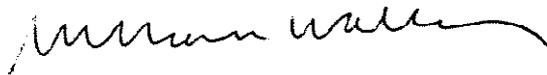
You advise that the case to which the requested report pertains is being reviewed by the police department for possible presentation for prosecution. Based on your representations, we conclude that you may generally withhold the requested information under section 552.108(a)(1).

Section 552.108 does not, however, except from required public disclosure "basic information about an arrested person, an arrest, or a crime." Gov't Code § 552.108(c). Because you have raised no other exception to disclosure, the city must release these types

of information in accordance with *Houston Chronicle Publishing Company 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). You ask whether release of one of the documents you submit, the first page of the offense report, will satisfy the requirement for release of "basic information." We have reviewed the first page of the offense report. In our opinion, release of the first page by itself does not satisfy the requirement under *Houston Chronicle* for release of a "detailed description of the offense." *See also* Open Records Decision No. 127 (1976). Therefore, in addition to the first page you submitted here, you must release a "detailed description of the offense." The remaining portions of the requested information may be withheld under section 552.108(a)(1).

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,



William Walker
Assistant Attorney General
Open Records Division

WMW/ch

Ref: ID# 120519

Enclosures: Submitted documents

cc: Ms. Marsha Hogan
1102 Isolda Street
Victoria, Texas 77901
(w/o enclosures)