



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

December 30, 1998

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

OR98-3281

Dear Mr. Risley:

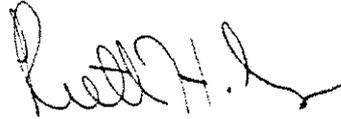
You have asked whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 120987.

The City of Victoria (the "city") received a request for a police report. You assert that portions of the report are excepted from disclosure under section 552.108 of the 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. Section 552.108(c) provides that basic offense and arrest report information is not protected from disclosure under section 552.108. Basic information is the type of information that is generally included on the front page of offense and arrest reports. *Houston Chronicle Publishing Co. v. City of Houston*, 531 S.W.2d 177, 186-87 (Tex. Civ. App.--Houston [15th Dist.] 1975), writ ref'd n.r.e. per curiam, S.W.2d 559 (Tex. 1976); Open Records Decision No. 127 (1976).

Since you assert that there is a pending criminal case, we agree that section 552.108(a)(1) protects the report at issue, except for the basic information that must be released under section 552.108(c). Open Records Decision No. 216 at 3 (1978) (release of information during pending criminal case would interfere with prosecution of crime and law enforcement interests). Thus, the city must release the basic, front page arrest and offense report information, but the remaining portion of the report may be withheld from disclosure. We note that the city also has discretion to release all or part of the remaining information 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,

A handwritten signature in black ink, appearing to read "Ruth H. Soucy". The signature is fluid and cursive, with the first name "Ruth" being the most prominent.

Ruth H. Soucy
Assistant Attorney General
Open Records Division

RHS/rho

Ref: ID# 120987

Enclosures: Submitted documents

cc: Mr. Emmitt Phillips
Brush County Ambulance
1896 Parsons Road
Victoria, Texas 77901
(w/o enclosures)